

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1198 Session of
2024

INTRODUCED BY COMITTA, FONTANA, SANTARSIERO, CAPPELLETTI,
KEARNEY, HAYWOOD, SCHWANK AND COSTA, MAY 17, 2024

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 17, 2024

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; dissolving
7 the Plant Pest Management Account; providing for violations
8 and penalties; and making 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

20 SUBCHAPTER A

21 GENERAL PROVISIONS

- 1 Sec.
2 1601. Short title.
3 1602. Definitions.
4 1603. Right of entry.
5 1604. Inspections, sampling, testing and certifications.
6 1605. Regulations, orders and pest tolerances.
7 1606. Surveys to determine existence of plant and pollinator
8 pests.
9 1607. Proceedings upon finding plant or pollinator pests.
10 1608. Invasive species or plant contaminants being moved by
11 plant merchants or pollinator operations.
12 1609. Stop orders.
13 1610. Quarantines.
14 § 1601. Short title.

15 This chapter shall be known and may be cited as the Plant and
16 Pollinator Protection Act.

17 § 1602. Definitions.

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

21 "Apiary." A place where one or more colonies or nucleus
22 colonies of honey bees are kept.

23 "Beekeeper." A person who manages honey bees.

24 "Beekeeper location." The primary address for a beekeeper
25 who manages honey bees primarily for personal use but does not
26 engage in other commercial pollinator transactions.

27 "Business location." Premises where distribution of plants
28 for planting or managed pollinators takes place. This also
29 includes the primary address of a commercial beekeeper.

30 "Colony." A distinguishable, localized population of bees in

1 which one or more life stages may be present, along with any
2 associated comb, honey and pollen.

3 "Commodity." An item for sale.

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

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

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

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

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

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

28 "Hive." A structure, including natural or artificial boxes,
29 containers or receptacles, or any part thereof, including
30 frames, which may be utilized by a beekeeper as a domicile for

1 bees where the bees are expected to inhabit and establish a
2 colony.

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

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

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

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

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

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

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

29 "Managed pollinator." Honey bees being kept for any purpose,
30 and any other pollinators, such as bumble bees (genus Bombus),

1 mason bees (genus Osmia) or leafcutter bees (genus Megachile)
2 being distributed for purposes of pollination services.

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

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

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

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

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

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

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

1 standards and requirements of an intended receiving
2 municipality, state or country.

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

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

8 "Plant merchant." Any of the following:

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

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

15 (3) A person who is a commercial distributor of plants
16 for planting.

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

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

24 (6) A person who advertises plants for planting for
25 distribution.

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

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

30 "Plants for planting." Living plants and parts of living

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

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

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

20 "Pollinator operation." Any of the following:

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

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

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

27 (4) A person who commercially distributes managed
28 pollinators.

29 (5) A person who distributes managed pollinators to
30 others as a premium, promotion or advertisement or for

1 research purposes.

2 (6) A person who advertises managed pollinators for
3 distribution.

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

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

10 "Premises." As follows:

11 (1) Any of the following:

12 (i) A definite portion of real estate.

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

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

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

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

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

29 "Regulated article." A plant, plant product, pollinator,
30 pollinator product, hive, storage place, packaging, premises,

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

6 "Remote location." The following apply:

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

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

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

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

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

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

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

12 § 1603. Right of entry.

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

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

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

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

30 (4) A person may not:

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

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

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

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

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

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

28 (c) Refusal of entry.--

29 (1) A person required to be licensed under this chapter
30 may not refuse entry to the department or an inspector for

1 the department acting under the authority of this chapter.

2 Refusing entry shall include:

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

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

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

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

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

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

27 (2) The following apply:

28 (i) If the department or an inspector for the
29 department attempts an inspection under this chapter and
30 no person is present to grant access to the establishment

1 or place to be inspected, the department or an inspector
2 for the department may post a notice of inspection on an
3 entrance to the establishment, indicating the need for
4 access to the establishment for purpose of inspection
5 within 36 hours from the time of posting.

6 (ii) Failure to permit an inspection within the 36-
7 hour time period indicated on the notice of inspection
8 under subparagraph (i) shall constitute a refusal of
9 entry for purposes of paragraph (1), unless, within the
10 36-hour time period, the owner of the establishment to be
11 inspected contacts the department or an inspector for the
12 department that posted the notice of inspection and both
13 parties agree upon a different date or time.

14 (iii) Entering into an agreement under subparagraph
15 (ii) shall be at the sole discretion of the department.

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

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

30 (i) That access or entry for the purpose of

1 inspection or examination has been refused as specified
2 in subsection (c).

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

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

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

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

30 § 1604. Inspections, sampling, testing and certifications.

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

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

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

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

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

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

1 regulated articles or premises that present the greatest risk of
2 harboring pests or creating other pest-related problems.

3 (d) Discretionary inspections.--

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

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

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

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

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

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

28 (3) The department may provide services necessary for
29 issuing compliance agreements to a person that seeks to meet
30 requirements or regulations of other states for shipping

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 § 1605. Regulations, orders and pest tolerances.

23 (a) Regulations and orders.--

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

27 (2) Except to the extent that they are inconsistent with
28 a provision of this chapter, regulations promulgated under
29 former Chapter 21 (relating to bees) or the former act of
30 December 16, 1992 (P.L.1228, No.162), known as the Plant Pest

1 Act, shall remain in effect unless subsequently modified by
2 regulations promulgated by the department.

3 (b) Pest tolerances.--

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

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

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

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

23 § 1606. Surveys to determine existence of plant and pollinator
24 pests.

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

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

30 (2) Collect and transport samples of pests, plants,

1 pollinators or regulated articles which are capable of
2 harboring pests.

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

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

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

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

13 § 1607. Proceedings upon finding plant or pollinator pests.

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

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

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

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

29 (b) General authority.--

30 (1) Where an inspection, survey or test permitted under

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

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

8 (ii) Establishment of a quarantine order.

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

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

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

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

1 markings placed by the department under this subsection without
2 written instructions to do so by the department shall be a
3 violation of this chapter.

4 (d) Treatment measures.--

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

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

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

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

24 (1) The pest situation that exists.

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

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

30 (f) Other orders.--The department shall have the discretion

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

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

21 § 1608. Invasive species or plant contaminants being moved by
22 plant merchants or pollinator operations.

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

1 to assure appropriate cooperation and coordination.

2 § 1609. Stop orders.

3 (a) General rule.--

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 also be issued in conjunction with
27 a 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) General rule.--

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, but not limited to, the names, addresses
26 or phone numbers of a person not required to hold a license
27 under this chapter, but who agrees to host or have placed on
28 their property plants for planting or one or more bee hives
29 associated with a licensed person shall not be accessible for
30 inspection and duplication in accordance with the act of

1 February 14, 2008 (P.L.6, No.3), 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) General rule.--A person residing or doing business
27 outside this Commonwealth who desires to solicit orders for
28 plants for planting or managed pollinators in this Commonwealth
29 may solicit orders in this Commonwealth if the person is
30 certified, registered or licensed in another state with laws and

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

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

1 § 1620. Violations.

2 (a) Noncompliance.--A person may not violate or fail to
3 comply with any provision of this chapter or regulations, rules,
4 orders or agreements established or entered into under the
5 provisions of this chapter, or to assist in any violation of
6 this chapter.

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

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

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

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

22 (d) Hives.--

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

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

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

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

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

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

19 (f) Destructive conduct.--

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

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

1 associated with sources of regulated pest.

2 (ii) Placing in a location that is accessible to
3 free-flying honey bees or pollinators any honey, sugar
4 syrup, corn syrup or other substance known to be
5 attractive to pollinators and to which some pesticide or
6 other substance harmful to pollinators has been added.

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

10 (3) This section shall not negate any part of 18 Pa.C.S.
11 § 5549 (relating to assault with a biological agent on
12 animal, fowl or honey bees).

13 § 1621. Interference with inspector.

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

20 § 1622. Criminal penalties.

21 A person violating the provisions of this chapter, including
22 a rule, regulation, order or agreement adopted under this
23 chapter, may be subject to the following:

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

29 (2) For a subsequent offense committed within three
30 years of a prior conviction for a violation of this chapter

1 or a provision, rule, regulation or order adopted under this
2 chapter, a person commits a misdemeanor of the second degree
3 and shall, upon conviction, be sentenced to pay a fine of not
4 less than \$1,000 nor more than \$5,000 or to imprisonment for
5 not more than two years, or both, at the discretion of the
6 court.

7 § 1623. Civil penalties.

8 (a) General rule.--

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

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

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

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

1 § 1624. Injunctive relief.

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

18 SUBCHAPTER D

19 MISCELLANEOUS PROVISIONS

20 Sec.

21 1625. Cooperation with other entities.

22 1626. Voluntary certification programs.

23 1627. Authority to establish marketing programs.

24 1628. Establishment of advisory boards and committees.

25 1629. Fees.

26 1630. Disposition of funds.

27 1631. Exclusion of local laws and regulations.

28 § 1625. Cooperation with other entities.

29 The department may cooperate with and enter into agreements
30 with the Federal Government, governmental agencies of the

1 Commonwealth and any other state in order to carry out the
2 purpose and provisions of this chapter. The department may
3 cooperate with and receive grants-in-aid, gifts and donations
4 and may enter into agreements with any person for the purpose of
5 implementing the provisions of this chapter.

6 § 1626. Voluntary certification programs.

7 (a) Voluntary certification programs.--

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

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

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

24 (ii) A description of the commodity addressed by the
25 voluntary certification program.

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

29 (iv) Standards, such as commodity production
30 provisions, inspection requirements and recordkeeping and

1 audit requirements, that must be met in order to certify
2 that a particular commodity is apparently free from one
3 or more invasive species or meets the pest tolerance
4 levels established for invasive species.

5 (v) The certification program time lines and
6 deadlines.

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

10 (A) Business name, contact name, address,
11 telephone and email address.

12 (B) Physical location of business and
13 commodity.

14 (C) Type and quantities of commodity expected to
15 be eligible for certification.

16 (D) Proof of current licensure required for the
17 production of the commodity.

18 (E) An attestation of compliant status,
19 indicating no violations, criminal or civil actions
20 or outstanding penalties relating to this chapter.

21 (F) Third-party inspection certification
22 standards, where applicable.

23 (G) Fees associated with the particular
24 voluntary certification program.

25 (b) Voluntary systems approach programs.--

26 (1) The department shall develop and implement programs
27 incorporating a voluntary systems approach to enhance the
28 Commonwealth's plant merchant and pollinator operation
29 licensure programs, including surveillance and enforcement of
30 this chapter or regulations, rules, orders or agreements

1 established or entered into under this chapter. The
2 department may, under the program, establish standards and
3 certify that specific identified managed pollinators or
4 plants for planting:

5 (i) were produced and maintained in accordance with
6 best management practices, including specific
7 surveillance and testing standards;

8 (ii) meet the voluntary systems approach program
9 standards and any Federal or State quarantine
10 requirements; and

11 (iii) are eligible for distribution with
12 requirements different from those of regulated material
13 not under the systems approach program.

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

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

1 certifications.

2 (c) Voluntary certification.--A voluntary certification
3 issued by the department under this section shall not constitute
4 a guarantee of quality or a guarantee that the specific
5 commodity identified in the certification is free of pests or
6 invasive species.

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

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

23 § 1627. Authority to establish marketing programs.

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

29 § 1628. Establishment of advisory boards and committees.

30 (a) Plant and Pollinator Protection Committee.--The Plant

1 and Pollinator Protection Committee is established as an
2 advisory board in the department. The following apply:

3 (1) The purpose of the committee shall be to advise the
4 department on problems relating to the health of plants and
5 pollinators and of the related industries regulated under
6 this chapter, including recommendations on:

7 (i) pest tolerance levels defined in section 1605
8 (relating to regulations, orders and pest tolerances);

9 (ii) the risk basis of inspection programs; and

10 (iii) needed legislation, regulations and agency
11 programs and policies.

12 (2) The committee shall be composed of a minimum of
13 seven members:

14 (i) One plant protection division chief or designee
15 from the department.

16 (ii) Two representatives of the managed pollinator
17 industry, at least one of which is selected by the
18 Pennsylvania State Beekeepers Association.

19 (iii) Two representatives of the plant merchant
20 industry.

21 (iv) One representative of pollinator education or
22 research.

23 (v) One representative of plant pest education or
24 research.

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

30 (4) Upon the death, resignation or removal for cause of

1 a member of the committee, the secretary shall fill the
2 vacancy for the remainder of the term.

3 (5) The committee may recommend to the secretary that
4 additional committee members be appointed as needed for plant
5 and pollinator protection, and that there are identified
6 issues which require additional perspectives or subject
7 matter expertise.

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

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

17 (1) The secretary or the secretary's designee shall
18 serve as chair.

19 (2) Members may include other State agencies,
20 educational institutions, industry representatives,
21 researchers and conservationists.

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

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

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

30 § 1629. Fees.

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

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

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

14 (ii) 1,000 to 5,000 square feet indoors and 10 to
15 100 acres outdoors, \$200.

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

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

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

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

28 (iii) Federal phytosanitary inspection, equal to
29 Federal fee.

30 (iv) Late notice fee, \$100 plus any overtime

1 incurred if less than one week's notice is provided.

2 (v) Compliance agreements for interstate shipment,
3 \$200 each, paid annually, which may include multiple
4 states in a single agreement.

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

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

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

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

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

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

23 (2) The following fees shall be due upon receipt of
24 invoice for specialized pollinator certification inspection
25 or services delivered:

26 (i) Pollinator certificate of inspection, per
27 service visit, \$75.

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

29 (iii) Fees for specialized pollinator certification
30 services shall not apply to pollinator operations.

1 (c) Laboratory fees.--The department shall set and charge
2 fees for plant and pollinator pest diagnostic testing or
3 taxonomic identification services.

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

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

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

24 § 1630. Disposition of funds.

25 (a) Plant and Pollinator Protection Account.--The Plant and
26 Pollinator Protection Account is established as a special
27 restricted account in the General Fund.

28 (b) Plant Pest Management Account.--Money within the Plant
29 Pest Management Account shall be transferred to the Plant and
30 Pollinator Protection Account within 60 days of the effective

1 date of this subsection, at which time the Plant Pest Management
2 Account shall be dissolved.

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

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

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

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

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

24 (4) Gifts, grants, donations and other contributions
25 from public and private sources.

26 § 1631. Exclusion of local laws and regulations.

27 (a) Preemption.--This chapter and its provisions are of
28 Statewide concern and occupy the whole field of regulation
29 regarding the licensure and inspection of plant merchants and
30 pollinator operations to the exclusion of all local regulations.

1 Except as otherwise specifically provided in this chapter, no
2 ordinance or regulation of any political subdivision or home
3 rule municipality may prohibit or in any way attempt to regulate
4 any matter relating to plant merchants or pollinator operations,
5 if any of these ordinances, laws or regulations are in conflict
6 with this chapter.

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

15 Section 2. Repeals are as follows:

16 (1) The General Assembly declares that the repeals under
17 paragraphs (2) and (3) are necessary to effectuate the
18 addition of 3 Pa.C.S. Ch. 16.

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

21 (3) 3 Pa.C.S. Ch. 21 is repealed.

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