
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 816 Session of
2001

INTRODUCED BY WENGER, WAUGH, MADIGAN, COSTA, SCHWARTZ,
TARTAGLIONE, M. WHITE, O'PAKE, BOSCOLA, SCARNATI, ROBBINS,
THOMPSON, CORMAN, RHOADES, LEMMOND AND STACK, APRIL 30, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 13, 2001

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, providing for assaults with biological agents on
4 animals.

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 § 5511.3. Assault with a biological agent on animal.

10 (a) Offense defined.--A person commits a felony of the
11 second degree if the person intentionally, knowingly, or
12 maliciously exposes or causes to be exposed, an animal or fowl
13 to any virus, bacteria, prion or other agent which causes
14 infectious disease, including any of the following:

15 (1) Foot-and-mouth disease.

16 (2) Bovine spongiform encephalopathy (BSE), commonly
17 known as mad cow disease.

1 (3) AVIAN INFLUENZA.

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2 (4) VARROAMITE.

3 (b) Restitution.--The person convicted of violating this
4 section shall, in addition to any other sentence imposed, be
5 sentenced to pay the owner of the afflicted animal OR AFFLICTED
6 BENEFICIAL INSECT, INCLUDING, BUT NOT LIMITED TO, HONEY BEES,
7 restitution in an amount equal to the cost of the financial
8 damages incurred as a result of the offense, including the
9 following:

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10 (1) Value of afflicted animal OR BENEFICIAL INSECT.

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11 (2) Disposal of afflicted animal OR BENEFICIAL INSECT.

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12 (3) Testing for disease on existing animal.

13 (4) Cleanup and sanitization of property and buildings
14 on and in which afflicted animals OR BENEFICIAL INSECTS were
15 located.

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16 (5) Liability insurance for cleanup and sanitization
17 workers.

18 (6) Soil testing of property.

19 (7) Loss revenue for aggrieved owner of afflicted animal
20 OR BENEFICIAL INSECT.

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21 (c) Exceptions.--The provisions of this section shall not
22 apply to research or veterinarian services, including,
23 immunizations, vaccinations or other treatments administered
24 during the normal scope of practice.

25 Section 2. Title 42 is amended by adding a section to read:

26 § 8313. Assault with biological agent on animal OR BENEFICIAL
27 INSECT.

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28 (A) CIVIL ACTION AND RELIEF AVAILABLE.--An animal owner
29 aggrieved by a violation of this section may, in a civil action
30 in any court of competent jurisdiction, obtain appropriate

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1 relief, including preliminary and other equitable or declaratory
2 relief, compensatory and punitive damages, reasonable
3 investigation expenses and reasonable attorney fees and other
4 costs associated with the litigation of the action.

5 (B) DEFINITIONS.--AS USED IN THIS SECTION, THE TERM <—
6 "BENEFICIAL INSECT" INCLUDES, BUT IS NOT LIMITED TO, HONEY BEES.

7 Section 3. This act shall take effect immediately.