

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2601 Session of 2018

INTRODUCED BY ORTITAY, SACCONI, BIZZARRO, BRADFORD, BULLOCK, BURNS, CALTAGIRONE, CHARLTON, COMMITTA, CORBIN, DALEY, DAVIS, DEAN, DEASY, DeLUCA, DONATUCCI, DOWLING, EVERETT, FARRY, FRANKEL, FREEMAN, GAINNEY, PHILLIPS-HILL, HILL-EVANS, JAMES, KAMPF, KAUFER, KAVULICH, W. KELLER, KIRKLAND, KORTZ, KULIK, J. McNEILL, D. MILLER, MURT, O'BRIEN, B. O'NEILL, OBERLANDER, M. QUINN, RADER, RAVENSTAHL, REESE, ROE, ROTHMAN, ROZZI, SANTORA, SCHLOSSBERG, SCHWEYER, SOLOMON, SONNEY, STAATS, STEPHENS, TOOHIL, WALSH, WATSON AND COOK, AUGUST 15, 2018

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS, AUGUST 15, 2018

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 abandonment of animals; providing for the assessment of
 9 damages done to animals; providing for payment of damages by
 10 the Commonwealth in certain cases and the liability of the
 11 owner 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," in injury to dogs, further providing for selling,
 15 bartering or trading dogs and providing for sales by pet
 16 shop-kennels.

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

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

1 Section 603. Selling, bartering or trading dogs.

2 * * *

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

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

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

29 Section 2. The act is amended by adding a section to read:
30 Section 604. Sales by pet shop-kennels.

1 (a) Sources and original breeder verification.--

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

4 (i) an animal welfare organization;

5 (ii) an animal control unit; or

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

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

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

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

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

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

28 (C) a citation on both of the two most recent
29 final inspection reports for a no-access violation;

30 or

1 (D) three or more citations on the most recent
2 final inspection report for separate noncompliant
3 items other than no-access violations;

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

8 (b) Recordkeeping and posting.--

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

13 (2) A pet shop-kennel shall:

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

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

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

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

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

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

30 (ii) Post conspicuously on each animal's cage or, if

1 the posting would block viewing of the animal in the
2 cage, near the animal's cage, if obtained from a breeder,
3 the final inspection reports for the breeder and issued
4 by the United States Department of Agriculture from the
5 two years immediately before the date the pet store
6 received the animal.

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

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

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

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

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

21 (I) The breeder who supplied the animal.

22 (II) The facility where the animal was born.

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

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

28 (F) If obtained from a breeder or dealer, the
29 final inspection reports issued by the United States
30 Department of Agriculture from the two years

1 immediately before the date the pet store received
2 the animal.

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

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

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

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

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

14 (II) The litter number.

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

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

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

28 (d) Construction.--Nothing in this section shall be
29 construed to prevent a political subdivision from adopting and
30 enforcing ordinances or regulations consistent with this

1 section.

2 (e) Definitions.--As used in this section, the following
3 words and phrases shall have the meanings given to them in this
4 subsection unless the context clearly indicates otherwise:

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

10 "Animal rescue organization." A not-for-profit organization
11 that has tax-exempt status under section 501(c)(3) of the
12 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
13 501(c)(3)), the mission or practice of which is the rescue of
14 animals and the placement of those animals in permanent homes.
15 This term does not include the following:

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

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

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

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

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

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

30 "Pet shop-kennel." Any kennel or person that acquires and

1 sells dogs, cats or rabbits for the purpose of resale, whether
2 as owner, agent or consignee, and sells or offers to sell the
3 dogs, cats or rabbits on a retail basis.

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