

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 19, 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, FOWL OR <—
10 HONEY BEES.

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

16 (1) Foot-and-mouth disease.

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

1 (3) Avian influenza.

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, FOWL OR honey~~ <—
7 bees, restitution in an amount equal to the cost of the
8 financial damages incurred as a result of the offense, including
9 the following:

10 (1) Value of afflicted animal ~~or beneficial insect, FOWL~~ <—
11 OR HONEY BEES.

12 (2) Disposal of afflicted animal ~~or beneficial insect,~~ <—
13 FOWL OR HONEY BEES.

14 (3) Testing for disease on existing animal.

15 (4) Cleanup and sanitization of property and buildings
16 on and in which afflicted animals ~~or beneficial insects, FOWL~~ <—
17 OR HONEY BEES were located.

18 (5) Liability insurance for cleanup and sanitization
19 workers.

20 (6) Soil testing of property.

21 (7) Loss revenue for aggrieved owner of afflicted animal
22 ~~or beneficial insect, FOWL OR HONEY BEES.~~ <—

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

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

28 § 8313. Assault with biological agent on animal ~~or beneficial~~ <—
29 ~~insect, FOWL OR HONEY BEES.~~ <—

30 (a) Civil action and relief available.--An animal owner

1 ~~aggrieved by a violation of this section~~ EXPOSURE OF AN ANIMAL, <—
2 FOWL OR HONEY BEES TO ANY VIRUS, BACTERIA, PRION OR OTHER AGENT
3 WHICH CAUSES INFECTIOUS DISEASE, INCLUDING FOOT-AND-MOUTH
4 DISEASE, BOVINE SPONGIFORM ENCEPHALOPATHY (BSE), COMMONLY KNOWN
5 AS MAD COW DISEASE, AVIAN INFLUENZA OR VARROAMITE, may, in a
6 civil action in any court of competent jurisdiction, obtain
7 appropriate relief, including ~~preliminary and other equitable or~~ <—
8 ~~declaratory relief,~~ compensatory and punitive damages,
9 reasonable investigation expenses and reasonable attorney fees
10 and other costs associated with the litigation of the action.
11 UPON A SHOWING OF CAUSE FOR THE ISSUANCE OF INJUNCTIVE RELIEF, A <—
12 COURT MAY ISSUE TEMPORARY RESTRAINING ORDERS, PRELIMINARY
13 INJUNCTIONS AND PERMANENT INJUNCTIONS AS MAY BE APPROPRIATE
14 UNDER THIS ACT. DURING ANY PERIOD THAT AN ACTION UNDER THIS
15 SECTION IS PENDING, A COURT MAY ORDER THE CESSATION OF THE
16 COMPLAINED OF ACTIVITY.
17 ~~(b) Definitions. As used in this section, the term~~ <—
18 ~~"beneficial insect" includes, but is not limited to, honey bees.~~
19 (B) EXCEPTIONS.--THE PROVISIONS OF THIS SECTION SHALL NOT <—
20 APPLY TO RESEARCH OR VETERINARIAN SERVICES, INCLUDING
21 IMMUNIZATIONS, VACCINATIONS OR OTHER TREATMENTS ADMINISTERED
22 DURING THE NORMAL SCOPE OF PRACTICE.
23 Section 3. This act shall take effect immediately.