

## Pennsylvania State Laws Affected by H.R. 4879

- I. Food
  - a. Food Safety
    - i. Date Label Laws
      - 1. These laws require and regulate “sell-by” date labels on food items. They are intended to promote both food quality and safety.
      - 2. 7 Pa. Code § 59a.15
    - ii. Sale of Expired Foods
      - 1. These regulations prohibit or restrict the sale of food items past their expiration date. Most of these laws apply generally to many types of food items and are intended to protect quality and safety.
      - 2. 7 Pa. Code § 59a.15
  - b. Dairy
    - i. Date Labels
      - 1. These laws require milk or other dairy products be marked with a “sell-by” label to indicate the date by which the product should be sold to consumers.
      - 2. 7 Pa. Code § 59a.15
  - c. Milk
    - i. Grade “A” Milk
      - 1. The Pasteurized Milk Ordinance, or “PMO,” is a basic standard used for the processing and packaging of Grade “A” milk. Some states adopt this model standard and others set their own standards that are at least as stringent as the PMO. These state standards apply both to milk processed within the state and milk sold in the state from across lines.
      - 2. 7 Pa. Code § 59a.21
  - d. Fresh Produce Generally
    - i. Unprocessed Produce
      - 1. These laws require producers to obtain a license in order to offer for sale unprocessed produce within the state.
      - 2. 3 P.S. § 41c
  - e. Oleomargarine (“Margarine”)
    - i. Labeling
      - 1. Federal regulations prohibit the labeling of oleomargarine (“margarine”) as a dairy product and require certain information be included on margarine labels. Some states impose additional labeling requirements on these products such as those requiring specific ingredients be listed, that individual sticks be labeled, and that various other information be included.
      - 2. 70 Pa. Code § 27.20
      - 3. 7 Pa. Code § 1.328

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- II. Alcohol
  - a. None
- III. Drugs
  - a. Tobacco
    - i. Fire Safety Standards
      1. These state laws require that any cigarettes offered for sale or sold in the state be tested in accordance with specific test methods and meet certain flammability standards. They are intended to reduce the risk of unintended fires caused by discarded cigarettes.
      2. Pennsylvania: 35 Pa. Stat. Ann. § 1254.4
      3. Pennsylvania: 35 Pa. Stat. Ann. § 1254.5
      4. Pennsylvania: 35 Pa. Stat. Ann. § 1254.6
- IV. Fishing
  - a. None
- V. Wood and Lumber
  - a. Christmas Trees
    - i. Import Requirements
      1. These laws place requirements on the importation of Christmas trees. Some impose labeling, certification, or other requirements to ensure that imported trees do not bring with them unwanted pests or disease.
      2. 3 P.S. § 257.2
      3. 3 P.S. § 257.3
- VI. Home Goods and Products
  - a. Furniture and Bedding
    - i. Label Laws
      1. These regulations require the labeling of filler materials used in stuffed items such as mattresses, pillows, comforters, and upholstered furniture. They are intended to increase transparency and restrict the spread of disease by mandating that manufacturers disclose the use of materials that consumers cannot see.
      2. 35 Pa. Stat. Ann. § 978
      3. 34 Pa. Code § 47.11
      4. 34 Pa. Code § 47.21
      5. 34 Pa. Code § 47.22
      6. 34 Pa. Code § 47.23
      7. 34 Pa. Code § 47.31
    - ii. Cotton Filler Materials
      1. These laws regulate cotton materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
      2. 34 Pa. Code § 47.25
    - iii. Wood Filler Materials

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1. These laws regulate wool materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
  2. 34 Pa. Code § 47.27
  3. 34 Pa. Code § 47.25
  - iv. Down or Feather Filler Materials
    1. These laws regulate down or feather materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. 34 Pa. Code § 47.24
    3. 34 Pa. Code § 47.27
  - v. Hair Filler Materials
    1. These laws regulate animal hair materials used in stuffed products. Most impose labeling requirements or restrictions on sale.
    2. 34 Pa. Code § 47.26
    3. 34 Pa. Code § 47.27
  - vi. Sterilization and Sanitation Requirements
    1. These laws impose cleaning and sterilization requirements on new or used bedding materials prior to sale. Some also regulate how chemicals such as formaldehyde may be used. These laws are intended to limit the spread of bacteria and the transfer of disease, as well as to ensure products are safe for consumers.
    2. 35 Pa. Stat. Ann. § 975
    3. 35 Pa. Stat. Ann. § 976
    4. 35 Pa. Stat. Ann. § 977
    5. 34 Pa. Code § 47.14
    6. 34 Pa. Code § 47.27
  - vii. Registration, Licensing, and Permits
    1. These laws impose registration, licensing, or permitting requirements on producers or manufacturers of bedding and other products such as mattresses.
    2. 35 Pa. Stat. Ann. § 979
    3. 34 Pa. Code § 47.12
    4. 34 Pa. Code § 47.28
- b. Stuffed Toys
- i. Labeling
    1. These laws impose labeling or other requirements on stuffed toys. They are intended to increase accountability and transparency.
    2. 35 P.S. § 5204
    3. 34 Pa. Code § 47.315
  - ii. Flammability and Content Requirements
    1. These laws impose restrictions on the flammability testing, sterilization, and labeling of children's stuffed toys. They are

- supplemental to federal requirements and are intended to increase safety.
    - 2. 35 P.S. § 5205
  - iii. Registration
    - 1. These laws impose licensing or registration requirements on producers who manufacture stuffed toys offered for sale within the state.
    - 2. 35 P.S. § 5203
    - 3. 35 P.S. § 5206
- VII. Live Animal Imports
  - a. Aquaculture
    - i. Aquaculture Import and Disease Reporting
      - 1. Many states require reporting of various communicable diseases found in fish farms. Additionally, many states require permits and/or health testing for importation of fish to fish farms.
      - 2. 58 Pa. Code § 73.1 et seq.
    - ii. Viral Hemorrhagic Septicemia
      - 1. These laws impose import requirements or other restrictions on certain species of fish in order to prevent the spread of viral hemorrhagic septicemia, a disease that causes internal bleeding and death among infected animals. Previously, the federal government regulated this disease; however, on April 14, 2014 federal restrictions were removed with the thought that existing state-level regulation was effective and sufficient to limit spread of the disease.
      - 2. Penn. Code § 73.1 et seq.
  - b. Birds
    - i. Avian Influenza and Newcastle Disease
      - 1. Highly Pathogenic Avian Influenza is a contagious virus most often spread by contact between infected and healthy birds (including wild birds). Humans also can contract this disease. The 2014-15 avian influenza outbreak required the destruction of 50 million birds costing the industry \$3.3 billion in losses. Similarly, Newcastle disease is a contagious viral bird disease affecting the poultry industry and wild avians that is transmissible to humans. States have imposed laws requiring testing, reporting, and regulating imports of poultry to control these diseases, that work in conjunction with federal restrictions.
      - 2. 7 Pa. Code § 3.113
      - 3. 7 Pa. Code § 15.10
  - c. Cattle and Bison
    - i. Anthrax
      - 1. Anthrax is an infectious bacterial disease often found in cattle and sheep that causes sudden death and is transmissible to humans.

Most often, it is spread through exposure to the spores formed during the decay of deceased animals. Federal regulation prohibits the interstate movement of animals affected by anthrax. However, states impose further restrictions on the importation of animals that have been or may have been exposed to the disease.

2. 7 Pa. Code § 3.3
3. 7 Pa. Code § 3.4
4. [http://www.padls.org/InnerPages/Reportable\\_Diseases.html](http://www.padls.org/InnerPages/Reportable_Diseases.html)

ii. Brucellosis

1. Brucellosis is a contagious and costly disease typically affecting cattle, bison, cervids (elk and deer), and swine that also affects humans. It is a bacterial infection that spreads from animals to people most often through ingestion of unpasteurized milk, cheese, and other dairy products. All 50 states participate in a voluntary program with the federal government to control brucellosis in cattle, and many states impose additional regulations requiring testing, reporting, and regulating of imports.
2. 7 Pa. Code § 3.22

iii. Bovine Tuberculosis

1. In the early 19th century, bovine tuberculosis caused more deaths of cattle than all other diseases combined. It is a chronic bacterial disease of cows that can spread to humans, typically by the inhalation of aerosols or the ingestion of unpasteurized milk. All 50 states participate in a voluntary program administered in conjunction with the federal government requiring testing, quarantine, and destruction of diseased animals. In addition many states have enacted special legislation addressing the importation of cattle into the state.
2. 7 Pa. Code § 3a.2
3. 7 Pa. Code § 3.23

iv. Rabies

1. Rabies can occur in all warm-blooded animals and is always fatal if not treated promptly after exposure. All forms of livestock and companion animals are at risk for contracting the disease. Transmission often occurs through a bite from a rabid animal and as such the disease can travel between wild and domestic species. These laws prohibit the importation of animals exposed to rabies or impose additional restrictions to prevent the spread of this disease.
2. 7 Pa. Code § 3.3
3. 7 Pa. Code § 3.4
4. [http://www.padls.org/InnerPages/Reportable\\_Diseases.html](http://www.padls.org/InnerPages/Reportable_Diseases.html)

d. Cervids

i. Chronic Wasting Disease (“CWD”): Restrictions

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1. These laws impose import restrictions and other requirements to ensure that cervids entering the state are not carriers of chronic wasting disease. Some regulations require that only cervids that have been enrolled in a voluntary CWD Herd Certification Program and have undergone testing for the disease may enter the state. These laws are intended to protect local deer producers and wild deer populations.
  2. 58 Pa. Code § 137.35
  3. 7 Pa. Code § 3a.3
- e. Bees
- i. Import Requirements and Health Certifications
    1. These laws impose certification, permitting, or registration requirements prior to the movement of bees into the state. They are intended to ensure the health of bee colonies prior to import in order to protect the health of local bee populations and prevent the spread of disease.
    2. 3 Pa.C.S.A. § 2111
  - ii. Bee Quarantines
    1. These laws impose or authorize quarantines that restrict the importation of bees or apiary equipment. They are intended to protect local bee populations and combat the spread of disease.
    2. 3 Pa.C.S.A. § 2104
  - iii. Destruction or Treatment of Colonies with American Foulbrood
    1. These regulations work to limit the spread of American Foulbrood, a hive-destroying mite that can spread between colonies. Some require the immediate destruction of entering hives found to contain American Foulbrood. Others require hives to be sprayed or treated for Foulbrood prior to import into the state.
    2. 3 Pa.C.S.A. § 2109
- f. Horses
- i. Equine Infectious Anemia
    1. Equine Infectious Anemia (“EIA” or “Swamp Fever”) is a viral disease that is extremely contagious, spread through fly bites, and leads to severe, chronic disease or death. Federal regulations restrict the interstate movement of horses once they test positive for EIA but impose no testing requirement. States regulate the importation of horses, often requiring a negative EIA test prior to import.
    2. 7 Pa. Code § 3.103
- g. Sheep and Goats
- i. Scrapie
    1. Scrapie is a fatal, degenerative disease that affects the nervous systems of infected sheep and goats. It is one of several

transmissible spongiform encephalopathies (“TSEs”)—which are related to bovine spongiform encephalopathy (“BSE” or “mad cow disease”) and chronic wasting disease in deer. Some states participate in the voluntary National Scrapie Eradication Program to test and destroy animals that test positive for scrapie. In addition, many states require negative testing or certification prior to importation.

2. 7 Pa. Code § 3.161

ii. Scabies

1. Scabies is a contagious skin infection caused by mites that afflicts various species of livestock including sheep, goats, and cattle. It causes itching, poor body condition, and hair loss. State regulations often impose sanitation requirements, certification, or other import restrictions, such as requirements that animals be given a dip treatment prior to entering the state.

2. 7 Pa. Code § 3.121

3. 7 Pa. Code § 3.142

h. Swine

i. Pseudorabies

1. Pseudorabies is an infectious, herpes-virus disease of the central nervous system that causes convulsions, intense itching, and is generally fatal. Some states participate in the voluntary Pseudorabies Eradication State-Federal-Industry Program which includes surveillance, herd certification, and herd cleanup once an animal tests positive. Additionally, many states require testing or certification prior to import.

2. 7 Pa. Code § 3.131

3. 7 Pa. Code § 3.139

4. 7 Pa. Code § 3.172

ii. Swine Vesicular Disease

1. Swine vesicular disease causes lesions on the feet, snout, and mouth of swine, and is economically costly because it must be distinguished from foot-and-mouth disease. These laws restrict the importation of pigs to prevent the spread of swine vesicular disease.

2. 7 Pa. Code § 3.3

3. 7 Pa. Code § 3.4

4. [http://www.padls.org/InnerPages/Reportable\\_Diseases.html](http://www.padls.org/InnerPages/Reportable_Diseases.html)

i. Exotic Meats

i. Camelids: Camel, Alpaca, and Llama

1. These regulations require health certificates prior to the importation of camels, alpacas, and/or llamas.

2. 7 Pa. Code § 3a.3

VIII. Companion Animals

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- a. Dogs and Cats
  - i. Minimum Age at Sale
    - 1. These laws restrict the sale of certain animals, most commonly dogs and cats, under a specific age. Often, these animals must be at least seven or eight weeks old and fully weaned prior to being offered for sale.
    - 2. 3 P.S. § 459-603
    - 3. 3 P.S. § 459-214
  - ii. Lemon Laws
    - 1. These laws impose recordkeeping and other requirements on breeders and dealers who raise and sell dogs and cats commercially. Generally, they require certain assurances that the animal is healthy and require remedies if the animal is not. These regulations are intended to protect consumers from purchasing sick animals and to improve transparency as to their history and origin.
    - 2. 73 P.S. § 201-9.3(a)(2)(ii)
    - 3. 73 P.S. § 201-9.3(f)(1)
  - iii. Veterinary Inspection Requirements
    - 1. These laws impose veterinary health screening or permit requirements prior to selling dogs, cats, and other companion animals, or importing them into the state. They are intended to reduce the spread of communicable disease from one state to another.
    - 2. 7 PA ADC § 3.1
- IX. Products for Animals
  - a. Pet Food
    - i. Nutritional Claims
      - 1. These laws regulate the use of the word “proven” in promotional marketing and labeling of pet food products. They are intended to prevent the misuse of the word to avoid promoting claims not supported by science.
      - 2. 7 Pa. Code § 72.11
    - ii. Flavor Labeling
      - 1. These regulations govern flavor designation and labeling on pet food packaging.
      - 2. 7 Pa. Code § 72.6
    - iii. Requirements of Manufacturers
      - 1. These laws impose licensing requirements on pet food manufacturers who wish to sell products within the state.
      - 2. 3 Pa. Stat. and Cons. Stat. Ann. § 5103
  - b. Commercial Feed
    - i. Labeling of Commercial Feed



1. These regulations impose labeling requirements for manufacturers who sell commercial feed products for use by livestock within the state. Often they dictate how labels should appear and what information they must contain.
  2. 3 Pa.C.S.A. § 5104
- c. Prohibited Foods
- i. Feed Garbage to Swine
    1. Swine Health Protection Act (“SHPA”) requires that meat and animal-byproduct-containing food scraps are heat treated before being fed to swine. However, states can impose additional regulations including more stringent heat treatments, conditions on vegetable food scraps, regulations on what can be feed to owner’s own swine, import regulations, etc. For the purposes of this discussion, only regulations addressing restrictions on the importation of garbage-fed swine are relevant.
    2. 7 Pa. Code § 3.133
- X. Dead Animals and Animal Parts
- a. Animal Carcasses and Grease
    - i. Transport Requirements: Use of Leakproof Container
      1. These laws require that certain unsavory or odor-producing substances such as the carcasses of animals or grease be transported by licensed vehicles, packaged in a way that prevents spillage, or in a way that shields the load from public view. Others impose sanitization or recordkeeping requirements that must be carried out prior to transport. These laws are intended to provide for public health and sanitation.
      2. 3 Pa.C.S.A. § 2352
    - b. Animals that Died Other Than by Slaughter
      - i. Prohibition or Permitting
        1. These laws impose import restrictions on certain types of dead domestic animals. Some require that no domestic animal carcass can be imported or sold within the state if the animal in question died other than by slaughter—except as authorized by a special permit awarded by the state. These laws are intended to limit risks to public health.
        2. 3 Pa.C.S.A. § 2352
        3. 7 Pa. Code § 17.36
- XI. Invasive Pests, Plants, and Disease
- a. Plants Generally
    - i. Standards for Movement
      1. These laws impose standards under which plants may be imported into the state. They are intended to ensure shipments are healthy and reduce the spread of disease.
      2. 3 P.S. § 258.17

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### b. Noxious Weeds

1. These laws augment and supplement the federal list of noxious weeds according to the concerns of a particular state. Some prohibit any importation of a plant or seedling, while others set maximum allowances for noxious weed seeds that may be intermixed with any other agricultural seed sold within the state. They are intended to inhibit the spread of undesirable plants and weeds throughout the United States.
2. 7 Pa. Code § 110.1

### c. Noxious Weed Seeds

1. In many cases, states that have put forth a list of noxious weeds also establish an upper bound for the ratio of noxious weed seeds to other seeds that can be contained in packages of mixed seed sold within the state. These laws prohibit the sale of seeds that contain noxious seed amounts in excess of those limits.
2. 7 Pa. Code § 111.23

### d. Soil and Fertilizer

#### i. Labeling and Registration

1. These laws impose conditions on the labeling of soils, fertilizers, and other horticultural growing materials, including specific provisions for certain ingredients, provenance, and the like. Some require producers to disclose the use of waste-derived products, arsenic, mercury, poisons, and other materials. Other regulations require that manufacturers register prior to selling such products within the state. These laws are intended to inform consumers and increase producer transparency.
2. 3 P.S. § 71

### e. Manure

#### i. Content, Labeling, and Transport

1. These laws impose content requirements, labeling requirements, or regulations governing the transport of manure offered for sale within the state. They are intended to ensure quality and decrease adverse impacts on residents.
2. 3 P.S. § 84
3. 3 P.S. § 86
4. 3 P.S. § 87
5. 3 P.S. § 88

## XII. Procurement

### a. Agricultural Goods

1. These laws regulate government bid and solicitation preferences for products or services. Often they impose preferences for in-state producers of agricultural products.
2. 62 Pa. C.S.A. § 107

## XIII. General Prohibitions

Source: Harvard Law School Animal Law & Policy Program, Analysis of the "Protect Interstate Commerce Act of 2018" H.R. 4879. 2018. Available at [animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/](http://animal.law.harvard.edu/projects/analysis-of-the-protect-interstate-commerce-act-of-2018-h-r-4879/)

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- a. Toxins in Packaging
  - i. Materials Used to Package Agricultural Products
    - 1. Some states have made it illegal to sell products in packaging that contains certain heavy metals, regardless of whether the product was manufactured or packaged within the state. This is because packaging with heavy metals can contaminate a state's landfills and expose citizens of the state to health hazards. These laws prohibit the sale of products or packaging materials containing dangerous toxins.
    - 2. 35 P.S. § 6024.301
- XIV. Miscellaneous
  - a. Poisons of Agricultural Origin
    - i. Linseed Oil and Flaxseed Oil
      - 1. These laws impose restrictions on the content, sale, and labeling of linseed oil, flaxseed oil, or any compounds of either. They are intended to protect the public from poisoning or other harm that may come through misuse.
      - 2. 3 P.S. § 143
      - 3. 3 P.S. § 144