

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 698 Session of 2015

INTRODUCED BY LEACH, APRIL 23, 2015

REFERRED TO JUDICIARY, APRIL 23, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in riot, disorderly conduct and
 3 related offenses, providing for the offense of use of live
 4 animals in traveling exhibitions.

5 The General Assembly of the Commonwealth of Pennsylvania
 6 hereby enacts as follows:

7 Section 1. Title 18 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 5511.4. Use of live animals in traveling exhibitions.

10 (a) Offense defined.--No person who is an exhibitor may
 11 employ or use any exotic animal or exotic wildlife in an animal
 12 act, ride, performance or exhibition as part of a traveling show
 13 or exhibition if, during the 15-day period preceding the
 14 employment or use, the animal was living or traveling in a
 15 mobile housing facility.

16 (b) Applicability.--Subsection (a) shall not apply to the
 17 use of an animal, including a nonhuman primate:

18 (1) in an exhibition at a nonmobile, permanent
 19 institution or facility, including an accredited zoo or

1 aquarium;

2 (2) as part of an outreach program for educational or
3 conservation purposes by a zoo or aquarium accredited by the
4 Association of Zoos and Aquariums, if the animal used for
5 such purposes is not kept in a mobile housing facility for
6 more than 12 hours per day;

7 (3) by a university, college, laboratory or other
8 research facility registered with the United States Secretary
9 of Agriculture under section 6 of the Animal Welfare Act
10 (Public Law 89-544, 7 U.S.C. § 2136); or

11 (4) in film, television or advertising, if the use does
12 not involve a live public exhibition.

13 (c) Penalty.--A person who violates this section commits a
14 misdemeanor of the third degree.

15 (d) Definitions.--The following words and phrases when used
16 in this section shall have the meanings given to them in this
17 subsection unless the context clearly indicates otherwise:

18 "Domestic animal." The term includes, but is not limited to,
19 a dog, cat, equine animal, bovine animal, rabbit, sheep, goat or
20 porcine animal. The term does not include an exotic animal or
21 exotic wildlife.

22 "Domestic fowl." An avis raised for food, hobby or sport.

23 "Exhibitor." A person who exhibits an animal to the public
24 for compensation. The term includes, but is not limited to, the
25 owner and operator of a carnival, circus, fair or zoo that
26 exhibits an animal, whether for profit or not. The term does not
27 include:

28 (1) the owner or operator of a retail pet store;

29 (2) a person who owns a common, domesticated household
30 pet and who derives less than a substantial portion of income

1 from a nonprimary source for exhibiting an animal that
2 exclusively resides at the residence of the person; or
3 (3) an organization that sponsors or a person who
4 participates with domestic animal or domestic fowl species in
5 a purebred dog or cat show, or a state or county fair or
6 livestock show intended to advance the agricultural arts and
7 sciences.

8 "Exotic animal." An animal that is native to a foreign
9 country or of foreign origin or character, is not native to the
10 United States or was introduced from abroad and includes all
11 hybrids of such animal. The term includes, but is not limited
12 to, a nonhuman primate, lion, tiger, leopard, elephant, camel,
13 antelope, anteater, kangaroo, water buffalo and any species of
14 foreign domestic cattle, such as ankole, gayal and yak.

15 "Exotic wildlife." As defined in 34 Pa.C.S. § 2961 (relating
16 to definitions).

17 "Mobile housing facility." A transporting vehicle,
18 including, but not limited to, a truck, trailer or railway car
19 used to house animals while traveling for exhibition or public
20 education purposes.

21 Section 2. This act shall take effect in 60 days.