
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 558 Session of
1989

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E. Z. TAYLOR, FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
FEBRUARY 15, 1989

AN ACT

1 Regulating the operation of pet shops; providing for the
2 licensing of pet shop operators; imposing duties on the
3 Department of Agriculture; and providing for penalties.

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

11 Section 1. Short title.

12 This act shall be known and may be cited as the Animal
13 Welfare Act.

14 Section 2. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Animal shelter." A facility operated, owned or maintained
19 by a duly incorporated humane society, animal welfare society or
20 other nonprofit organization whose purpose is to provide for and
21 promote the welfare, protection and humane treatment of animals,
22 including animals impounded for rabies observation. The term
23 includes any veterinary hospital or clinic operated by a
24 veterinarian or veterinarians licensed under the act of December
25 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine
26 Practice Act, which operates for the above-mentioned purpose in
27 addition to its customary purposes.

28 "Department." The Department of Agriculture of the
29 Commonwealth.

30 "Person." Any State or local officer or employee, or any

1 individual, corporation, copartnership or association.

2 "Pet shop operator." Any person who sells, offers to sell,
3 exchanges or offers for adoption, with or without charge or
4 donation, dogs, cats, birds, fish, reptiles or other animals
5 customarily obtained as pets in this Commonwealth. The term does
6 not include a person who sells only animals that he has produced
7 and raised, nor does it include a veterinary hospital or clinic
8 operated by a veterinarian or veterinarians licensed under the
9 act of December 27, 1974 (P.L.995, No.326), known as the
10 Veterinary Medicine Practice Act.

11 "Pound." Any facility operated by or under contract for the
12 Commonwealth, or a county or other political subdivision of the
13 Commonwealth, for the purpose of impounding or harboring seized,
14 stray, homeless, abandoned or unwanted dogs, cats and other
15 animals, including animals impounded for rabies observation. The
16 term includes any veterinary hospital or clinic operated by a
17 veterinarian or veterinarians licensed under the act of December
18 27, 1974 (P.L.995, No.326), known as the Veterinary Medicine
19 Practice Act, which operates for the above-mentioned purpose in
20 addition to its customary purposes.

21 "Secretary." The Secretary of Agriculture of the
22 Commonwealth.

23 Section 3. Cooperation with Secretary of Agriculture of the
24 United States.

25 The department may cooperate with the Secretary of
26 Agriculture of the United States in carrying out the Animal
27 Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.),
28 entitled "An act to authorize the Secretary of Agriculture to
29 regulate the transportation, sale, and handling of dogs, cats,
30 and certain other animals intended to be used for purposes of

1 research of experimentation, and for other purposes," and the
2 rules and regulations issued by the Secretary of Agriculture of
3 the United States under that act. The secretary may promulgate
4 regulations to facilitate the cooperation, and to avoid any
5 unnecessary duplication or any conflict of activities, by the
6 department and the Secretary of Agriculture of the United States
7 in regulating the activities or areas covered by this act and
8 Public Law 89-544. The regulations may be in addition to other
9 regulations authorized by this act.

10 Section 4. Licensing of pet shop operators.

11 No person shall engage in business as a pet shop operator or
12 operate a pound or animal shelter, or any combination thereof,
13 in this Commonwealth without a license to do so issued by the
14 department. Only one license shall be required for any
15 combination of businesses at one location.

16 Section 5. Requisites for partnership or corporate licensees.

17 No license shall be issued to a partnership unless at least
18 one of the partners is licensed under this act, and no license
19 shall be issued to a corporation unless the persons authorized
20 to represent or act for it are listed with the department.

21 Section 6. Original licenses.

22 (a) Applications by individuals.--Applications by
23 individuals for original licenses shall be made to the
24 department, shall be in writing, under oath, on forms prescribed
25 by the department and shall be accompanied by the prescribed
26 fee, which shall not be returnable. The application shall
27 require such information as in the judgment of the department
28 will enable the department to pass on the qualifications of the
29 applicant for a license. It shall include, but need not be
30 limited to, information concerning the following:

- 1 (1) Age.
- 2 (2) Citizenship.
- 3 (3) Present residence.
- 4 (4) Location of the business licensed under this act.
- 5 (5) A description of facilities to be used.
- 6 (6) Present and previous business connections and
7 experience.
- 8 (7) Bank and professional references.
- 9 (8) Whether any license of the applicant under this act
10 or any Federal, State, county or local law, ordinance or
11 regulation relating to dealing in or handling dogs, cats or
12 other animals was ever suspended or revoked and whether the
13 applicant has ever been convicted of a felony. A felony
14 conviction may be taken into consideration by the department
15 in determining qualifications for licensing but shall not
16 operate as a bar to license.

17 (b) Applications by partnerships or corporations.--

18 Applications by partnerships or corporations for original
19 licenses shall be made to the department, shall be in writing,
20 under oath, on forms prescribed by the department and shall be
21 accompanied by the prescribed fee, which shall not be
22 returnable. Any such application shall list, but need not be
23 limited to, the following:

- 24 (1) The name of each partner, if a partnership.
- 25 (2) The name of each director and officer, if a
26 corporation.
- 27 (3) Address of the applicant.
- 28 (4) Financial resources of the applicant.
- 29 (5) The names of partners, directors or officers, as the
30 case may be, or other persons authorized to represent or act

1 for the partnership or corporation under this act.

2 Section 7. Renewal licenses.

3 Applications for renewal licenses shall be made to the
4 department, shall be in writing, under oath and on forms
5 prescribed by the department to determine if the applicant is
6 qualified to continue to hold a license, and shall be
7 accompanied by the prescribed fee, which shall not be
8 returnable.

9 Section 8. Nonresident applicants for license; consent to
10 service of process; authority to do business.

11 Each nonresident applicant for an original license, except a
12 foreign corporation, shall file with the department an
13 irrevocable consent that actions against the applicant may be
14 filed in a court of common pleas of this Commonwealth in which
15 the plaintiff resides or in which some part of the transaction
16 occurred out of which the alleged cause of action arose, and
17 that process in any action may be served on the applicant by
18 leaving two copies thereof with the secretary. Such consent
19 shall stipulate and agree that such service of process shall be
20 taken and held to be valid and binding for all purposes. The
21 secretary shall promptly send one copy of such process to the
22 applicant by registered mail at the address shown on the records
23 of the department. No foreign corporation shall receive a
24 license under this act until it has been duly authorized to do
25 business in this Commonwealth by the Secretary of the
26 Commonwealth.

27 Section 9. Licenses.

28 (a) Term and renewal.--Each license shall be issued for the
29 term of one fiscal year of the Commonwealth or for such part of
30 the fiscal year as remains at the time of the issuance of the

1 license. Each license shall be renewed during the month of June
2 of each year. Each license not renewed during June of each year
3 shall expire on June 30 of that year. Failure to apply for
4 license renewal before July 1 of each year forfeits the right of
5 renewal. When such right has been forfeited, the licensee shall
6 procure a new license as provided in this act.

7 (b) Display.--A license must be prominently displayed at
8 each place of business of the licensee. Where the licensee
9 conducts business at more than one address, branch office
10 licenses shall be issued on payment of the required fee.

11 (c) Signed and sealed.--Each license shall be signed by the
12 secretary and shall be issued under the seal of the department.

13 Section 10. Refusal, suspension or revocation of license.

14 The department may refuse to issue or renew or may suspend or
15 revoke a license on any one or more of the following grounds:

16 (1) Material misstatement in the application for
17 original license or in the application for any renewal
18 license under this act.

19 (2) Willful disregard or violation of this act or of any
20 rule or regulation issued pursuant to this act.

21 (3) Willfully aiding or abetting another in the
22 violation of this act or of any rule or regulation issued
23 pursuant to this act.

24 (4) Allowing a license issued under this act to be used
25 by an unlicensed person.

26 (5) Conviction of any crime an essential element of
27 which is misstatement, fraud or dishonesty, or conviction of
28 any felony, if the department determines, after
29 investigation, that such person has not been sufficiently
30 rehabilitated to warrant the public trust.

1 (6) Conviction of a violation of any law of this
2 Commonwealth, except minor violations such as traffic
3 violations and violations not related to the disposition of
4 dogs, cats and other animals, or any rule or regulation of
5 the department relating to dogs, cats or other animals and
6 the sale thereof.

7 (7) Making substantial misrepresentations or false
8 promises of a character likely to influence, persuade or
9 induce in connection with the business of a licensee under
10 this act.

11 (8) Pursuing a continued course of misrepresentation or
12 making false promises through advertising, salesmen, agents
13 or otherwise in connection with the business of a licensee
14 under this act.

15 (9) Failure to possess the necessary qualifications or
16 to meet the requirements of this act for the issuance or
17 holding of a license.

18 Section 11. Investigations and hearings.

19 (a) Authorization.--The department may, upon its own motion,
20 and shall, upon the verified complaint in writing of any person
21 who has been the recipient of an animal through purchase, gift
22 or adoption, setting forth facts which if proved would
23 constitute grounds for refusal to issue or renew or for
24 suspension or revocation of a license under this act,
25 investigate the actions of any applicant or any person or
26 persons holding or claiming to hold a license.

27 (b) Subpoenas.--The department, over the signature of the
28 secretary, is authorized to subpoena and bring before the
29 department any person or persons in this Commonwealth and to
30 take testimony, either orally or by deposition or by exhibit,

1 with the same fees and mileage and in the same manner as
2 prescribed by law in judicial procedure in civil cases in courts
3 of common pleas of this Commonwealth.

4 (c) Oaths.--Any authorized agent of the department may
5 administer oaths to witnesses at any hearing which the
6 department is authorized by law to conduct.

7 (d) Procedure.--All actions of the department and the
8 secretary shall be taken subject to the right of notice,
9 hearing, adjudication and appeal therefrom in accordance with
10 the provisions of 2 Pa.C.S. (relating to administrative law and
11 procedure).

12 Section 12. Surrender of license upon revocation or suspension.

13 Upon the revocation or suspension of any license, the
14 licensee shall promptly surrender the license and any branch
15 office licenses to the department, and, if the licensee fails to
16 do so, the department shall have the right to seize the license
17 or licenses.

18 Section 13. Sanitary and health conditions.

19 The licensee shall:

20 (1) Maintain sanitary conditions.

21 (2) Insure proper ventilation.

22 (3) Provide adequate nutrition.

23 (4) Provide humane care and treatment of all animals
24 under his jurisdiction.

25 (5) Provide for a licensed veterinarian on staff or on
26 call to ensure that animals for sale, trade or adoption are
27 free of disease.

28 (6) Take reasonable care to release for sale, trade or
29 adoption only those animals which are free of disease,
30 injuries or abnormalities. A health certificate meeting the

1 requirements of the department and issued by a licensed
2 veterinarian for any such animal within five days before the
3 sale, trade or adoption is prima facie evidence that the
4 licensee has taken reasonable care, as required by this
5 section.

6 Section 14. Duties of secretary.

7 The secretary may issue rules and regulations, consistent
8 with the provisions of this act, for the administration and
9 enforcement of this act and may prescribe forms and fees which
10 shall be used in connection therewith.

11 Section 15. Violations.

12 Any person violating any provision of this act or any rule,
13 regulation or order of the department issued pursuant to this
14 act commits a summary offense and shall, upon conviction, be
15 sentenced to pay a fine not exceeding \$500 for each violation.

16 Section 16. Disposition of funds.

17 All fees and other money received by the department under
18 this act shall be retained by the Department of Agriculture for
19 the enforcement of this act.

20 Section 17. Effective date.

21 This act shall take effect immediately.