

No. 79

## AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," authorizing the exposure of poison to meadow mice and pine mice under certain conditions, and conferring powers and imposing duties upon the Secretary of Agriculture.

**The Penal Code.** The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 638, act of June 24, 1939, P. L. 872, amended.

Section 1. Section 638, act of June 24, 1939 (P. L. 872), known as "The Penal Code," is amended to read:

Section 638. Exposure of Poison.—Whoever puts or exposes in any public place or highway, or on his own lands outside of his buildings, or on the lands of any other person, any poison or admixture thereof, with the intent that the same shall be taken or swallowed by any bird, fowl, or wild animal, is guilty of a misdemeanor, and shall, on conviction, be sentenced to pay a fine not exceeding five hundred dollars (\$500), or to imprisonment not exceeding one (1) year, or both.

*This section shall not prohibit the exposure of poison in a manner approved by the Secretary of Agriculture to meadow mice (microtus \*SPP) and pine mice (pitymys \*\*SPP) threatening nursery or orchard crops. Such poison shall be so placed and secured that the poison will be inaccessible to game or domestic animals and birds. The Secretary of Agriculture shall establish general standards of approval for the placement of such poison.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 17th day of May, A. D. 1957.

GEORGE M. LEADER

\* "SPS" in original.

\*\* "SPS" in original.