AN ACT

Amending the act of December 7, 1982 (P.L.784, No.225), entitled "An act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the abandonment of animals; providing for the assessment of damages done to animals; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account," in injury to dogs, further providing for selling, bartering or trading dogs and providing for sales by pet shop-kennels.

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

Section 1. Section 603(c) of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, is amended and the section is amended by adding subsections to read:
Section 603. Selling, bartering or trading dogs.

(c) Illegal for certain persons to transfer dogs.--It shall be unlawful for any person to buy, sell, offer to sell, transfer, barter, trade, raffle, auction or rent a dog at any public place in this Commonwealth [other than a kennel licensed pursuant to this act, or a dog show, performance event or field trial sponsored by a recognized breed or kennel association or transfer by a rescue network kennel within its own network or to another rescue network kennel. If a purchase, sale, transfer, barter, trade, raffle, auction or rental of a dog occurs at or on the premises of a kennel, the transaction shall be unlawful unless one of the parties to the transaction is an employee, volunteer or other person acting as an authorized representative of the kennel.]

(d) Required advertising information.--An individual required to possess a Federal, State or local license shall prominently include that individual's name and address as registered with the licensing agency and each applicable Federal, State or local license number in the text of a newspaper, posting, mail, Internet website or other form of media or advertisement offer for the sale of a dog.

(e) Definition.--As used in subsection (c), the term "public place" means a roadside, public right-of-way, parkway, median, park, other recreational area, flea market or other market, or commercial or retail parking lot regardless of whether such access is authorized. The term shall not include a transfer by a rescue network kennel or shelter.

Section 2. The act is amended by adding a section to read:

Section 604. Sales by pet shop-kennels.

20180HB2601PN3916 - 2 -
(a) Sources and original breeder verification.--

(1) A retail pet store may offer a dog or cat for sale only if the dog or cat is obtained from:

(i) an animal welfare organization;

(ii) an animal control unit; or

(iii) the original breeder of the dog or cat, if the breeder meets the requirements under paragraph (2).

(2) A retail pet store shall ensure that a person under paragraph (1)(iii) from which the retail pet store obtains a dog or cat, as of the day the retail pet store receives the dog or cat:

(i) holds a current license under the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.) from the United States Department of Agriculture; and

(ii) has not received from the United States Department of Agriculture, in accordance with an enforcement action of the laws and regulations under the Animal Welfare Act:

(A) a citation on a final inspection report for a direct or critical violation within the two-year period before the day the dog or cat is received by the retail pet store;

(B) citations on two or more consecutive final inspection reports for one or more repeat noncompliant items within the two-year period before the day the dog or cat is received by the retail pet store;

(C) a citation on both of the two most recent final inspection reports for a no-access violation; or
three or more citations on the most recent final inspection report for separate noncompliant items other than no-access violations;

(iii) is classified as United States Department of Agriculture exempt and does not qualify to be licensed by the Animal Welfare Act based on the number of breeding female dogs in the possession of the retail pet store.

(b) Recordkeeping and posting.--

(1) A pet shop-kennel shall maintain records sufficient to document the source of each dog, cat or rabbit the pet shop-kennel acquires, for at least two years following the date of acquisition.

(2) A pet shop-kennel shall:

(i) Post, in a conspicuous location on the cage or enclosure or near the cage of each animal:

(A) The breed, age and date of birth of the animal.

(B) If obtained from a breeder, the state in which the breeder and, if applicable, the dealer of the dog is located.

(C) If obtained from a breeder, the United States Department of Agriculture license number of the breeder.

(D) If obtained from an animal control unit, the name of the animal control unit.

(E) If obtained from an animal welfare organization, the name of the animal welfare organization and the organization's Federal tax identification number.

(ii) Post conspicuously on each animal's cage or, if
the posting would block viewing of the animal in the
cage, near the animal's cage, if obtained from a breeder,
the final inspection reports for the breeder and issued
by the United States Department of Agriculture from the
two years immediately before the date the pet store
received the animal.

(iii) Maintain a written record that includes the
following information about each animal in the possession
of the retail pet store:

(A) The breed, age and date of birth of the
animal.

(B) The sex, color and any identifying markings
of the animal.

(C) Documentation of all inoculations, worming
treatments and other medical treatments, if known,
including the date of the medical treatment, the
diagnoses and the name and title of the treatment
provider.

(D) If obtained from a breeder or dealer, the
name and address of:

(I) The breeder who supplied the animal.

(II) The facility where the animal was born.

(III) The transporter or carrier of the
animal, if any.

(E) If obtained from a breeder, the United
States Department of Agriculture license number of
the breeder and, if applicable, the dealer.

(F) If obtained from a breeder or dealer, the
final inspection reports issued by the United States
Department of Agriculture from the two years.
immediately before the date the pet store received
the animal.

(G) If obtained from an animal control unit, the
name and address of the animal control unit.

(H) If obtained from an animal welfare
organization, the name and address of the animal
welfare organization.

(I) Any identifying information, including a
tag, tattoo, collar number or microchip.

(J) If the animal is being sold as registered or
registrable:

(I) The names and registration numbers of
the sire and dam.

(II) The litter number.

(iv) For each animal acquired by the retail pet
store, maintain a written record of the health, status
and disposition of the animal, including any documents
that are required at the time of sale.

(3) Records under paragraph (1) shall be made available
immediately upon request to a humane society police officer,
police officer, State dog warden, employee of the department
or animal control officer and shall be submitted annually to
the department.

(c) Penalties.--Notwithstanding sections 901 and 903, a pet
shop-kennel operator that violates this section shall be subject
to a civil penalty of $500. Each animal offered for sale in
violation of this section shall constitute a separate violation.

(d) Construction.--Nothing in this section shall be
construed to prevent a political subdivision from adopting and
enforcing ordinances or regulations consistent with this
(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

"Animal care facility." An animal control center or animal shelter, maintained by or under contract with any State, county, or municipality, the mission or practice of which is to protect the welfare of animals and the placement of animals in permanent homes or animal rescue organizations.

"Animal rescue organization." A not-for-profit organization that has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)), the mission or practice of which is the rescue of animals and the placement of those animals in permanent homes. This term does not include the following:

(1) An entity that is a breeder or broker.

(2) An entity that is affiliated with or housed on the premises of a breeder or broker.

(3) An entity that obtains dogs from a breeder or broker in exchange for payment or compensation or resells dogs obtained from a breeder or broker and provides payment or compensation to the breeder or broker.

"Breeder." A person that maintains dogs, cats or rabbits for the purpose of breeding and selling their offspring.

"Broker." A person that transfers dogs, cats or rabbits for resale by another person.

"Offer for sale." To sell, offer for sale or adoption, barter, auction, give away or otherwise transfer a dog, cat or rabbit.

"Pet shop-kennel." Any kennel or person that acquires and
sells dogs, cats or rabbits for the purpose of resale, whether as owner, agent or consignee, and sells or offers to sell the dogs, cats or rabbits on a retail basis.

Section 3. This act shall take effect in 180 days.