AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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

Section 1. Section 5511(h) and (h.1) of Title 18 of the Pennsylvania Consolidated Statutes are amended and the section is amended by adding a subsection to read:

§ 5511. Cruelty to animals.

(h) [Cropping ears of dog] **Specific violations; prima facie evidence of violation.**

(1) (i) A person commits a summary offense if [he crops] THE PERSON CROPS, TRIMS or cuts off, or causes or
procures to be cropped, TRIMMED or cut off, the whole[,]
or part of the ear or ears of a dog [or shows or exhibits
or procures the showing or exhibition of any dog whose
ear is or ears are cropped or cut off, in whole or in
part, unless the person showing [such] the dog has in his
possession either a certificate of veterinarian stating
that [such] the cropping was done by the veterinarian or
a certificate of registration from a county treasurer[,]
showing that [such] the dog was cut or cropped before
this section became effective].

(ii) The provisions of this [section] PARAGRAPH
shall not prevent a veterinarian from [cutting or
cropping] CROPPING, TRIMMING OR CUTTING OFF the whole or
part of the ear or ears of a dog when [such] the dog is
anesthetized[,] and shall not prevent any person from
causing or procuring [such] the cutting or cropping] THE
CROPPING, TRIMMING OR CUTTING OFF of a dog's ear or ears
by a veterinarian.

(iii) The possession by any person of a dog with an
ear or ears [cut off or cropped] CROPPED, TRIMMED OR CUT
OFF and with the wound OR INCISION SITE resulting
therefrom unhealed, or any [such] dog being found in the
charge or custody of any person or confined upon the
premises owned by or under the control of any person,
shall be prima facie evidence of a violation of this
subsection by [such] the person except as provided for in
this subsection.

(iv) A PERSON WHO PROCURES THE CROPPING, TRIMMING OR
CUTTING OFF OF THE WHOLE OR PART OF AN EAR OR EARS OF A
DOG SHALL RECORD THE PROCEDURE. THE RECORD SHALL INCLUDE

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[The owner of any dog whose ear or ears have been cut off or cropped before this section became effective may, if a resident of this Commonwealth, register such dog with the treasurer of the county where he resides, and if a nonresident of this Commonwealth, with the treasurer of any county of this Commonwealth, by certifying, under oath, that the ear or ears of such dog were cut or cropped before this section became effective, and the payment of a fee of $1 into the county treasury. The said treasurer shall thereupon issue to such person a certificate showing such dog to be a lawfully cropped dog.]

(2) (i) A person commits a summary offense if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of any part of its resonance chamber.

(ii) The provisions of this paragraph shall not prevent a veterinarian from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a veterinarian.

(iii) The possession by ANY person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound OR INCISION SITE resulting

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therefrom unhealed, OR ANY SUCH DOG BEING FOUND IN THE
CHARGE OR CUSTODY OF ANY PERSON OR CONFINED UPON THE
PREMISES OWNED BY OR UNDER THE CONTROL OF ANY PERSON,
shall be prima facie evidence of a violation of this
paragraph by the person, except as provided in this
paragraph.

(iv) A person who procures the cutting of vocal
cords or the alteration of the resonance chamber of a dog
shall record the procedure. THE RECORD SHALL INCLUDE THE
NAME OF THE ATTENDING VETERINARIAN AND THE DATE AND
LOCATION AT WHICH THE PROCEDURE WAS PERFORMED. THE RECORD
SHALL BE KEPT AS LONG AS THE WOUND OR INCISION SITE IS UNHEALED AND SHALL BE TRANSFERRED WITH THE DOG DURING THAT PERIOD OF TIME.

(3) (i) A person commits a summary offense if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.

(ii) The provisions of this paragraph shall not prevent a veterinarian from docking, cutting OFF or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting OFF or docking of a tail of a dog by a veterinarian as provided in this paragraph.

(III) THE PROVISIONS OF THIS SECTION SHALL NOT PREVENT A VETERINARIAN FROM SURGICALLY REMOVING, DOCKING, CUTTING OFF OR CROPPING THE TAIL OF A DOG BETWEEN FIVE DAYS AND 12 WEEKS OF AGE IF, IN THE VETERINARIAN’S PROFESSIONAL JUDGMENT, THE PROCEDURE IS MEDICALLY
NECESSARY FOR THE HEALTH AND WELFARE OF THE DOG. IF THE
PROCEDURE IS PERFORMED, IT SHALL BE DONE IN ACCORDANCE
WITH GENERALLY ACCEPTED STANDARDS OF VETERINARY PRACTICE.

(iii) (IV) The possession by a ANY person of a dog with a tail cut off or docked and with the wound OR INCISION SITE resulting therefrom unhealed, OR ANY SUCH DOG BEING FOUND IN THE CHARGE OR CUSTODY OF ANY PERSON OR CONFINED UPON THE PREMISES OWNED BY OR UNDER THE CONTROL OF ANY PERSON, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.

(iv) (V) A person who procures the cutting off or docking of a tail of a dog shall record the procedure and keep the record. PROCEDURE. THE RECORD SHALL INCLUDE THE NAME OF THE ATTENDING VETERINARIAN AND THE DATE AND LOCATION AT WHICH THE PROCEDURE WAS PERFORMED. THE RECORD SHALL BE KEPT AS LONG AS THE WOUND OR INCISION SITE IS UNHEALED AND SHALL BE TRANSFERRED WITH THE DOG DURING THAT PERIOD OF TIME.

(4) (i) A person commits a summary offense if the person surgically births or causes or procures a surgical birth.

(ii) The provisions of this section shall not prevent a veterinarian from surgically birthing a dog when the dog is anesthetized and shall not prevent any person from causing or procuring the A SURGICAL birthing by a veterinarian.

(iii) The possession by a ANY person of a dog with a wound OR INCISION SITE resulting from a surgical birth unhealed, OR ANY SUCH DOG BEING FOUND IN THE CHARGE OR
CUSTODY OF ANY PERSON OR CONFINED UPON THE PREMISES OWNED
BY OR UNDER THE CONTROL OF ANY PERSON, shall be prima
facie evidence of a violation of this paragraph by the
person, except as provided in this paragraph.

(iv) A person who procures the surgical birth of a
dog shall record the procedure and keep the record.

PROCEDURE. THE RECORD SHALL INCLUDE THE NAME OF THE
ATTENDING VETERINARIAN AND THE DATE AND LOCATION AT WHICH
THE PROCEDURE WAS PERFORMED. THE RECORD SHALL BE KEPT AS
LONG AS THE WOUND OR INCISION SITE IS UNHEALED AND SHALL
BE TRANSFERRED WITH THE DOG DURING THAT PERIOD OF TIME.

(v) This paragraph shall not apply to personnel
required to comply with standards to minimize pain to an
animal set forth in section 2143(a)(3) of the Animal
Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
trained in accordance with section 2143(d) of the Animal
Welfare Act, who work in a federally registered research
facility required to comply with the Animal Welfare Act
under the guidance or oversight of a veterinarian.

(5) (i) A person commits a summary offense if the
person cuts off or causes or procures the cutting off of
the dewclaw of a dog over five days old.

(ii) The provisions of this paragraph shall not
prevent a veterinarian from cutting the dewclaw and shall
not prevent a person from causing or procuring the
procedure by a veterinarian.

(iii) The possession by ANY person of a dog with
the dewclaw cut off and with the wound OR INCISION SITE
resulting therefrom unhealed, OR ANY SUCH DOG BEING FOUND
IN THE CHARGE OR CUSTODY OF ANY PERSON OR CONFINED UPON
THE PREMISES OWNED BY OR UNDER THE CONTROL OF ANY PERSON,
shall be prima facie evidence of a violation of this
paragraph by the person, except as provided in this
paragraph—and keep the record.

(iv) A person who procures the cutting off of the
dewclaw of a dog shall record the procedure and keep the
record. PROCEDURE. THE RECORD SHALL INCLUDE THE NAME OF
THE ATTENDING VETERINARIAN AND THE DATE AND LOCATION AT
WHICH THE PROCEDURE WAS PERFORMED. THE RECORD SHALL BE
KEPT AS LONG AS THE WOUND OR INCISION SITE IS UNHEALED
AND SHALL BE TRANSFERRED WITH THE DOG DURING THAT PERIOD
OF TIME.

(h.1) Animal fighting.--A person commits a felony of the
third degree if he:

(1) for amusement or gain, causes, allows or permits any
animal to engage in animal fighting;

(2) receives compensation for the admission of another
person to any place kept or used for animal fighting;

(3) owns, possesses, keeps, trains, promotes, purchases,
steals or acquires in any manner or knowingly sells any
animal for animal fighting;

(4) in any way knowingly encourages, aids or assists
therein;

(5) wagers on the outcome of an animal fight;

(6) pays for admission to an animal fight or attends an
animal fight as a spectator; or

(7) knowingly permits any place under his control or
possession to be kept or used for animal fighting.

This subsection shall not apply to activity undertaken in a
normal agricultural operation.

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(o.2) Limited authority to enforce summary offenses in certain counties.

(1) A State dog warden who has authority under section 901(a) of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, shall have authority to enforce this section in a county in which there is no humane society police officer appointed under 22 Pa.C.S. Ch. 37 (relating to humane society police officers). Authority provided under this subsection may only be exercised in the enforcement of summary offenses particular to acts or omissions on dogs in the operation of an establishment licensed or required to be licensed as a kennel under the Dog Law.

(2) A State dog warden shall have no enforcement authority under this subsection unless the warden has successfully completed all of the minimum requirements for initial training and additional training under 22 Pa.C.S. §§ 3712 (relating to training program) and 3713 (relating to continuing education program).

(3) A State dog warden shall have no authority under this subsection to seize any dog except pursuant to the search of a kennel premises for which a search warrant has been issued in accordance with the applicable provisions of the Pennsylvania Rules of Criminal Procedure. A State dog warden shall not file, obtain or execute any search warrant unless the warden has complied with the requirements for prior approval under 22 Pa.C.S. § 3710 (relating to search warrants). The authority of a dog warden to obtain or execute search warrants or to seize dogs under this section shall not exceed the authority under subsection (1).
This subsection shall not be construed as modifying, rescinding or superseding any authority of State dog wardens under the Dog Law.

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Section 2. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 5511(h.1) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.