
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1277 Session of
2025

INTRODUCED BY RABB, MADDEN, PIELLI, GIRAL, WAXMAN, BURGOS,
HOWARD, KHAN, GUENST, PROBST, HILL-EVANS, KENYATTA, WEBSTER,
SANCHEZ, JAMES, HOHENSTEIN, BRENNAN, SHUSTERMAN AND WARREN,
APRIL 21, 2025

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 21, 2025

AN ACT

1 Amending Title 3 (Agriculture) of the Pennsylvania Consolidated
2 Statutes, in plants and plant products, providing for plant
3 and pollinator protection; conferring powers and duties on
4 the Department of Agriculture and Secretary of Agriculture;
5 establishing the Plant and Pollinator Protection Committee
6 and the Plant and Pollinator Protection Account; repealing
7 provisions relating to bees; imposing penalties; and making
8 repeals.

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

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

13 CHAPTER 16

14 PLANT AND POLLINATOR PROTECTION

15 Subchapter

16 A. General Provisions

17 B. Licensure and Certification

18 C. Enforcement

19 D. Miscellaneous Provisions

1 includes the primary address of a commercial beekeeper.

2 "Colony." A distinguishable, localized population of bees in
3 any life stage and associated comb, honey and pollen.

4 "Commodity." An item for sale.

5 "Compliance agreement." A written agreement between the
6 department and a person engaged in distributing regulated
7 articles wherein the person engaged in distributing regulated
8 articles agrees to comply with specified provisions and follow
9 specified business practices to prevent dissemination of pests.

10 "Control." The reduction of the population of a plant or
11 pollinator pest to an acceptable level as determined by the
12 department.

13 "Department." The Department of Agriculture of the
14 Commonwealth.

15 "Distribute" or "distribution." To make offers or
16 solicitations for the sale, resale, barter, exchange, loan,
17 lease, distribution or transfer of managed pollinators or plants
18 for planting.

19 "Eradication." The elimination or removal of a pest from a
20 defined geographic area.

21 "General quarantine order." An order of the department
22 pertaining to an area or locality within this Commonwealth to
23 restrict the movement of or prevent the spread, sale,
24 distribution or other disposition of a plant, plant product,
25 pollinator, pollinator product, pest, premises or any other
26 regulated article from movement into, within or from the area or
27 locality subject to the quarantine. A general quarantine order
28 may encompass the entire Commonwealth.

29 "Hive." A structure, including natural or artificial boxes,
30 containers or receptacles, or any part thereof, including

1 frames, which may be utilized by a beekeeper as a domicile for
2 bees where the bees are expected to inhabit and establish a
3 colony.

4 "Honey bee." Any life stage of the common honey bee (Apis
5 mellifera).

6 "Inspector." An employee or officer of the department or a
7 representative or agent of the department duly appointed by the
8 secretary to carry out the provisions of this chapter.

9 "Interstate quarantine order" or "international quarantine
10 order." An order of the department establishing restrictions
11 upon the use, sale, distribution, movement or other disposition
12 of a plant, plant product, pollinator, pollinator product, pest,
13 premises or any other regulated article contaminated with,
14 exposed to, harboring or capable of harboring or spreading a
15 pest, and regulating or forbidding their entry into this
16 Commonwealth from another state, territory of the United States
17 or a foreign country.

18 "Invasive species." A nonnative species whose introduction
19 causes or is likely to cause economic or environmental harm or
20 harm to animal or human health, as determined by the department.

21 "License." Written authorization issued by the department
22 and required for every plant merchant, pollinator operation or
23 person to operate a business or manage premises on which the
24 distribution of plants for planting or managed pollinators or
25 the maintenance of honey bees takes place.

26 "Licensed establishment." An establishment licensed or
27 required to be licensed under this chapter.

28 "Licensed person." A person licensed or required to be
29 licensed under this chapter.

30 "Managed pollinator." Honey bees being kept for any purpose,

1 and any other pollinators, such as bumble bees (genus Bombus),
2 mason bees (genus Osmia) or leafcutter bees (genus Megachile)
3 being distributed for purposes of pollination services.

4 "Nucleus colony." A small colony of honey bees that usually
5 includes a queen, brood and food resources on a comb, and is
6 categorized by size, such as six-frame, five-frame, baby frame,
7 deep frame or medium frame, or queen status, such as queenright
8 or queenless.

9 "Out yard." Fixed premises in this Commonwealth where an
10 apiary is maintained on a continuing basis from which hives may
11 be moved to temporary locations for crop pollination and
12 returned.

13 "Package bees." A container, usually sold by weight, in
14 which worker honey bees, with or without a queen, are contained
15 temporarily without forming a colony.

16 "Person." An individual, corporation, association,
17 partnership or any other entity, including a Federal, State and
18 local governmental entity.

19 "Pest." An organism causing or capable of causing injury or
20 damage to plants or plant products, and pollinators or
21 pollinator products, as determined by the department. The term
22 includes disease-causing pathogens, parasites, other plants and
23 insects and invasive species capable of causing injury to plants
24 or pollinators.

25 "Phytosanitary." Having the purpose of preventing or
26 mitigating the introduction or spread of plant pests or limiting
27 the economic impact of plant pests.

28 "Phytosanitary certificate." A document authorized or
29 prepared by the department that affirms, declares or verifies
30 that an article, nursery stock, plant product or any other

1 article regulated under this chapter meets plant health
2 standards and requirements of an intended receiving
3 municipality, state or country.

4 "Plant" or "plant product." A plant or portion of a plant,
5 whether living or dead.

6 "Plant contaminant." A biological, chemical or radiological
7 substance which in sufficient concentration in plants can
8 adversely affect other living organisms.

9 "Plant merchant." Any of the following:

10 (1) A person that owns, leases, manages or is in charge
11 of a business location, premises or nursery and grows,
12 warehouses, displays, stores or in any manner keeps,
13 maintains or deals with plants for planting for distribution.

14 (2) A person that buys or obtains on consignment plants
15 for planting for the purpose of distributing.

16 (3) A person that is a commercial distributor of plants
17 for planting.

18 (4) A person, such as a landscaper, that is engaged in
19 the distribution of plants for the purpose of planting or
20 transplanting for others or grows, maintains, warehouses or
21 deals with plants for planting distribution to others.

22 (5) A person that distributes plants for planting to
23 others as a premium, promotion or advertisement or for
24 research purposes.

25 (6) A person that advertises plants for planting for
26 distribution.

27 (7) A person that brokers or solicits orders for the
28 distribution of plants for planting.

29 (8) A person that collects native plants or parts of
30 plants to be sold or grown for plants for planting.

1 "Plants for planting." Living plants and parts of living
2 plants intended to remain planted, to be planted or to be
3 replanted to ensure their subsequent growth, reproduction or
4 propagation. The term pertains to living plants and includes all
5 trees, shrubs, brambles, woody vines, woody florist stock,
6 herbaceous perennials, vegetable plants, bulbs, bedding and
7 other annual herbaceous plants, their roots, cuttings, grafts,
8 scions, buds, fruit pits, seeds and their parts for propagation,
9 except field crop seeds, vegetable seeds and flower seeds,
10 regardless of where these plants or plant materials may have
11 been grown or are growing.

12 "Pollinator." An insect that moves pollen from plants to
13 fertilize other plants for the purpose of plant reproduction.

14 "Pollinator certificate of inspection." A document
15 authorized or prepared by the department or by a recognized
16 official of the country, state or territory of origin that
17 affirms, attests or verifies that items such as colonies, hives,
18 nucleus colonies, queens, package bees, managed pollinators or
19 other regulated articles offered for distribution meet health
20 requirements established by the authorized signatory agency.

21 "Pollinator operation." Any of the following:

22 (1) A beekeeper, whether managing honey bees for
23 commercial business or personal use.

24 (2) A person that offers live honey bees or other
25 managed pollinators for sale or distribution.

26 (3) A person that buys or obtains on consignment managed
27 pollinators for the purpose of distribution.

28 (4) A person that commercially distributes managed
29 pollinators.

30 (5) A person that distributes managed pollinators to

1 others as a premium, promotion or advertisement or for
2 research purposes.

3 (6) A person that advertises managed pollinators for
4 distribution.

5 (7) A person that brokers or solicits orders for the
6 distribution of managed pollinators.

7 (8) A person, such as a business, school, club or
8 association, that manages honey bees for educational or
9 therapeutic purposes, the organization's use, research or any
10 similar purpose.

11 "Premises."

12 (1) Any of the following:

13 (i) A definite portion of real estate.

14 (ii) Land with its appurtenances, including any
15 structure erected thereon.

16 (iii) A vehicle or vessel used in transporting
17 passengers, goods, plants, pollinators or their products
18 by land, air or water.

19 (2) As used in this chapter, the term shall be liberally
20 construed.

21 "Quarantine order." An order of the department establishing
22 restrictions upon the use, sale, distribution, movement or other
23 disposition of a plant, plant product, pollinator, pollinator
24 product, pest, premises or any other regulated article
25 contaminated with, exposed to, harboring or capable of harboring
26 or spreading a pest, that is required to eradicate, contain,
27 control or prevent contamination by or exposure to a pest.

28 "Queen." The dominant reproductive female insect recognized
29 within the colony.

30 "Regulated article." A plant, plant product, pollinator,

1 pollinator product, hive, storage place, packaging, premises,
2 facility, vehicle, building, tools and equipment, conveyance,
3 container, soil and any other organism, object, goods, product
4 or material capable of harboring or spreading pests or
5 potentially exposed to pests that are subject to regulatory
6 measures.

7 "Remote location." Any of the following:

8 (1) A premise that is owned, leased, managed or used by
9 a plant merchant, pollinator operation or other person and
10 where plants for planting or managed pollinators are kept,
11 maintained, managed, displayed, warehoused, stored or grown
12 for the purpose of distribution at or through a physically
13 separate business location.

14 (2) An out yard and other location where managed
15 pollinators are kept, other than the beekeeper location or
16 business location.

17 "Secretary." The Secretary of Agriculture of the
18 Commonwealth.

19 "Special quarantine order." An order of the department
20 covering a single premises, person or business location that
21 establishes restrictions upon the use, sale, distribution,
22 movement or other disposition of a plant, plant product,
23 pollinator, pollinator product, pest or any other regulated
24 article contaminated with, exposed to, harboring or capable of
25 harboring or spreading a pest.

26 "Stop order." A written notice issued by the department to
27 the owner or custodian of a plant, plant product, managed
28 pollinators or other regulated article that prohibits the sale
29 or movement of plants, plant products, managed pollinators or
30 other regulated articles, including an article or object subject

1 to a quarantine order issued by the department.

2 "Systems approach." The application of different pest risk
3 management measures, at least two of which act independently but
4 with cumulative effect, to apply the appropriate level of
5 phytosanitary protection. The term includes measures which do
6 not kill pests or reduce their prevalence, but reduce their
7 potential for entry or establishment, such as safeguarding.

8 "Treatment order." A written order of the department
9 specifying certain measures to be taken to control or eradicate
10 a pest, including destruction of plants, plant products,
11 pollinators, hives or other regulated articles harboring or
12 capable of harboring or spreading a pest.

13 § 1603. Right of entry.

14 (a) Right of entry to licensed person.--

15 (1) With regard to licensed persons or persons required
16 to be licensed under this chapter, in the performance of the
17 duties required by this chapter, the department or an
18 inspector for the department shall have the authority to,
19 within reasonable hours, enter a premises, business location,
20 remote location, out yard, building or vehicle for the
21 purpose of investigating and sampling regulated articles and
22 enforcement of this chapter.

23 (2) The department or an inspector for the department
24 may open, inspect and sample a bundle, package or other
25 container of regulated articles to test for pests and to
26 carry out control measures as established in this chapter.

27 (3) The department or an inspector for the department
28 shall be provided, upon request, access to records for the
29 purpose of review, inspection or copying of the records
30 required to be kept under this chapter.

1 (4) A person may not:

2 (i) deny access to the department or an inspector
3 for the department;

4 (ii) hinder, thwart, cause undue delay or defeat
5 inspection or other necessary activity by
6 misrepresentation or concealment of facts or conditions;
7 or

8 (iii) interfere with the department or an inspector
9 for the department as specified in section 1621 (relating
10 to interference with inspector).

11 (b) Right of entry to private property.--

12 (1) The department or an inspector for the department
13 shall have the authority to enter onto the premises of a
14 person not subject to the licensure requirements of this
15 chapter for the purpose of investigation and enforcement of
16 this chapter, including the collection of samples for testing
17 of pests and to carry out control measures as established in
18 this chapter.

19 (2) Once on the premises, the department or an inspector
20 for the department must present themselves to the owner or
21 keeper of the property and obtain the permission of the owner
22 or a search warrant to enter or search an enclosed or fenced
23 area of the premises and any building, vehicle, vessel,
24 article, machine or conveyance located on the premises. The
25 department or an inspector for the department shall be
26 provided access to records for the purpose of review,
27 inspection and copying of the records when requested and as
28 required for proper enforcement of this chapter.

29 (c) Refusal of entry.--

30 (1) A person required to be licensed under this chapter

1 may not refuse entry to the department or an inspector for
2 the department acting under the authority of this chapter.

3 Refusing entry shall include:

4 (i) Preventing the department or an inspector for
5 the department from entering the premises, a building or
6 other area of the licensed establishment where regulated
7 articles or records are kept or present or where there
8 exists reasonable suspicion that regulated articles or
9 records are kept or present.

10 (ii) Preventing the department or an inspector for
11 the department from inspecting a regulated article under
12 this chapter, including access to and inspection of
13 required records.

14 (iii) Hiding or concealing a regulated article,
15 including records, from the department or an inspector
16 for the department.

17 (iv) Hiding, concealing or failure to disclose a
18 business location, including a remote location or an out
19 yard.

20 (v) An act or omission that prevents the department
21 or an inspector for the department from gaining entry or
22 access to the premises, buildings, regulated articles or
23 areas of the licensed establishment where regulated
24 articles are kept or present.

25 (vi) Any other act that hinders, interferes with or
26 causes unreasonable delay to the enforcement of this
27 chapter.

28 (2) The following apply:

29 (i) If the department or an inspector for the
30 department attempts an inspection under this chapter and

1 no person is present to grant access to the establishment
2 or place to be inspected, the department or an inspector
3 for the department may post a notice of inspection on an
4 entrance to the establishment, indicating the need for
5 access to the establishment for purpose of inspection
6 within 36 hours from the time of posting.

7 (ii) Failure to permit an inspection within the 36-
8 hour time period on the notice under subparagraph (i)
9 shall constitute a refusal of entry under this
10 subsection, unless, within the 36-hour time period, the
11 owner of the establishment to be inspected contacts the
12 department or an inspector for the department that posted
13 the notice of inspection and both parties agree upon a
14 different date or time. Entering into an agreement under
15 this subparagraph shall be at the sole discretion of the
16 department.

17 (d) Search warrants.--An inspector or employee of the
18 department may apply for a search warrant to a court of
19 competent jurisdiction authorized to issue a search warrant for
20 the purposes of inspecting, examining, sampling and surveying
21 the premises, plants, managed pollinators and other regulated
22 articles and records of licensed persons or persons required to
23 be licensed under this chapter. A warrant may be issued for a
24 person not subject to the licensure requirements of this chapter
25 if there is reasonable suspicion that a pest exists on the
26 premises. The warrant shall be issued upon probable cause. The
27 following apply:

28 (1) If a person is subject to the licensure requirements
29 of this chapter, probable cause shall exist upon a showing by
30 the department of any of the following:

1 (i) That access or entry for the purpose of
2 inspection or examination has been refused as specified
3 in subsection (c).

4 (ii) The department has reasonable suspicion to
5 believe that a violation of this chapter or a provision,
6 rule, regulation or order adopted under this chapter has
7 occurred or is occurring.

8 (iii) The department has reasonable suspicion to
9 believe that the premises or a regulated article that is
10 or has been kept on the premises carries or is at risk of
11 carrying pests or has been exposed to pests.

12 (2) A search warrant shall be issued upon the showing of
13 probable cause that a violation of this chapter or a
14 provision, rule, regulation or order adopted under this
15 chapter, has occurred or is occurring on the premises, or
16 upon reasonable suspicion that a pest exists on the premises
17 or that a regulated article that is or has been kept on the
18 premises carries or is at risk of carrying pests or has been
19 exposed to pests.

20 (3) The search warrant shall describe the premises,
21 including the address and name of the company or owner, if
22 known, which may be searched under authority of the search
23 warrant, but need not describe the plant, plant products,
24 managed pollinators or other regulated articles which may be
25 searched or detained and are alleged to harbor, be capable of
26 harboring, carry or be at risk of carrying pests or have been
27 exposed to pests. A person may not refuse or delay admission
28 to a premises to the department or an inspector for the
29 department provided with a search warrant issued under this
30 section.

1 § 1604. Inspections, sampling, testing and certifications.

2 (a) General inspection and sampling authority.--The
3 department shall have the authority to:

4 (1) Inspect the premises of a person required to be
5 licensed under this chapter, including an area in which
6 plants, plant products, pollinators, pollinator products or
7 other regulated articles are grown, stored, kept or
8 distributed to others.

9 (2) Inspect, at any time or place, a plant, plant
10 product, managed pollinator, hive or other regulated article
11 stored, kept, shipped or moved to or from this Commonwealth,
12 and the vehicles or vessels on which they are shipped or
13 contained.

14 (3) Collect samples for the presence of and testing for
15 pests and carry out control measures as established in this
16 chapter.

17 (b) Private property.--The department shall have the
18 authority to enter onto the land or premises of a person not
19 subject to the licensure requirements of this chapter for the
20 purpose of investigation and enforcement of this chapter,
21 including the collection of samples for testing of pests. The
22 department shall obtain either the permission of the owner or a
23 search warrant to enter or search an enclosed or fenced area of
24 the property, building, vehicle, vessel, article, machine or
25 conveyance located on the land or premises.

26 (c) Risk-based inspections.--The department shall, to the
27 extent practicable, employ a risk-based approach to conducting
28 the inspections authorized under subsection (a), giving
29 comparatively greater attention to pests deemed to be of
30 greatest risk to this Commonwealth and plants for planting,

1 plants, plant products, managed pollinators, hives or other
2 regulated articles or premises that present the greatest risk of
3 harboring pests or creating other pest-related problems.

4 (d) Discretionary inspections.--

5 (1) The department may provide phytosanitary certificate
6 inspection services for a person that owns or possesses
7 plants, plant products or other regulated articles intended
8 for shipment either interstate or internationally as
9 necessary to meet the statutory or regulatory requirements of
10 the intended receiving state or country. A phytosanitary
11 certificate inspection may include:

12 (i) Certification in accordance with another state's
13 or country's special handling requirements.

14 (ii) Confirmation of origin requirements,
15 preshipment treatment requirements, testing requirements
16 or inspection requirements.

17 (2) The department may provide inspection services
18 necessary for the issuance of a phytosanitary certificate
19 inspection for a person that owns or possesses pollinators or
20 other regulated articles intended for sale or shipment either
21 interstate or internationally as necessary to meet the
22 statutory or regulatory requirements of an intended receiving
23 state or country. An inspection may include:

24 (i) Certification in accordance with another state's
25 or country's special handling requirements.

26 (ii) Confirmation of origin requirements,
27 preshipment treatment requirements, testing requirements
28 or inspection requirements.

29 (3) The department may provide services necessary for
30 issuing compliance agreements to a person that seeks to meet

1 requirements or regulations of other states for shipping
2 plants, plant products, managed pollinators or other
3 regulated articles. Multiple states and commodities may be
4 included in one comprehensive compliance agreement.

5 (4) The department shall charge a fee for performing any
6 of the specialized certificate inspections described in this
7 subsection. The fee shall be established as provided in
8 section 1629 (relating to fees).

9 (5) The certificate inspections described in paragraphs
10 (1), (2) and (3) are discretionary on the part of the
11 department and shall only be made if all of the following
12 occur:

13 (i) A request is made for the certificate
14 inspection.

15 (ii) The fee for the certificate inspection has been
16 remitted to the department.

17 (iii) The department has qualified staff available
18 to conduct the requested specialized certificate
19 inspection.

20 (iv) The person making the request is in compliance
21 with this chapter, the regulations of the department and
22 an order of the department issued under this chapter.

23 (v) The person making the request is not found to be
24 in violation of this chapter.

25 (vi) The person making the request is current on all
26 fees due under this chapter.

27 (e) Additional inspections, certifications and testing.--The
28 department shall have the discretion to provide additional
29 inspection, certification or testing services for a person that
30 owns or possesses plants, managed pollinators or other regulated

1 articles and may establish and charge reasonable fees for the
2 services. The fees shall be established as provided in section
3 1629. Services may include inspections conducted to confirm
4 control, eradication or apparent freedom from pests or to
5 provide certification other than as described in subsection (d).

6 (f) Refusal to inspect.--The department may refuse to
7 perform an inspection described in this section if:

8 (1) the plants, managed pollinators or regulated
9 articles to be inspected are found to be in a condition where
10 they cannot be adequately inspected;

11 (2) the premises on which the plants, managed
12 pollinators or regulated articles are located is posted with
13 restrictions, including biosecurity restrictions, which the
14 department finds to be burdensome or unreasonable; or

15 (3) the environs in which the plants, managed
16 pollinators or regulated articles are located present a
17 danger to the health or safety of the department employee or
18 inspection for the department.

19 (g) Delegation.--The department may delegate, through
20 agreement, inspection, testing, training or certification duties
21 under this chapter to an agent acting on behalf of the
22 department.

23 § 1605. Regulations, orders and pest tolerances.

24 (a) Regulations and orders.--

25 (1) The department shall have the power to promulgate
26 and adopt orders, rules and regulations as necessary to
27 effectuate the intent and purpose of this chapter.

28 (2) Except to the extent that they are inconsistent with
29 a provision of this chapter, regulations promulgated under
30 former Chapter 21 (relating to bees) or the former act of

1 December 16, 1992 (P.L.1228, No.162), known as the Plant Pest
2 Act, shall remain in effect unless subsequently modified by
3 regulations promulgated by the department.

4 (b) Pest tolerances.--

5 (1) The department may establish tolerances for pests.
6 Pest tolerances may prescribe acceptable maximum
7 concentrations or amounts of pests that may be present on
8 premises, plants, plant products, pollinators, pollinator
9 products or other regulated articles.

10 (2) Methods for promulgating the pest tolerances may
11 include a quarantine order or an order transmitted to the
12 Legislative Reference Bureau for publication in the next
13 available issue of the Pennsylvania Bulletin.

14 (3) The pest tolerances shall be reviewed at least
15 annually by the Plant and Pollinator Protection Committee
16 established in section 1628 (relating to establishment of
17 advisory boards and committees). The Plant and Pollinator
18 Protection Committee shall make recommendations to the
19 department for changes to pest tolerances.

20 (4) The department shall provide justification for a
21 decision on pest tolerance that does not match the
22 recommendations of the Plant and Pollinator Protection
23 Committee.

24 § 1606. Surveys to determine existence of plant and pollinator
25 pests.

26 The department shall have the authority to engage in the
27 following actions:

28 (1) Conduct investigations and surveys to determine the
29 existence of pests and the distribution and severity of the
30 damage caused by pests.

1 (2) Collect and transport samples of pests, plants,
2 pollinators or regulated articles which are capable of
3 harboring pests.

4 (3) Conduct studies relating to the control of pests.

5 (4) Conduct other investigations necessary to protect
6 this Commonwealth's plants, pollinators and related
7 industries from pests.

8 (5) Prescribe and require treatment and control
9 measures, including stop orders and quarantine orders, as
10 provided for in this chapter.

11 (6) Report and publish the results of investigations,
12 surveys, studies or required treatment and control measures
13 carried out under this chapter.

14 § 1607. Proceedings upon finding plant or pollinator pests.

15 (a) Notification.--If the department finds pests present or
16 has reasonable suspicion that pests exist on a premises or
17 regulated article, or if pests are present and exceed an
18 applicable pest tolerance established under section 1605(b)
19 (relating to regulations, orders and pest tolerances), the
20 department must provide the owner, lessee, keeper or manager
21 with written notice of the pest presence. The following apply:

22 (1) The notice shall be left with the owner of the
23 premises or an individual 18 years of age or older residing
24 on the premises.

25 (2) For a licensed establishment, the notice may be
26 included in an inspection report issued in accordance with
27 this chapter.

28 (3) The department may take any other action authorized
29 under this chapter.

30 (b) General authority.--

1 (1) Where an inspection, survey or test permitted under
2 section 1604 (relating to inspections, sampling, testing and
3 certifications), reveals the presence of a pest or the
4 presence of a pest that exceeds pest tolerance established
5 under section 1605(b), the department may take an action
6 authorized under this chapter, including:

7 (i) Issuance of a treatment order, stop order and
8 detention.

9 (ii) Establishment of a quarantine order.

10 (iii) Assessment of penalties and implementation of
11 enforcement actions as permitted under this chapter.

12 (2) If the department has reasonable suspicion of the
13 existence of or observes signs or symptoms of the presence of
14 a pest, or the presence of a pest that exceeds an applicable
15 pest tolerance established under section 1605(b) on any
16 premises or regulated article, the department may conduct
17 inspections, sampling, testing and certification as
18 authorized under section 1604. The department may take an
19 action authorized under this chapter, including issuance of a
20 treatment order, stop order and detention or establishment of
21 a quarantine order.

22 (3) Honey bees or other pollinators found on premises
23 other than beekeeper locations, business locations and remote
24 locations licensed under this chapter found to be infected or
25 infested with pests shall be subject to immediate destruction
26 without notice.

27 (c) Marking of infested or infected articles.--Upon finding
28 a pest, the department shall promptly identify and, where
29 practicable, mark all premises and regulated articles that are
30 confirmed to be infected or infested, or for which there is a

1 reasonable suspicion of infection or infestation. Removal of
2 markings placed by the department under this subsection without
3 written instructions to do so by the department shall be a
4 violation of this chapter.

5 (d) Treatment measures.--

6 (1) If the secretary determines that a serious pest
7 situation exists in any part of this Commonwealth, a
8 quarantine order, as authorized under section 1610 (relating
9 to quarantines), must be established and necessary
10 eradication or control measures may be taken by the
11 department.

12 (2) Prior to carrying out a treatment procedure, the
13 department shall provide written notice to the property
14 owner. The written notice may be in the form of a copy of a
15 general treatment order or procedure specified in a
16 quarantine order.

17 (3) The department or an inspector for the department is
18 authorized to enter the premises during reasonable hours to
19 carry out the eradication or control measures under section
20 1603 (relating to right of entry).

21 (e) Treatment orders.--Upon finding a pest, the department
22 shall issue a treatment order to a responsible person, such as
23 the owner, manager or licensee. The treatment order shall be in
24 writing and shall describe the following:

25 (1) The pest situation that exists.

26 (2) Details regarding the required eradication control
27 or eradication measures.

28 (3) The date by which eradication and control measures
29 must be completed, including a time frame within which the
30 department will confirm treatment is complete and approved.

1 (f) Other orders.--The department shall have the discretion
2 to issue a stop order under section 1609 (relating to stop
3 orders) or a quarantine order under section 1610, or both,
4 imposing appropriate restrictions until the control or
5 eradication measures required under the treatment order have
6 been completed and approved by the department. The department
7 shall issue a treatment order, stop order, quarantine order or
8 any combination if the department finds pests present or has
9 reasonable suspicion that pests exist on a premises or regulated
10 article, including any abandoned crops, noncultivated plants,
11 abandoned hives or feral pollinator populations which harbor or
12 may harbor, carry or may carry, or constitute or may constitute
13 a reservoir for the pest.

14 (g) Failure to comply with treatment order.--The responsible
15 person issued the eradication order is required to follow the
16 treatment order. If a person that is issued a treatment order
17 fails to comply with the treatment order, the department shall
18 carry out the eradication and control measures. All expenses
19 associated with the eradication and control measures shall be
20 paid to the department by the person. The department may impose
21 additional penalties for a violation under this chapter.

22 § 1608. Invasive species or plant contaminants being moved by
23 plant merchants or pollinator operations.

24 If there is reasonable suspicion that the activity of a plant
25 merchant or pollinator operation is a mechanism for the spread
26 of invasive species or plant contaminants, the department may
27 issue a stop order, treatment order or quarantine order or
28 pursue any other measure provided for in this chapter to stop
29 the spread of the invasive species or plant contaminant. The
30 department may coordinate with any other regulatory agency that

1 has jurisdiction over the invasive species or plant contaminant.

2 § 1609. Stop orders.

3 (a) Authority to issue.--

4 (1) (i) If there is reasonable suspicion of the
5 presence of a pest, or an inspection or test reveals the
6 presence of a pest, or pests are present and exceed an
7 applicable pest tolerance established under section
8 1605(b) (relating to regulations, orders and pest
9 tolerances), the department may issue and enforce a
10 written stop order.

11 (ii) The stop order may be issued to any or all of
12 the owners, lessees, managers, employees or custodians of
13 the premises.

14 (iii) A stop order may be placed on all or any part
15 of a business or premises, and may include any plant,
16 pollinator or other regulated article.

17 (iv) The stop order shall establish standards for
18 release of the stop order, including:

19 (A) compliance with a quarantine or treatment
20 order issued by the department;

21 (B) inspection that verifies there is no
22 reasonable suspicion or actual presence of a pest
23 that was the subject of the stop order; or

24 (C) presence of a pest above a pest tolerance
25 established under section 1605(b).

26 (2) A stop order may be issued in conjunction with a
27 quarantine or treatment order or for a violation of this
28 chapter or a provision, rule, regulation or order adopted
29 under this chapter.

30 (3) A stop order shall have the effect of requiring the

1 person designated in the stop order to hold any item or items
2 described in the order at a designated place and to refrain
3 from distributing or offering for distribution or moving in
4 any manner those items. The owner, lessee, manager or
5 custodian of the premises under the stop order must notify
6 the department when the standards for release of the stop
7 order have been met in order for the department to verify and
8 repeal the stop order.

9 (4) If it is determined that multiple registered
10 locations received anything that is the subject of or covered
11 under a stop order in one location, that order may be
12 extended to all locations without a physical visit by an
13 inspector until the material is cleared or released. The
14 department shall coordinate notification to all locations.

15 (5) A stop order shall remain in effect until repealed
16 in writing by the department.

17 (b) Posting of stop order.--A plant or other material that
18 is the subject of or covered under the stop order shall be
19 clearly identified and, where practicable, conspicuously marked
20 by the department. The stop order may be required to be posted
21 in a conspicuous place or places on the business location or
22 premises subject to the stop order as determined by the
23 inspector. Removal of markings placed by the department without
24 written instructions to do so by the department shall be a
25 violation of this chapter.

26 (c) Violation of stop order.--Failure to follow a stop order
27 shall be a violation of this chapter. The department may impose
28 penalties authorized under this chapter for a violation of a
29 stop order.

30 § 1610. Quarantines.

1 (a) Authority of department.--

2 (1) The department may establish quarantines as
3 specified in this chapter or under regulations to prevent,
4 delay or slow the introduction, dissemination or spread of a
5 plant or pollinator pest within this Commonwealth or into
6 this Commonwealth from any country, state or territory.

7 (2) The department shall transmit notice of a general
8 quarantine order, interstate quarantine order or
9 international quarantine order to the Legislative Reference
10 Bureau for publication in the next available issue of the
11 Pennsylvania Bulletin.

12 (3) Special quarantine orders shall be established
13 through posting of the order as specified in subsection (g).

14 (4) As part of a quarantine, the department may issue
15 conditions, restrictions, control measures or any combination
16 that the department considers necessary to eradicate,
17 control, prevent or reduce the movement of the pest.

18 (5) Under a quarantine, the department may prohibit or
19 restrict, without inspection, the use, movement, shipment,
20 transportation, distribution or offer of distribution or
21 other disposition of a plant, pollinator, premises or other
22 regulated article.

23 (b) Power to establish and enforce.--If a pest exists
24 anywhere within or outside of this Commonwealth, or if the
25 department deems a quarantine advisable upon reasonable
26 suspicion of the existence of a pest to test or treat for the
27 pest, the department may establish and enforce quarantines for a
28 pest and related to a premises, plant, pollinator or regulated
29 article infected, exposed or contaminated or suspected of or
30 susceptible to contamination by the pest or capable of carrying,

1 harboring or spreading the pest. Failure to follow a quarantine
2 order issued by the department shall subject the violator to
3 penalties specified under this chapter.

4 (c) Special requirements.--

5 (1) In addition to other prohibitions or standards, the
6 department may, through the issuance of a quarantine order,
7 prohibit the planting, growing, holding or harvesting of any
8 crop or the management or distribution, or both, of anything
9 that serves as a host or reservoir for the pest.

10 (2) The quarantine order may include prohibiting the
11 establishment of a specific crop or pollinator colony within
12 a geographic area, including this entire Commonwealth, or
13 during a specified time period.

14 (3) If a crop or pollinator is determined to have the
15 ability to harbor, is suspected of harboring or is harboring
16 a pest, the department may require treatment or destruction
17 of the crop or pollinator.

18 (4) A quarantine order may be amended and expanded to
19 cover any new area found to be infected with a pest and any
20 adjacent areas as the department deems necessary to prevent
21 or limit the movement of the pest.

22 (5) The department shall transmit notice and the
23 effective date of an amendment to a quarantine order under
24 paragraph (4) to the Legislative Reference Bureau for
25 publication in the next available issue of the Pennsylvania
26 Bulletin and publish the notice on the department's publicly
27 accessible Internet website.

28 (d) Quarantine types.--Quarantines may be one of the
29 following:

30 (1) An interstate quarantine and international

1 quarantine.

2 (2) A general quarantine.

3 (3) A special quarantine.

4 (e) Interstate quarantines and international quarantines.--

5 (1) (i) An interstate quarantine or international
6 quarantine, or both, may be established and enforced by
7 order of the department against a place outside this
8 Commonwealth for any of the reasons specified in
9 subsections (a) and (b) or where a pest is reported to
10 exist.

11 (ii) An interstate quarantine order or international
12 quarantine order may prohibit the following from being
13 brought into or entering this Commonwealth, except in
14 accordance with the requirements specified in the
15 quarantine order:

16 (A) a pest; or

17 (B) any item exposed to, contaminated by,
18 suspected of, susceptible to contamination by or
19 capable of carrying, harboring or spreading the pest.

20 (iii) The order may require the quarantine, testing,
21 treatment, sanitizing, sterilizing, disinfecting,
22 confiscation, destruction, eradication or other
23 disposition of anything that is part of or subject to the
24 quarantine order which is brought into this Commonwealth
25 in violation of the quarantine order, including any
26 goods, products, conveyances, materials or associated
27 containers or other regulated articles, or any premises
28 where the regulated articles were transported or kept in
29 this Commonwealth.

30 (iv) The order may also require that a person

1 violating the quarantine order bear the costs of
2 enforcement and postentry expenses relating to a
3 quarantine order, including testing, cleanup and
4 eradication costs.

5 (2) An interstate quarantine or international quarantine
6 shall be established by order of the department and shall be
7 effective as of the date of actual or constructive notice of
8 the quarantine order or a later date as specified in the
9 quarantine order.

10 (3) An interstate or international quarantine that is
11 established by the United States Department of Agriculture
12 may be adopted and enforced by the department for any of the
13 reasons specified in subsections (a) and (b) or where a pest
14 is reported to exist.

15 (4) The department shall transmit notice of the order to
16 the Legislative Reference Bureau for publication in the next
17 available issue of the Pennsylvania Bulletin within 20 days
18 of the date of the order and publish the order on the
19 department's publicly accessible Internet website.
20 Publication in the Pennsylvania Bulletin shall affect
21 constructive notice. The quarantine order may be enforced
22 prior to the publication or distribution.

23 (5) The department shall, if practicable, mail by
24 conventional or electronic means or deliver notice and a copy
25 of the quarantine order to the governmental agency overseeing
26 agricultural affairs in the state or nation against which the
27 quarantine is directed. The quarantine order may be enforced
28 prior to the publication or distribution.

29 (f) General quarantines.--

30 (1) A general quarantine order may be established and

1 enforced by the department against an area or locality within
2 this Commonwealth for any of the reasons specified in
3 subsections (a) and (b) to prevent a pest from being carried
4 into, within, from or out of the area or locality that is
5 subject to the quarantine. A general quarantine order may
6 pertain to any pest and anything infected, exposed to,
7 contaminated by, suspected of or susceptible to contamination
8 by, or capable of carrying, harboring or spreading the pest
9 into this Commonwealth, or into or from the area subject to a
10 quarantine order. A general quarantine order may encompass
11 any geographic area or locality within this Commonwealth,
12 including this entire Commonwealth.

13 (2) A general quarantine order shall be established by
14 the department and shall be effective as of the date of
15 actual or constructive notice of the general quarantine order
16 or a later date specified in the general quarantine order.

17 (3) The department shall transmit notice of the general
18 quarantine order to the Legislative Reference Bureau for
19 publication in the next available issue of the Pennsylvania
20 Bulletin within 20 days of the date of the general quarantine
21 order and publish the general quarantine order on the
22 department's publicly accessible Internet website.

23 Publication in the Pennsylvania Bulletin shall affect
24 constructive notice. The general quarantine order may be
25 enforced prior to the publication or distribution.

26 (g) Special quarantines.--

27 (1) A special quarantine may be established and enforced
28 by order of the department against a premises, plant,
29 pollinator or other regulated article infected, exposed to,
30 contaminated by or suspected of or susceptible to

1 contamination by a pest, or capable of carrying, harboring or
2 spreading the pest for any of the reasons specified in
3 subsections (a) and (b) or whenever it is deemed necessary or
4 advisable by the department to:

5 (i) prevent or limit the spread of a pest;

6 (ii) examine, disinfect or regulate a premises, or
7 examine, disinfect or regulate the use or movement of a
8 regulated article infected, exposed or contaminated by or
9 suspected of or susceptible to contamination by a pest or
10 capable of carrying, harboring or spreading the pest; or

11 (iii) destroy or dispose of any pest or other
12 regulated article infected, exposed or contaminated by a
13 pest.

14 (2) A special quarantine shall be established by the
15 posting of a special quarantine order describing the pest or
16 pests involved, describing the premises or area covered and
17 delineating the regulated articles covered by the special
18 quarantine. The department may require the special quarantine
19 order to be conspicuously posted and visitors to the
20 quarantined premise to be alerted of the presence of the
21 pest.

22 (3) If practicable, the department shall serve a copy of
23 the special quarantine order upon the owner, lessee, manager
24 or custodian of the premises subject to the order.

25 (h) Violations of quarantine order.--It is unlawful to:

26 (1) distribute, move, remove or allow to be removed
27 anything in this Commonwealth that is the subject of a
28 quarantine order under this section in a manner that is not
29 defined by the order;

30 (2) allow anything in this Commonwealth that is the

1 subject of a quarantine order under this section to be
2 transported, conveyed or otherwise moved outside of the
3 quarantined premises, geographic area or locality in a manner
4 that is not defined in the order;

5 (3) distribute anything in this Commonwealth that is the
6 subject of a quarantine order under this section without
7 first notifying the prospective or actual transferee of the
8 quarantine order and the reasons for the imposition of the
9 quarantine order. The transferee shall become subject to all
10 restrictions and provisions of the quarantine order and this
11 chapter;

12 (4) tear, deface, destroy, remove, conceal or alter in
13 any way a notice of quarantine posted by the department, or
14 to remove or destroy, partially or wholly, any portion of a
15 building, tree, fence or other object to which a notice of
16 quarantine has been posted by the department;

17 (5) bring into this Commonwealth a pest or regulated
18 article that is the subject of a quarantine order under this
19 section;

20 (6) impede, hinder or interfere with the department or
21 an inspector for the department entering upon premises or
22 elsewhere in the performance of duties imposed by this
23 chapter; or

24 (7) violate any provision of a quarantine order issued
25 under this chapter.

26 SUBCHAPTER B

27 LICENSURE AND CERTIFICATION

28 Sec.

29 1611. Location licensing.

30 1612. Revocation, denial or suspension of license.

1 1613. Reciprocal agreements.

2 1614. Transportation of plants for planting.

3 1615. International importation of managed pollinators.

4 1616. Interstate transportation of managed pollinators into
5 Commonwealth.

6 1617. Notice of arrival from outside Commonwealth of honey bees
7 for distribution.

8 1618. Importation and intrastate movement of pests.

9 § 1611. Location licensing.

10 (a) Licensure of locations.--

11 (1) A person that has a beekeeper location, business
12 location or remote location within this Commonwealth and
13 carries out any of the actions of a plant merchant or
14 pollinator operation shall be licensed and shall license each
15 business location or remote location with the department in
16 accordance with this chapter.

17 (2) As part of the license application, the person shall
18 identify any location where honey bees are kept or where
19 plants for planting or managed pollinators are maintained,
20 managed, displayed, warehoused or grown for the purpose of
21 distribution at that location or through a physically
22 separate business location.

23 (b) Licensure of remote locations.--If a plant merchant or
24 pollinator operation does not have a premises, business location
25 or business location within this Commonwealth, but has one or
26 more remote locations within this Commonwealth, the plant
27 merchant or pollinator operation shall license each remote
28 location with the department in accordance with subsection (c)
29 and shall refrain from the operation of any business at the
30 remote location until a license has been issued by the

1 department as specified in subsection (d).

2 (c) Application for licensure.--

3 (1) A person seeking to license a plant merchant,
4 pollinator operation, premises, business, business location
5 or remote location with the department, as required under
6 this chapter, shall file an application for licensure with
7 the department and pay the appropriate license fee.

8 (2) The license application shall be submitted on either
9 a paper or electronic form supplied by the department.

10 (3) A remote location may be added to an existing
11 license at any time.

12 (4) It shall be a violation of this chapter for a plant
13 merchant, pollinator operation, business location or remote
14 location to operate without a license as required under this
15 chapter.

16 (d) Department actions.--The department shall review each
17 license application for completeness and accuracy. Prior to the
18 issuance of a license, the department may conduct an onsite
19 inspection and sampling at the location or premises of a person
20 seeking a license, including any additional business locations
21 or remote locations where licensure is sought. If the department
22 determines the requirements of this chapter have been met, the
23 department shall issue the applicant a license.

24 (e) Relocation.--A licensee is required to report a
25 permanent change of address of a beekeeper location, business
26 location or remote location. The owner of an out yard which is
27 properly registered as a pollinator operation under this chapter
28 shall not be required to report the temporary relocation of a
29 hive or hives for up to 90 days for crop pollination if proper
30 records of hive locations are maintained by the owner at a

1 location available to the department for inspection.

2 (f) License.--A license issued by the department shall be
3 prominently displayed at each business location where sales
4 occur. A license issued by the department to a beekeeper
5 location or remote location shall be retained by the plant
6 merchant or pollinator operation that owns, leases or manages
7 the location and shall be produced for inspection by the
8 department upon request.

9 (g) Licensure period.--

10 (1) A plant merchant license shall be valid for January
11 1 through December 31 of the calendar year in which the
12 license is issued, unless revoked or suspended by the
13 department before the end of the calendar year.

14 (2) A pollinator operator license shall be valid for the
15 12-month period July 1 through June 30, unless revoked or
16 suspended by the department before the end of the period.

17 (3) After initial licensing, a business shall maintain
18 active licensure by submitting an application for license
19 renewal to the department, with renewal fees, for as long as
20 the business is engaging in activity requiring a license. A
21 license renewal must cover at least one 12-month licensing
22 cycle, except that the department may offer multiyear renewal
23 options. A renewal application shall be made available by the
24 department at least two months prior to the license
25 expiration date.

26 (4) If a person discontinues licensed activities, the
27 person shall notify the department by filing an application
28 of closure on a form provided by the department.

29 (5) If a person other than the person identified on the
30 license assumes ownership of operation of the licensed

1 establishment, the following shall apply:

2 (i) The current licensee shall notify the department
3 of the change of ownership through the use of a renewal
4 form or other method prescribed by the department.

5 (ii) If the current licensee has no other locations
6 or activities requiring a license, the current licensee
7 shall file an application of closure on a form provided
8 by the department.

9 (iii) The new owner or operator shall immediately
10 file an application for licensure as specified in
11 subsection (c) and shall refrain from operating until a
12 license has been issued by the department as specified in
13 subsection (d) and a license has been issued.

14 (iv) The current licensee shall submit to a closing
15 inspection if requested by the department.

16 (h) Grandfathering.--A plant merchant or pollinator
17 operation renewal notice or completed license issued under
18 former Chapter 21 (relating to bees) or the former act of
19 December 16, 1992 (P.L.1228, No.162), known as the Plant Pest
20 Act, shall be considered valid under this chapter until the next
21 renewal cycle provided by this chapter.

22 (i) Labeling.--The department may, by regulation or order,
23 establish labeling requirements for plants for planting, hives
24 or other regulated articles.

25 (j) Records.--

26 (1) A licensed person or person required to be licensed
27 under this chapter shall keep and maintain the following
28 records:

29 (i) Records that identify the date, source, type and
30 quantity of plants, managed pollinators or used hives the

1 licensed person acquires.

2 (ii) Records that identify the date, type and
3 quantity of plants, managed pollinators or used hives the
4 licensed person distributes to others.

5 (2) If the licensed person wholesales or distributes
6 plants or managed pollinators to another licensed business or
7 business required to be licensed, or to a person other than
8 the final end user, the records shall specify the name and
9 address of the business and business license number where
10 available or person to which the plants or managed
11 pollinators were distributed.

12 (3) Records shall be maintained for a minimum of three
13 years, except if ordered by the department.

14 (k) Additional records.--The department may promulgate
15 regulations regarding any records required to be kept under this
16 chapter. The department may include in an order additional
17 requirements regarding records required to be kept under this
18 chapter.

19 (l) Duty to provide access to records.--A licensed person or
20 person required to be licensed under this chapter shall make the
21 records available to the department for review, inspection and
22 copying upon the department's request.

23 (m) Prenotification of shipments.--The department may, by
24 regulation or order, require a licensed person residing within
25 this Commonwealth or doing business outside this Commonwealth
26 who distributes or receives plants for planting or managed
27 pollinators in this Commonwealth to prenotify the department of
28 incoming shipments at least 48 hours prior to shipping.
29 Notification shall be made via electronic means as identified by
30 the department. Failure to comply with this subsection may

1 result in a stop order, return of material or destruction of the
2 material by the department at the expense of the person who was
3 the original distributor.

4 (n) Sources of plants and pollinators.--

5 (1) A licensed person that purchases, possesses,
6 acquires, grows, stores, keeps or distributes to others
7 plants for planting or managed pollinators shall only
8 purchase, possess, acquire, store, keep or distribute to
9 others plants or pollinators that have been produced under an
10 official Federal or State licensure program and are compliant
11 with all requirements of this chapter and any regulations or
12 orders of the department.

13 (2) A licensed person may collect plants or pollinators,
14 such as feral bees and swarms, from noncertified sources. The
15 licensed person shall notify the department of the intention
16 to make the collections, via mechanisms provided by the
17 department, so that an inspection may be scheduled when
18 appropriate. Collected material must meet pest tolerances
19 established by the department under this chapter.

20 (o) Prohibition to operate.--It shall be a violation of this
21 chapter for a person required to be licensed under this chapter
22 to operate without a license. A person required to be licensed
23 under this chapter shall be subject to the penalties and
24 remedies established by this chapter or regulations or orders of
25 the department. It shall not be a valid defense to a civil
26 penalty, criminal prosecution, action in equity or other remedy
27 imposed or action at law undertaken by the department under this
28 chapter that the person failed to obtain a license or lacked the
29 knowledge of the need to obtain a license. The department shall
30 have the authority against the person as the department does

1 against a person that has lawfully obtained the required
2 license.

3 (p) Pollinator certificate of inspection.--

4 (1) A pollinator certificate of inspection issued by the
5 department must accompany queen honey bees, nucleus colonies,
6 colonies, package bees or other managed pollinators being
7 distributed within this Commonwealth. A licensed person may
8 produce copies of the pollinator certificate of inspection to
9 accompany multiple transactions, but certificates are not
10 transferrable to other persons. A pollinator certificate of
11 inspection shall be valid for one year for intrastate
12 distribution of pollinators.

13 (2) A pollinator certificate of inspection issued by the
14 department shall accompany interstate shipments if required
15 by other states for queen honey bees, nucleus colonies,
16 colonies, package bees or other managed pollinators being
17 transported to that state.

18 (g) Duty to report pests.--It shall be the duty of every
19 licensed person or person required to be licensed under this
20 chapter to report to the department immediately upon finding or
21 being notified of the presence of a pest exceeding established
22 pest tolerances. Failure to report constitutes a violation of
23 this chapter.

24 (r) Right-to-Know Law exemption.--Personally identifiable
25 information, including the names, addresses or phone numbers of
26 a person not required to hold a license under this chapter, but
27 who agrees to host or have placed on their property plants for
28 planting or one or more bee hives associated with a licensed
29 person shall not be accessible for inspection and duplication in
30 accordance with the act of February 14, 2008 (P.L.6, No.3),

1 known as the Right-to-Know Law.

2 § 1612. Revocation, denial or suspension of license.

3 The department may revoke, suspend or deny a license for
4 sufficient cause, and for a time period determined by the
5 department, which may include multiple licensure periods.

6 Sufficient cause includes the following:

7 (1) A violation of this chapter or a provision, rule,
8 regulation or order adopted under this chapter.

9 (2) A finding by the department that a license issued
10 under this chapter is being used in connection with:

11 (i) a premises known to be infected or infested with
12 a pest;

13 (ii) the possession or distribution of plants,
14 plants for planting, plant products, pollinators, managed
15 pollinators, pollinator products, tools and equipment,
16 apiaries, colonies, hives or other regulated articles
17 that are known to be infested or infected with a pest; or

18 (iii) assisting others in a violation of this
19 chapter or a provision, rule, regulation or order adopted
20 under this chapter.

21 (3) That a licensed person or person required to be
22 licensed under this chapter has knowingly purchased, bought,
23 accepted, received, warehoused or held plants, plants for
24 planting, plant products, pollinators, managed pollinators,
25 pollinator products, tools or equipment, apiaries, colonies,
26 hives or other regulated articles that are known to be
27 infested or infected with a pest or were not shipped under
28 the proper phytosanitary or certification standards.

29 (4) A finding by the department that plants or
30 pollinators were knowingly shipped or transported into this

1 Commonwealth in violation of Federal or State quarantine or
2 phytosanitary or other certification standards.

3 (5) A finding by the department that the department is
4 unable to safely or effectively perform an inspection or
5 other action under this chapter due to the physical condition
6 of the licensee's premises or the regulated articles that are
7 subject to the inspection or action.

8 (6) A finding by the department that the applicant or
9 licensee has denied access to or made it impossible for the
10 department to conduct an inspection of a beekeeper location,
11 business location, remote location or other premises subject
12 to this chapter.

13 (7) A finding by the department that the applicant or
14 licensee has failed to pay a civil penalty imposed under this
15 chapter, after applicable appeal periods have expired or a
16 final judgment has been rendered and the final adjudication
17 issued.

18 (8) A finding by the department that the applicant or
19 licensee has made a material misstatement, misrepresentation
20 or omission in the application for licensure or has made a
21 material misstatement, misrepresentation or omission to the
22 department regarding a matter relevant to compliance with
23 this chapter, a regulation promulgated under this chapter or
24 an order issued under this chapter.

25 § 1613. Reciprocal agreements.

26 (a) Solicitation authorized.--A person residing or doing
27 business outside this Commonwealth who desires to solicit orders
28 for plants for planting or managed pollinators in this
29 Commonwealth may solicit orders in this Commonwealth if the
30 person is certified, registered or licensed in another state

1 with laws and regulations that comply with Federal standards and
2 are at least as stringent as those of the Commonwealth, and
3 their name appears on an official state directory of certified,
4 registered or licensed nurseries and nursery dealers, plant
5 merchants, pollinator operations, licensees or registrants. If a
6 business is located in a state where no licensure program is
7 available, the department may work with the state of origin to
8 develop an appropriate procedure to allow safe movement of
9 material into this Commonwealth.

10 (b) Records.--A person doing business in this Commonwealth
11 under this section shall keep records of sales into this
12 Commonwealth and make the records available upon request.
13 Records shall be kept for three years. Failure to keep or
14 provide sales records is a violation of this chapter and
15 regulated articles moved into this Commonwealth by a person who
16 has violated this section is subject to a stop order, rejection
17 and destruction at the expense of the person.

18 § 1614. Transportation of plants for planting.

19 (a) General documentation.--Plants for planting intended for
20 distribution and transported into, within or through this
21 Commonwealth shall be accompanied by the following:

22 (1) A copy of the license under which the plants are
23 being transported. The following apply:

24 (i) For intrastate movement, a copy of the license
25 for the plant merchant distributing the plants.

26 (ii) For transport from out-of-State, a plant
27 merchant license or other valid document issued by the
28 proper official of the state, territory, district or
29 country from which the plants were shipped, sent or
30 brought showing that the plants for planting are in

1 compliance with the plant pest certification requirements
2 and standards of the state or nation from which the
3 plants originated and from which the plants were shipped
4 or transported.

5 (2) The names and addresses of the consignor and
6 consignee and the scientific name and quantity of each plant.

7 (b) Associated documentation.--If documentation required
8 under subsection (a) is not the same for each plant in a
9 shipment, documentation shall be provided in a manner sufficient
10 to clearly associate plants with the correct documentation.
11 Documents may be transported with or attached to the full
12 conveyance or carload, truckload, bale, box, container, package
13 or plant.

14 (c) Valid license required.--Plants for planting brought
15 into this Commonwealth with the documentation required under
16 this subsection may be distributed, offered for distribution or
17 moved only under a valid license issued under this chapter.

18 (d) Additional documentation.--The department may, by
19 regulation or order, amend or add documentation requirements for
20 plants for planting being shipped or transported.

21 (e) Improperly transported plants.--If plants for planting
22 are transported into this Commonwealth in violation of this
23 chapter, including transporting plants for planting without
24 valid documentation issued by the proper out-of-State authority
25 or transporting plants for planting suspected of harboring
26 pests, and the person receiving the plants for planting notifies
27 the department within five business days, the department may
28 direct the plants be returned to the consignor or shipper, held
29 for inspection or any other action authorized under this
30 chapter.

1 (f) Violation.--It shall be a violation of this chapter to
2 deliver, transport or ship into or within this Commonwealth
3 plants for planting or other regulated articles which are not in
4 compliance with this chapter.

5 § 1615. International importation of managed pollinators.

6 (a) Pollinator certificate of inspection.--

7 (1) Except where otherwise preempted by Federal law, the
8 department shall require that every person intending to
9 import, ship, bring or transport living managed pollinators
10 or viable reproductive forms of managed pollinators into or
11 through this Commonwealth from outside the United States for
12 any purpose receive advanced written permission from the
13 department.

14 (2) The person requesting permission shall provide
15 advanced notification to the department through the filing of
16 a pollinator certificate of inspection or other form provided
17 by the department. Movement of a managed pollinator into or
18 through this Commonwealth may not occur until the department
19 has provided written approval. If a Federal importation
20 process exists, the department may request that the importer
21 provide to the department copies of records to verify
22 compliance with the Federal process.

23 (b) Certification requirements.--The certificate of
24 inspection shall certify that:

25 (1) A physical inspection of the managed pollinators was
26 made within 30 days preceding the date of shipment.

27 (2) At least 10% of the managed pollinators in the
28 shipment were inspected and that they are free of known
29 pests.

30 (3) The managed pollinators are the species described in

1 the shipping documents and meet the requirements of this
2 chapter.

3 (c) Receipt of shipment.--Each licensed person or licensed
4 establishment shall be responsible for assuring that an
5 international shipment of managed pollinators received are
6 accompanied by a properly executed pollinator certificate of
7 inspection and otherwise meet the standards and requirements of
8 this chapter.

9 (d) Shipment in violation of chapter.--If a shipment is not
10 accompanied by the required pollinator certificate of inspection
11 specified in this section or does not otherwise comply with the
12 standards and requirements of this chapter, the licensed person
13 or licensed establishment shall notify the department within 72
14 hours of receipt of the shipment and hold the shipment in an
15 area away from other managed pollinators, subject to an order
16 issued by the department under this chapter, including
17 quarantine, stop order, treatment order and destruction.
18 § 1616. Interstate transportation of managed pollinators into
19 Commonwealth.

20 (a) Certificate of inspection.--A person shall not transport
21 honey bees into this Commonwealth without a certificate of
22 inspection signed by the chief apiary inspector or corresponding
23 inspection official of the state or county from which the honey
24 bees are being transported. The department may require a
25 certificate of inspection for other managed pollinators being
26 shipped into this Commonwealth.

27 (b) Third-party certification.--The department may accept a
28 certificate from a third-party certifier if a state has no
29 formal program and the department has preapproved the third
30 party.

1 (c) Certification requirements.--The certificate of
2 inspection shall certify that:

3 (1) A physical inspection of the managed pollinators was
4 made within 30 days preceding the date of shipment.

5 (2) At least 10% of the managed pollinators and other
6 regulated articles in the shipment were inspected and that
7 they meet pest tolerances established by the department.

8 (3) The managed pollinators are the species described in
9 the shipping documents and meet the requirements of this
10 chapter.

11 (d) Additional documentation.--Documentation describing the
12 type and quantity of regulated articles in the shipment and the
13 name and address of the owner of the regulated articles shall
14 accompany each shipment.

15 (e) Receipt of shipment.--A licensed person or licensed
16 establishment shall be responsible for assuring shipments of
17 managed pollinators and other regulated articles the licensed
18 person or licensed establishment receives are accompanied by a
19 properly executed certificate of inspection and otherwise meet
20 the standards and requirements of this chapter.

21 (f) Shipment in violation of chapter.--If a shipment is not
22 accompanied by the required certificate of inspection specified
23 in this section or does not otherwise comply with the standards
24 and requirements of this chapter, the licensed person or
25 licensed establishment shall notify the department within 72
26 hours of receipt of the shipment and hold the shipment in an
27 area away from other managed pollinators, subject to an order
28 issued by the department under this chapter, including
29 quarantine, stop order, treatment order and destruction.

30 § 1617. Notice of arrival from outside Commonwealth of honey

1 bees for distribution.

2 (a) Notice.--Notice of the arrival from outside this
3 Commonwealth of honey bees intended for further distribution
4 shall be given by the licensed person first receiving the
5 shipment in the Commonwealth to the department's Bureau of Plant
6 Industry, Apiary Inspection Program, via electronic or hard copy
7 as identified by the department. Notice shall be made prior to
8 or within 10 days after the arrival within this Commonwealth of
9 honey bee colonies, queens and package bees that are
10 distributed. The notice shall contain the following information:

11 (1) The name and contact information of the licensed
12 person receiving the shipment.

13 (2) The total number of regulated articles contained in
14 the shipment.

15 (3) The state or territory of origin of the regulated
16 articles in the shipment.

17 (b) No notice with further distribution.--Notice to the
18 department shall not be required for additional distribution
19 points.

20 (c) Records.--The licensed person providing notice shall
21 retain the following records for three years after receipt of
22 the shipment and make the records available to the department
23 upon request:

24 (1) A copy of the pollinator certificate of inspection
25 required by section 1616 (relating to interstate
26 transportation of managed pollinators into Commonwealth).

27 (2) Information describing the distribution of the
28 regulated articles, including the name and contact
29 information of all persons receiving the regulated articles,
30 and quantities received by each person.

1 § 1618. Importation and intrastate movement of pests.

2 The department may administer a permitting process allowing
3 lawful movement of pests into or within this Commonwealth. The
4 permitting may be in association with a Federal permitting
5 system or the permitting may be independent if the secretary
6 determines a threat to this Commonwealth is not addressed
7 through the Federal permitting system. It shall be a violation
8 of this chapter for a person to transport a pest into or within
9 this Commonwealth for research or any other purpose without
10 first receiving the department's written approval to transport
11 the pest.

12 SUBCHAPTER C

13 ENFORCEMENT

14 Sec.

15 1619. Enforcement.

16 1620. Violations.

17 1621. Interference with inspector.

18 1622. Criminal penalties.

19 1623. Civil penalties.

20 1624. Injunctive relief.

21 § 1619. Enforcement.

22 The department may employ proper means for enforcement of
23 this chapter, including issuing notices and orders, filing
24 violations for criminal prosecution, imposing civil penalties,
25 seeking injunctive relief and entering into agreements, such as
26 consent agreements, cooperative agreements and compliance
27 agreements, necessary to enforce and carry out the provisions of
28 this chapter.

29 § 1620. Violations.

30 (a) Noncompliance.--A person may not violate or fail to

1 comply with any provision of this chapter or regulations, rules,
2 orders or agreements established or entered into under the
3 provisions of this chapter, or to assist in any violation of
4 this chapter.

5 (b) Infected plants for planting, managed pollinators, hives
6 or equipment.--A licensed person or licensed establishment may
7 not knowingly:

8 (1) keep or maintain without proper treatment any
9 plants, managed pollinators, hives or equipment exposed to,
10 infected with or affected by pests; or

11 (2) position the plants, managed pollinators, hives or
12 equipment in a manner that would allow unexposed or
13 uninfected plants or pollinators to have access to the
14 plants, managed pollinators, hives or equipment.

15 (c) Infected plants for planting or managed pollinators.--A
16 licensed person or licensed establishment shall not distribute
17 or transport any plants for planting, honey bees or other
18 managed pollinators affected with a pest at a level exceeding
19 established pest tolerance levels.

20 (d) Hives.--

21 (1) A licensed person or licensed establishment may not
22 keep or maintain honey bees in any hive other than that which
23 permits a thorough examination of every comb to determine the
24 presence of pests. Other types of hives or receptacles for
25 honey bees which are in use are declared to be a public
26 nuisance and a menace to the community, and the department or
27 an inspector for the department may seize and destroy the
28 hive or receptacle without remuneration to the owner.

29 (2) The department may approve other types of hives or
30 receptacles being used for educational or research purposes.

1 (e) False declarations and deception.--It shall be a
2 violation of this chapter for a licensed person to do any of the
3 following:

4 (1) Conceal or cause the concealment, hide or take
5 measures to evade inspection of managed pollinators, plants
6 for planting or other regulated articles.

7 (2) Willfully make a false declaration of acreage,
8 square footage or numbers of plants, managed colonies,
9 premises or any other regulated article or fail to provide
10 any other information requested and necessary for
11 implementation, administration and enforcement of this
12 chapter.

13 (3) Incorrectly label or falsify documentation of
14 managed pollinators, plants for planting or other regulated
15 articles intended for distribution, in order to circumvent a
16 rule, regulation, order or agreement made under this chapter.

17 (f) Destructive conduct.--

18 (1) It is a violation of this chapter for a person in
19 this Commonwealth to participate in or conduct a deliberate
20 act that exposes free-flying honey bees or pollinators to a
21 known source of a regulated pest, or to a substance commonly
22 known to kill honey bees and other pollinators. The
23 deliberate acts that are prohibited include the following:

24 (i) Placing in a location that is accessible to
25 free-flying honey bees or pollinators any beeswax combs,
26 beekeeping equipment, honey or other substance known to
27 be attractive to pollinators, capable of transmitting
28 pests and known to have been in contact with or
29 associated with sources of regulated pest.

30 (ii) Placing in a location that is accessible to

1 free-flying honey bees or pollinators any honey, sugar
2 syrup, corn syrup or other substance known to be
3 attractive to pollinators and to which some pesticide or
4 other substance harmful to pollinators has been added.

5 (2) This section shall not apply to a person who is
6 using legally registered pesticides in strict compliance with
7 the label instructions.

8 (3) This section shall not negate any part of 18 Pa.C.S.
9 § 5549 (relating to assault with a biological agent on
10 animal, fowl or honey bees).

11 § 1621. Interference with inspector.

12 A person who willfully or intentionally interferes with an
13 employee, inspector or agent of the department in the
14 performance of duties or activities authorized under this
15 chapter commits a misdemeanor of the third degree and shall,
16 upon conviction, be sentenced to pay a fine of \$2,500 or to
17 imprisonment for not more than one year, or both.

18 § 1622. Criminal penalties.

19 A person that violates the provisions of this chapter,
20 including a rule, regulation, order or agreement adopted under
21 this chapter, may be subject to the following:

22 (1) For a first offense, a person commits a summary
23 offense and, upon conviction, shall be sentenced to pay a
24 fine of not less than \$100 nor more than \$500 for each
25 offense or to imprisonment for not more than 90 days, or
26 both.

27 (2) For a subsequent offense committed within three
28 years of a prior conviction for a violation of this chapter
29 or a provision, rule, regulation or order adopted under this
30 chapter, a person commits a misdemeanor of the second degree

1 and shall, upon conviction, be sentenced to pay a fine of not
2 less than \$1,000 nor more than \$5,000 or to imprisonment for
3 not more than two years, or both, at the discretion of the
4 court.

5 § 1623. Civil penalties.

6 (a) Authority to assess.--

7 (1) Subject to subsection (b), in addition to proceeding
8 under any other remedy available at law or in equity for a
9 violation of this chapter or a provision, rule, regulation or
10 order adopted under this chapter, the department may assess a
11 civil penalty not to exceed \$20,000, plus cost of
12 remediation, containment or eradication, upon a person for
13 each violation of this chapter or a provision, rule,
14 regulation or order adopted under this chapter.

15 (2) The civil penalty assessed shall be payable to the
16 department for deposit into the Plant and Pollinator
17 Protection Account.

18 (3) The penalty amount shall be collectible in any
19 manner provided by law for the collection of debt, including
20 referring any collection matter to the Office of Attorney
21 General, which shall recover the amount by action in the
22 appropriate court.

23 (b) Hearing.--A civil penalty shall not be assessed unless
24 the person charged is given notice and opportunity for a hearing
25 on assessment in accordance with the provisions of 2 Pa.C.S.
26 Chs. 5 Subch. A (relating to practice and procedure of
27 Commonwealth agencies) and 7 Subch. A (relating to judicial
28 review of Commonwealth agency action).

29 § 1624. Injunctive relief.

30 In addition to any other remedies provided for in this

1 chapter, the Office of Attorney General, at the request of the
2 secretary, may initiate, in Commonwealth Court or the court of
3 common pleas of the county in which the defendant resides or has
4 a place of business, an action in equity for an injunction to
5 restrain a violation of this chapter or a provision, rule,
6 regulation or order adopted under this chapter from which no
7 timely appeal has been taken or which has been sustained on
8 appeal. In the proceeding, the court shall, upon motion of the
9 Commonwealth, issue a preliminary injunction if the court finds
10 that the defendant is engaging in unlawful conduct under this
11 chapter. The Commonwealth shall not be required to furnish bond
12 or other security in connection with the proceedings. In
13 addition to an injunction, the court, in equity proceedings, may
14 levy civil penalties as provided for in section 1623 (relating
15 to civil penalties).

16 SUBCHAPTER D

17 MISCELLANEOUS PROVISIONS

18 Sec.

19 1625. Cooperation with other entities.

20 1626. Voluntary certification programs.

21 1627. Authority to establish marketing programs.

22 1628. Establishment of advisory boards and committees.

23 1629. Fees.

24 1630. Disposition of funds.

25 1631. Exclusion of local laws and regulations.

26 § 1625. Cooperation with other entities.

27 The department may cooperate with and enter into agreements
28 with the Federal Government, governmental agencies of the
29 Commonwealth and any other state in order to carry out the
30 purpose and provisions of this chapter. The department may

1 cooperate with and receive grants-in-aid, gifts and donations
2 and may enter into agreements with any person for the purpose of
3 implementing the provisions of this chapter.

4 § 1626. Voluntary certification programs.

5 (a) Voluntary certification programs.--

6 (1) The department may establish and implement voluntary
7 certification programs that would add value to Commonwealth
8 commodities while blocking movement of invasive species that
9 are detrimental to this Commonwealth's plants or pollinators.
10 The voluntary certification programs may be utilized for a
11 commodity whose movement may act as a pathway for movement of
12 one or more invasive species.

13 (2) The department shall establish the standards and
14 processes for a voluntary certification program and shall
15 transmit notice of the standards and processes for the
16 program to the Legislative Reference Bureau for publication
17 in the next available issue of the Pennsylvania Bulletin. The
18 Pennsylvania Bulletin notice shall include, at a minimum:

19 (i) The name of the voluntary certification program
20 and general description, including a designated program
21 contact.

22 (ii) A description of the commodity addressed by the
23 voluntary certification program.

24 (iii) A description of the invasive species, listed
25 by both common and scientific name, addressed by the
26 voluntary certification program.

27 (iv) Standards, such as commodity production
28 provisions, inspection requirements and recordkeeping and
29 audit requirements, that must be met in order to certify
30 that a particular commodity is apparently free from one

1 or more invasive species or meets the pest tolerance
2 levels established for invasive species.

3 (v) The certification program time lines and
4 deadlines.

5 (vi) The information required on an application for
6 certification under the program which, at a minimum,
7 shall include the following:

8 (A) Business name, contact name, address,
9 telephone and email address.

10 (B) Physical location of business and commodity.

11 (C) Type and quantities of commodity expected to
12 be eligible for certification.

13 (D) Proof of current licensure required for the
14 production of the commodity.

15 (E) An attestation of compliant status,
16 indicating no violations, criminal or civil actions
17 or outstanding penalties relating to this chapter.

18 (F) Third-party inspection certification
19 standards, where applicable.

20 (G) Fees associated with the particular
21 voluntary certification program.

22 (b) Voluntary systems approach programs.--

23 (1) The department shall develop and implement programs
24 incorporating a voluntary systems approach to enhance the
25 Commonwealth's plant merchant and pollinator operation
26 licensure programs, including surveillance and enforcement of
27 this chapter or regulations, rules, orders or agreements
28 established or entered into under this chapter. The
29 department may, under the program, establish standards and
30 certify that specific identified managed pollinators or

1 plants for planting:

2 (i) were produced and maintained in accordance with
3 best management practices, including specific
4 surveillance and testing standards;

5 (ii) meet the voluntary systems approach program
6 standards and any Federal or State quarantine
7 requirements; and

8 (iii) are eligible for distribution with
9 requirements different from those of regulated material
10 not under the systems approach program.

11 (2) Voluntary systems approach programs shall employ a
12 systems approach to reach or maintain a pest tolerance
13 standard. The department shall establish voluntary systems
14 approach programs through an agreement with participants
15 wishing to participate in the voluntary program and shall
16 transmit notice of the program to the Legislative Reference
17 Bureau for publication in the next available issue of the
18 Pennsylvania Bulletin.

19 (3) A person wishing to participate in a voluntary
20 systems approach program must sign an agreement with the
21 department relating to that particular program. The agreement
22 shall incorporate the best management practices and standards
23 established for that program in the notice, further define
24 the duties and obligations of the program participant and
25 make provisions of the program mandatory and enforceable
26 against the participant. The department may, by agreement,
27 establish and charge fees for program participation and
28 certifications.

29 (c) Voluntary certification.--A voluntary certification
30 issued by the department under this section shall not constitute

1 a guarantee of quality or a guarantee that the specific
2 commodity identified in the certification is free of pests or
3 invasive species.

4 (d) Failure to comply.--Failure to comply with the standards
5 of a voluntary certification program created under this section
6 may, at the department's discretion, result in the participant's
7 removal from the certification program. If the participant is
8 removed from the certification program, the participant shall
9 immediately cease and desist from labeling, claims, promotions
10 and advertising associated with the voluntary certification
11 program. A licensee that has been removed from a voluntary
12 certification program may seek reinstatement after one year from
13 the date of removal.

14 (e) No effect on other legal standards.--Enrollment in and
15 compliance with the provisions of a voluntary certification
16 program adopted under this section are in addition to and do not
17 abrogate, nullify or replace any other standards or requirements
18 of this chapter or other statutes or regulations administered by
19 the department.

20 § 1627. Authority to establish marketing programs.

21 As resources allow, the department may offer promotional or
22 incentive programs to provide outreach on licensing requirements
23 under this chapter or to encourage support of plant or
24 pollinator best management practices, such as enhancing or
25 expanding pollinator habitats.

26 § 1628. Establishment of advisory boards and committees.

27 (a) Plant and Pollinator Protection Committee.--The Plant
28 and Pollinator Protection Committee is established as an
29 advisory board in the department. The following apply:

30 (1) The purpose of the committee shall be to advise the

1 department on problems relating to the health of plants and
2 pollinators and of the related industries regulated under
3 this chapter, including recommendations on:

- 4 (i) pest tolerance levels defined in section 1605
5 (relating to regulations, orders and pest tolerances);
- 6 (ii) the risk basis of inspection programs; and
- 7 (iii) needed legislation, regulations and agency
8 programs and policies.

9 (2) The committee shall be composed of a minimum of
10 seven members:

- 11 (i) One plant protection division chief or designee
12 from the department.
- 13 (ii) Two representatives of the managed pollinator
14 industry, at least one of which is selected by the
15 Pennsylvania State Beekeepers Association.
- 16 (iii) Two representatives of the plant merchant
17 industry.
- 18 (iv) One representative of pollinator education or
19 research.
- 20 (v) One representative of plant pest education or
21 research.

22 (3) Committee members shall be appointed by the
23 secretary for terms of four years and may be appointed for
24 successive four-year terms at the discretion of the
25 secretary. The secretary may remove a member of the committee
26 prior to the expiration of term of appointment for cause.

27 (4) Upon the death, resignation or removal for cause of
28 a member of the committee, the secretary shall fill the
29 vacancy for the remainder of the term.

30 (5) The committee may recommend to the secretary that

1 additional committee members be appointed as needed for plant
2 and pollinator protection, and that there are identified
3 issues which require additional perspectives or subject
4 matter expertise.

5 (6) The department representative shall serve as chair.
6 The members of the committee shall meet at the time and place
7 as specified by the call of the secretary, chair or a
8 majority of the board, but no less than once per calendar
9 year.

10 (b) Additional advisory boards and committees.--The
11 secretary may establish additional advisory boards and
12 committees as necessary to address plant and pollinator health
13 issues. The following apply:

14 (1) The secretary or the secretary's designee shall
15 serve as chair.

16 (2) Members may include other State agencies,
17 educational institutions, industry representatives,
18 researchers and conservationists.

19 (3) Members shall be appointed by the secretary.

20 (4) The secretary may request a group to be formed for
21 specific areas of concern for plant and pollinator pests and
22 pest management issues.

23 (5) The secretary may dissolve an advisory board or
24 committee once the secretary determines that the plant or
25 pollinator health issue has been resolved or the services of
26 the board or committee are no longer needed.

27 § 1629. Fees.

28 (a) Fees relating to plant merchant activity.--

29 (1) The following annual fees shall apply, unless
30 modified by the department in accordance with this section.

1 Fees for plant merchants shall be due by January 1 of each
2 calendar year. A late fee of \$50 shall be imposed for any fee
3 not received by February 1 of each calendar year. Each
4 business location of the plant merchant shall be licensed and
5 subject to the fees established in this section. Each
6 licensed establishment shall pay one fee at the highest
7 annual license fee determined by the size of the business
8 location from out of the following:

9 (i) Less than 1,000 square feet indoors and less
10 than 10 acres outdoors, \$100.

11 (ii) 1,000 to 5,000 square feet indoors and 10 to
12 100 acres outdoors, \$200.

13 (iii) More than 5,000 square feet indoors and more
14 than 100 acres outdoors, \$300.

15 (2) The following fees shall be due upon receipt of
16 invoice for specialized phytosanitary certification
17 inspection or services delivered. Businesses are required to
18 contact and schedule phytosanitary certification inspections
19 at least one week in advance. Additional fees, as specified
20 in subparagraphs (i), (ii), (iii), (iv) and (v), shall be
21 added for inspections requested with less than one week's
22 notice:

23 (i) Business, \$50 per certificate.

24 (ii) Nonbusiness, \$25 per certificate.

25 (iii) Federal phytosanitary inspection, equal to
26 Federal fee.

27 (iv) Late notice fee, \$100 plus any overtime
28 incurred if less than one week's notice is provided.

29 (v) Compliance agreements for interstate shipment,
30 \$200 each, paid annually, which may include multiple

1 states in a single agreement.

2 (b) Fees relating to pollinator operation activity.--

3 (1) Registration fees for a new pollinator operation
4 license shall be submitted prior to or within 30 days of
5 receiving honey bees. Renewal fees for pollinator operations
6 shall be due by June 30 of the calendar year of the
7 application. A late fee of \$20 shall be imposed for any
8 renewal fee not received by August 1 of the calendar year.
9 Each business location of a business shall be licensed and
10 subject to the fees established in this section. Each
11 beekeeper location and each licensed establishment shall pay
12 one fee at the highest annual license fee, determined by the
13 size of the beekeeper location and business location, from
14 out of the following:

15 (i) 1 to 20 honey bee colonies, \$30.

16 (ii) 21 to 50 honey bee colonies, \$60.

17 (iii) 51 or more honey bee colonies, \$120.

18 (iv) Pollinator operations that do not keep honey
19 bees, \$30.

20 (2) The following fees shall be due upon receipt of
21 invoice for specialized pollinator certification inspection
22 or services delivered:

23 (i) Pollinator certificate of inspection, per
24 service visit, \$75.

25 (ii) Discretionary compliance agreements, \$200.

26 (iii) Fees for specialized pollinator certification
27 services shall not apply to pollinator operations.

28 (c) Laboratory fees.--The department shall set and charge
29 fees for plant and pollinator pest diagnostic testing or
30 taxonomic identification services.

1 (d) Fees for voluntary certification programs.--In addition
2 to the fees established under this section, the department may
3 establish fees for discretionary inspections, certifications and
4 testing described in section 1626 (relating to voluntary
5 certification programs). Fees for voluntary certification
6 programs shall be established by the department, which shall
7 transmit notice of the fees to the Legislative Reference Bureau
8 for publication in the next available issue of the Pennsylvania
9 Bulletin.

10 (e) Fee implementation and modification.--The department
11 may, by regulation, fix, adjust and assess fees for licensure,
12 certification, inspection, reinspection and other duties
13 performed under this chapter. The fees shall be set at a level
14 to meet the reasonable expenses incurred by the department in
15 the administration and enforcement of this chapter.

16 (f) Fees previously established.--Fees established under
17 former Chapter 21 (relating to bees) and the former act of
18 December 16, 1992 (P.L.1228, No.162), known as the Plant Pest
19 Act, shall remain in effect until the effective date of this
20 subsection.

21 § 1630. Disposition of funds.

22 (a) Plant and Pollinator Protection Account.--The Plant and
23 Pollinator Protection Account is established as a restricted
24 account in the General Fund.

25 (b) Plant Pest Management Account.--Money within the Plant
26 Pest Management Account shall be transferred to the Plant and
27 Pollinator Protection Account within 60 days of the effective
28 date of this subsection, at which time the Plant Pest Management
29 Account shall be dissolved.

30 (c) Disposition of money.--Money collected under this

1 chapter, including money derived from grants, gifts and
2 donations, including money derived from fees, fines and civil
3 penalties, shall be paid into the Plant and Pollinator
4 Protection Account for use by the department in administering
5 this chapter. Money placed in the account under this section
6 shall be made available on the effective date of this subsection
7 and is specifically appropriated to the department for the
8 purpose of improving and enhancing the administration of the
9 programs and duties specified in this chapter. Money placed in
10 the account shall not replace general revenues appropriated for
11 this purpose.

12 (d) Supplements to fund.--The Plant and Pollinator
13 Protection Account may be supplemented by money received from
14 other sources, including:

15 (1) Federal funds appropriated or granted to the
16 department for use consistent with this chapter.

17 (2) State funds appropriated or granted to the
18 department for use consistent with this chapter.

19 (3) Proceeds from the sale of bonds made available to
20 the department for use consistent with this chapter.

21 (4) Gifts, grants, donations and other contributions
22 from public and private sources.

23 § 1631. Exclusion of local laws and regulations.

24 (a) Preemption.--This chapter and its provisions are of
25 Statewide concern and occupy the whole field of regulation
26 regarding the licensure and inspection of plant merchants and
27 pollinator operations to the exclusion of all local regulations.
28 Except as otherwise specifically provided in this chapter, no
29 ordinance or regulation of any political subdivision or home
30 rule municipality may prohibit or in any way attempt to regulate

1 any matter relating to plant merchants or pollinator operations,
2 if any of these ordinances, laws or regulations are in conflict
3 with this chapter.

4 (b) Local restrictions on beekeeping.--A local agency,
5 political subdivision or home rule municipality may not adopt an
6 ordinance or regulation to restrict or prohibit the keeping of
7 honey bees or other managed pollinators, without notifying the
8 department in writing of their intent to adopt a regulation. A
9 department apiary program representative or designee may be
10 given an opportunity to provide comment at a public meeting
11 prior to a vote on the ordinance or regulation.

12 Section 2. Chapter 21 of Title 3 is repealed:

13 [CHAPTER 21

14 BEES

15 Sec.

16 2101. Short title of chapter.

17 2102. Definitions.

18 2103. Chief apiary inspector.

19 2104. Quarantines.

20 2105. Registration of apiaries.

21 2106. Inspection.

22 2107. Diseases.

23 2108. Infected shipments.

24 2109. Prohibitions.

25 2110. Free access.

26 2111. Transportation.

27 2112. Imported bees.

28 2113. Penalties.

29 2114. Civil penalties.

30 2115. Injunctions.

1 2116. Concurrent remedies.

2 2117. Disposition of funds.

3 § 2101. Short title of chapter.

4 This chapter shall be known and may be cited as the Bee Law.

5 § 2102. Definitions.

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

9 "Apiary." Any place where one or more colonies or nuclei of
10 bees are kept.

11 "Apiary yard." A fixed location or locations in this
12 Commonwealth where an apiary is maintained on a continuing basis
13 from which hives may be moved to temporary locations for crop
14 pollination and returned.

15 "Appliance." Any apparatus, tool, machine or other device
16 used in the handling and manipulating of bees, honey, wax and
17 hives and any container of honey and wax which may be used in
18 any apiary or in transporting bees and their products and apiary
19 supplies.

20 "Bee." Any stage of the common hive or honeybee (*Apis*
21 *mellifera*) or other species of the genus *Apis*.

22 "Bee disease." Any American or European foul brood, sac
23 brood, bee paralysis or other disease or abnormal condition of
24 eggs, larval, pupal or adult stages of the honeybee.

25 "Bureau." The Bureau of Plant Industry of the Department of
26 Agriculture.

27 "Hive." Any frame hive, box hive, box, barrel, log, gum,
28 skep or other receptacle or container, natural or artificial, or
29 any part thereof, which may be used or employed as a domicile
30 for bees.

1 "Owner of an apiary." Includes all colonies owned by an
2 individual and located in any permanent location or locations
3 within this Commonwealth.

4 "Queen apiary." Any apiary or premises in which queen bees
5 are reared or kept for sale or gift.

6 "Violation." A violation of this chapter or any order or
7 regulation promulgated under this chapter.

8 § 2103. Chief apiary inspector.

9 The secretary shall appoint a chief apiary inspector to be in
10 charge of all apiary inspections and shall appoint such
11 additional apiary inspectors as may be necessary. The inspectors
12 shall be attached to the bureau and shall be furnished with
13 official badges or other insignia of authority. The secretary
14 and the bureau are charged with the enforcement of the
15 provisions of this chapter.

16 § 2104. Quarantines.

17 The department may establish, modify and maintain such
18 quarantines as may be necessary to control the shipment into or
19 within this Commonwealth of any bees, queen bees, hives or
20 appliances capable of transmitting any bee disease for such
21 periods and under such conditions as may be necessary in order
22 to control and eradicate any bee disease or to prevent its
23 introduction, spread or dissemination in this Commonwealth and
24 for such purposes may make and promulgate such rules,
25 regulations and orders relating thereto and to the general
26 enforcement of the provisions of this chapter as may be
27 necessary.

28 § 2105. Registration of apiaries.

29 (a) General rule.--The owner of an apiary located in this
30 Commonwealth shall register the apiary with the department.

1 (b) Application.--The application for registration of an
2 apiary shall be made on a form provided by the department and
3 shall include all of the following:

4 (1) The name and complete mailing address of the owner
5 of the apiary and the name and complete mailing address of
6 the person primarily responsible for maintaining and caring
7 for the apiary if different from the owner.

8 (2) The exact location or locations of each apiary.

9 (3) The number of colonies contained in the apiary.

10 (4) Such other information as the department may
11 require.

12 (c) Fee.--The apiary registration fee shall be \$10 for each
13 applicant. No fee shall be charged for temporary relocation of a
14 hive or hives for crop pollination from an apiary yard properly
15 registered as an apiary under this chapter.

16 (d) Registration term.--A registration under this section
17 shall be valid for a period of not more than two calendar years
18 and shall expire on December 31 of the year following the
19 initial year of registration.

20 (e) Relocation.--The department may by regulation require
21 apiary owners to report the relocation of an apiary from its
22 original location as reported at the time of registration to
23 another location in this Commonwealth. The owner of an apiary
24 yard which is properly registered as an apiary under this
25 chapter shall not be required to report the temporary relocation
26 of a hive or hives for crop pollination as long as proper
27 records of hive locations are maintained by the owner at a
28 location available to the department for inspection.

29 § 2106. Inspection.

30 The department through the inspectors shall at least twice

1 during each summer season inspect all queen apiaries. If from
2 the inspection it appears that any bee disease exists in the
3 queen apiary, the apiary inspector making the inspection shall
4 immediately notify in writing the owner or person in charge
5 thereof, and thereafter it shall be unlawful for that person to
6 ship, sell or give away any queen bees from the apiary until the
7 disease has been destroyed and a certificate of that fact has
8 been obtained from the chief inspector. If upon inspection it is
9 found that no bee disease exists in the queen apiary, the chief
10 inspector shall issue a certificate of that fact, and a copy of
11 the certificate shall be attached to each package or shipment of
12 queen bees transported from the apiary. The certificate shall be
13 valid for one year from the date of its issue unless revoked for
14 cause.

15 § 2107. Diseases.

16 (a) General rule.--The department through the inspectors
17 shall, as far as practicable, inspect all apiaries in this
18 Commonwealth. If upon inspection it is found that any bee
19 disease exists in the apiary, the inspector making the
20 inspection shall immediately notify in writing the owner or
21 person in charge of the apiary, stating the nature of the
22 disease and whether the disease may or may not be successfully
23 treated. If the disease may be successfully treated, the
24 inspector shall specify and direct the necessary treatment,
25 which shall be administered by the owner or person in charge
26 within 14 days.

27 (b) Service of notices.--The written notice required by
28 section 2106 (relating to inspection) and this section may be
29 served by handing a copy thereof to the owner or person in
30 charge of the apiary or by leaving a copy thereof with an adult

1 person residing upon the premises or by registered mail
2 addressed to the owner or person in charge of the apiary at his
3 last known or reputed address.

4 § 2108. Infected shipments.

5 Infected shipments, apiaries where the existing disease
6 cannot be successfully treated and apiaries which are affected
7 by disease amenable to treatment but which have not been treated
8 within a period of 14 days after the owner thereof has received
9 notice of the necessary treatment are hereby declared to be a
10 public nuisance and a menace to the community, and the director
11 of the bureau or his authorized agent may destroy by burning or
12 otherwise, without any remuneration to the owner, any infected
13 bees, hives, honey or appliances found therein.

14 § 2109. Prohibitions.

15 (a) Infected colonies, hives or appliances.--No person shall
16 knowingly keep in his possession without proper treatment any
17 colony of bees affected with any bee disease or expose any
18 diseased colony or infected hive or appliance so that flying
19 bees may have access to them.

20 (b) Infected bees.--No person shall sell, barter or give
21 away, accept, receive or transport any bees affected with any
22 bee disease.

23 (c) Hives.--No person shall keep or maintain honeybees in
24 any hive other than a modern movable frame hive which permits
25 thorough examination of every comb to determine the presence of
26 bee disease. All other types of hives or receptacles for bees
27 which are in use are hereby declared to be a public nuisance and
28 a menace to the community, and the secretary, the chief apiary
29 inspector or any apiary inspector may seize and destroy the hive
30 or receptacle without remuneration to the owner.

1 § 2110. Free access.

2 The department, the chief apiary inspector and any apiary
3 inspector shall have free access, ingress and egress to and from
4 any apiary, premises, building or other place, public or
5 private, in which bees, queen bees, wax, honey, hives or
6 appliances may be kept or stored. No person shall deny to such
7 duly authorized officer or agent access to any such place or
8 hinder or resist the inspection of the premises.

9 § 2111. Transportation.

10 No person shall transport bees, hives or appliances into this
11 Commonwealth unless they are accompanied with a certificate of
12 inspection signed by the chief apiary inspector or corresponding
13 inspection official of the state or county from which the bees
14 are being transported. The certificate shall certify that actual
15 inspection of the bees was made within 30 days preceding the
16 date of shipment and that the bees, hives and appliances
17 contained in the shipment are free from bee diseases. It is the
18 duty of any officer, agent, servant or employee of any person,
19 firm or corporation engaged in transportation, who shall receive
20 a shipment of bees consigned to a point in this Commonwealth and
21 not having attached thereto a certificate as required, to
22 immediately notify the department and to hold the shipment
23 subject to its orders for a period of 15 days.

24 § 2112. Imported bees.

25 No person shall import any living insects belonging to the
26 genus *Apis* from any foreign country except Canada for any
27 purpose without written permission from the department.

28 § 2113. Penalties.

29 (a) First violation.--A first violation of this chapter or
30 any order or regulation promulgated under this chapter

1 constitutes a summary offense punishable by a fine of not less
2 than \$100.

3 (b) Second violation.--A second violation of this chapter or
4 any order or regulation promulgated under this chapter
5 constitutes a summary offense punishable by a fine of not less
6 than \$300.

7 (c) Subsequent violations.--A third and subsequent violation
8 of this chapter or any order or regulation promulgated under
9 this chapter constitutes a misdemeanor of the third degree
10 punishable by a fine of not less than \$1,000.

11 § 2114. Civil penalties.

12 (a) Assessment.--The department may assess a civil penalty
13 of not more than \$1,000 upon a person for each violation.

14 (b) Contest.--If a civil penalty is assessed against a
15 person under subsection (a), the department shall notify the
16 person by certified mail of the nature of the violation and the
17 amount of the civil penalty and that the person may notify the
18 department in writing within ten calendar days that he wishes to
19 contest the civil penalty. If within ten calendar days from the
20 receipt of that notification the person does not notify the
21 department of his intent to contest the assessed penalty, the
22 civil penalty shall become final.

23 (c) Hearing and appeal.--If timely notification of the
24 intent to contest the civil penalty is given, the person
25 contesting the civil penalty shall be provided with a hearing in
26 accordance with 2 Pa.C.S. Ch. 5 Subch. A (relating to practice
27 and procedure of Commonwealth agencies). Appeals may be taken in
28 accordance with 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial
29 review of Commonwealth agency action).

30 § 2115. Injunctions.

1 The Attorney General at the request of the department may
2 initiate in the Commonwealth Court or the court of common pleas
3 of the county in which the defendant resides or has a place of
4 business an action in equity for an injunction to restrain any
5 violation of this chapter or any order or regulation promulgated
6 under this chapter. The Commonwealth shall not be required to
7 furnish a bond or other security in connection with this
8 proceeding.

9 § 2116. Concurrent remedies.

10 The penalties and remedies prescribed by this chapter are
11 concurrent. The existence or exercise of any remedy shall not
12 prevent the exercise of any other remedy under this chapter.

13 § 2117. Disposition of funds.

14 Moneys received from registration fees, fines and civil
15 penalties shall be paid into the State Treasury and shall be
16 credited to the general government operations appropriation of
17 the Department of Agriculture for administering the provisions
18 of this chapter.]

19 Section 3. Repeals are as follows:

20 (1) The General Assembly declares that the repeal under
21 paragraph (2) is necessary to effectuate the addition of 3
22 Pa.C.S. Ch. 16.

23 (2) The act of December 16, 1992 (P.L.1228, No.162),
24 known as the Plant Pest Act, is repealed.

25 Section 4. This act shall take effect in 60 days.