

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2256 Session of
1993

INTRODUCED BY D. R. WRIGHT, COY, ROONEY, STABACK, DeLUCA,
CAPPABIANCA, TRELLO, JOSEPHS, NYCE, KUKOVICH, HARLEY,
E. Z. TAYLOR, MUNDY, GEIST, LYNCH, ADOLPH, HENNESSEY, WOGAN,
RAYMOND, CARONE, LAUB, BELARDI, STERN, DRUCE, BELFANTI,
LAUGHLIN, FREEMAN, D. W. SNYDER AND McCALL, NOVEMBER 24, 1993

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
NOVEMBER 24, 1993

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled
2 "An act relating to dogs, regulating the keeping of dogs;
3 providing for the licensing of dogs and kennels; providing
4 for the protection of dogs and the detention and destruction
5 of dogs in certain cases; regulating the sale and
6 transportation of dogs; declaring dogs to be personal
7 property and the subject of theft; providing for the
8 assessment of damages done to livestock, poultry and domestic
9 game birds; providing for payment of damages by the
10 Commonwealth in certain cases and the liability of the owner
11 or keeper of dogs for such damages; imposing powers and
12 duties on certain State and local officers and employees;
13 providing penalties; and creating a Dog Law Restricted
14 Account," further providing for kennels, for sales documents
15 and for selling or trading dogs; and providing for duties of
16 State dog wardens.

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

19 Section 1. Section 206 of the act of December 7, 1982
20 (P.L.784, No.225), known as the Dog Law, is amended by adding a
21 subsection to read:

22 Section 206. Kennels.

23 * * *

1 (e) Dogs in danger.--If a dog is removed from a kennel under
2 section 402(5), the kennel shall return any fee charged for care
3 of the dog.

4 Section 2. Sections 207, 210 and 215 of the act are amended
5 to read:

6 Section 207. Transfer of kennels.

7 (a) Kennel removed to another county.--Whenever any person
8 who keeps or operates a kennel permanently removes the kennel to
9 another county, he shall file an application with the secretary
10 to transfer his license to the county of removal. Upon approval
11 by the secretary, the kennel license shall remain in effect,
12 until it has expired pursuant to section 206.

13 (b) Maintenance of kennels.--All kennels shall be
14 [~~maintained~~] operated in a sanitary and humane condition [in
15 accordance with standards and sanitary codes promulgated by the
16 secretary.] so as to protect the health and well-being of the
17 dogs housed in the kennel. Specifically, all kennels shall
18 conform to the following conditions:

19 (1) All primary enclosures shall be constructed and
20 maintained to provide sufficient space for each dog to move
21 freely about, turn fully around, stand fully erect and to sit
22 and lie down in a normal, comfortable position. When an
23 animal becomes too large for its cage, it shall be promptly
24 transferred to a cage that provides sufficient space as set
25 forth in this paragraph.

26 (2) The bottom of each enclosure shall be constructed so
27 as not to injure or cause discomfort to the dog's feet while
28 in a standing position or while moving about the cage.

29 (3) The temperature of the enclosure shall be maintained
30 at a level to protect the animal's health.

1 (4) The enclosure shall be constructed so as to provide
2 protection from the elements such as wind, rain, snow and
3 sun.

4 (5) Both indoor and outdoor enclosures shall provide
5 animals adequate natural or artificial light.

6 (6) Enclosures shall be maintained in a sanitary way so
7 as to prevent the spread of disease and to protect the health
8 of the animal.

9 (7) Food that is nutritional and free from contamination
10 or disease shall be provided once a day unless otherwise
11 directed by a veterinarian. Water shall be provided twice a
12 day unless otherwise specified by a veterinarian. Food and
13 water shall be provided in spill-resistant dishes or
14 receptacles. Self-feeders may be used. All receptacles used
15 to feed dogs shall be regularly sanitized and cleaned.

16 (8) Dogs shall be removed from their enclosures at least
17 once a day for an extended period of at least 30 minutes for
18 exercise, either in an outside pen or an enclosed pen
19 providing appropriate space and conditions for the dog to run
20 about unless a veterinarian recommends otherwise or weather
21 conditions prohibit the exercise of dogs in an outdoor
22 facility.

23 (9) Dogs being kept primarily for breeding purposes may
24 not be bred in such a way so as to endanger its own health.

25 (c) Records to be maintained.--Every keeper of a kennel
26 shall keep a record of each dog at any time kept in the kennel
27 for two years. Such record shall show:

28 (1) The breed, color, markings, sex and age of each dog.

29 (2) The date on which each dog entered the kennel.

30 (3) Where it came from.

- 1 (4) To whom it belongs.
- 2 (5) For what purpose each dog is kept in the kennel.
- 3 (6) The date on which each dog leaves the kennel.
- 4 (7) How and to whom it is disposed.

5 Such record shall be legible and shall be open to inspection by
6 any employee of the department, State dog warden or police
7 officer or agent of any legally constituted law enforcement
8 agency as defined by this act.

9 (d) Additional requirements.--Every holder of a kennel
10 license shall attach one tag to a collar or harness of each dog
11 six months old or older kept by that person, whenever the dog is
12 not within the kennel except as provided for in section 202.

13 Section 210. [Bills of sale.] Documents.

14 (a) Bills of sale.--All owners or operators of kennels
15 described in section 206, and all out-of-state dealers shall be
16 required to have in their possession a bill of sale for each dog
17 purchased or transported, except for dogs delivered to the
18 kennel licensee for purposes of boarding or for dogs whelped at
19 the kennel. Any bill of sale which is fraudulent or indicates
20 the theft of any dog, shall be prima facie evidence for the
21 immediate revocation of license by the secretary. The bill of
22 sale shall contain information required by the secretary through
23 regulations.

24 (b) Certificates of sale.--

25 (1) A dog offered for sale by a kennel shall be
26 accompanied by a certificate of sale that contains all of the
27 following:

28 (i) Information on the breed, sex and age of the
29 dog.

30 (ii) A record of vaccinations and veterinary

1 treatment received by the dog.

2 (iii) A record of the current health of the dog.

3 (iv) Other information required by regulations of
4 the department.

5 (2) Information under paragraph (1)(i) through (iii)
6 must be verified by a veterinarian. Information under
7 paragraph (1)(iv) must be verified by a veterinarian if the
8 regulation requires.

9 Section 215. Selling, bartering or trading dogs.

10 (a) General rule.--It shall be unlawful for any person to
11 buy, sell, transfer, barter, trade, raffle, rent, auction or
12 offer as an inducement to purchase any product, commodity or
13 service, any dog at any public place other than at licensed
14 kennel locations, pet shop-kennels licensed pursuant to this
15 act, dog shows, or field trials sponsored by a recognized breed
16 or kennel association. For purposes of this section the term
17 public place shall mean a place to which the general public has
18 a right to resort; not necessarily a place devoted solely to the
19 uses of the public, but a place which is in point of fact public
20 rather than private, a place visited by many persons and usually
21 accessible to the neighboring public. It shall be unlawful to
22 barter, trade, sell or in any way transfer any dog under seven
23 weeks of age, unless such puppies have been orphaned and it
24 becomes necessary to transfer said orphaned puppies to a
25 nonprofit kennel.

26 (b) Equitable relief.--If, within three months of a sale of
27 a dog, a veterinarian certifies that information subject to
28 section 210(b)(2) was incorrect or misrepresented, the consumer
29 may elect to return the dog and receive a replacement or to
30 return the dog and receive a full refund.

1 Section 3. The act is amended by adding a section to read:

2 Section 402. State dog wardens.

3 A State dog warden has the following powers and duties:

4 (1) To inspect kennels and pet shop kennels.

5 (2) To verify that the requirements of this act are
6 being complied with.

7 (3) To report any continuing violations to the
8 department.

9 (4) To recommend the imposition of fines when
10 appropriate.

11 (5) Upon suspicion that a dog is in poor health or is
12 being mistreated, to require a veterinarian to examine the
13 dog. If the dog is found by the veterinarian to be in poor
14 health or mistreated, the State dog warden shall order
15 supplemental care for the dog based upon recommendations of
16 the veterinarian. The dog shall be reexamined by the
17 veterinarian after one month to ensure that the kennel is
18 complying with recommendations under this paragraph. If it is
19 found that the kennel is not complying with these
20 recommendations, the dog shall be removed from the facility
21 in order to protect its health.

22 Section 4. This act shall take effect in 60 days.