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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 44 Session of  
2019

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INTRODUCED BY KILLION, DINNIMAN, ALLOWAY, ARGALL, BARTOLOTTA,  
BOSCOLA, BREWSTER, COLLETT, COSTA, FARNESE, FONTANA, KEARNEY,  
LANGERHOLC, LAUGHLIN, LEACH, MUTH, PHILLIPS-HILL, SABATINA,  
SANTARSIERO, SCAVELLO, STEFANO, STREET, TARTAGLIONE, K. WARD,  
WHITE, YAW AND YUDICHAK, FEBRUARY 5, 2019

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REFERRED TO JUDICIARY, FEBRUARY 5, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for transfer and sale of  
3 animals.

4 This act may referred to as Victoria's Law.

5 The General Assembly finds that:

6 (1) A significant number of puppies, kittens and rabbits  
7 sold at pet stores come from large-scale, commercial breeding  
8 facilities, puppy mills, kitten mills and rabbit mills, where  
9 the health and welfare of the animals are not adequately  
10 addressed.

11 (2) According to The Humane Society of the United  
12 States, it is estimated that 10,000 puppy mills produce more  
13 than 2,400,000 puppies each year in the United States and  
14 that most pet store dogs, cats and rabbits come from puppy  
15 mills, kitten mills and rabbit mills.

16 (3) The documented abuses endemic to puppy mills, kitten  
17 mills and rabbit mills include overbreeding, inbreeding,

1 minimal to nonexistent veterinary care, lack of adequate and  
2 nutritious food and water, shelter, lack of socialization,  
3 lack of adequate space and lack of adequate exercise.

4 (4) The inhumane conditions in puppy mills, kitten mills  
5 and rabbit mills lead to health and behavioral issues in the  
6 animals bred in those facilities, and many consumers are  
7 unaware of these conditions and issues when they purchase  
8 animals from pet stores, due to both a lack of education on  
9 the subject matter and misleading tactics of some pet stores.

10 (5) These health and behavioral issues, which may not  
11 present themselves until some time after the purchase of the  
12 animals, can impose exorbitant financial and emotional costs  
13 on consumers.

14 (6) Current Federal and State regulations do not  
15 properly address the sale in pet stores of dogs, cats and  
16 rabbits bred at puppy mills, kitten mills and rabbit mills.

17 (7) Restricting the retail sale of puppies and kittens  
18 to only those that are sourced from animal shelters or rescue  
19 organizations will likely reduce the demand for puppies and  
20 kittens bred in puppy mills and kitten mills and will likely  
21 increase demand for animals from animal shelters or rescue  
22 organizations.

23 (8) Due in large part to pet overpopulation, thousands  
24 of dogs, cats and rabbits are euthanized annually in animal  
25 shelters across this Commonwealth.

26 (9) Restricting the retail sale of puppies, kittens and  
27 rabbits to only those that are sourced from animal shelters  
28 or rescue organizations will likely reduce pet overpopulation  
29 and the burden placed on agencies and local taxpayers.

30 (10) Across the United States, thousands of independent

1 pet stores and large chains operate in collaboration with  
2 local animal shelters and rescue organizations to offer space  
3 and support for showcasing adoptable homeless pets on their  
4 premises utilizing a business model focused on the sale of  
5 pet services and supplies rather than the sale of  
6 commercially bred dogs, cats or rabbits.

7 (11) The provisions of 18 Pa.C.S. Ch. 55 Subch. C will  
8 not impact a consumer's ability to obtain a dog, cat or  
9 rabbit of the consumer's choice directly from a breed-  
10 specific rescue organization or animal shelter or from a  
11 breeder where the consumer can see directly the conditions in  
12 which the dogs, cats or rabbits are bred.

13 (12) It is in the best interests of the Commonwealth to  
14 adopt reasonable regulations to reduce costs to the  
15 Commonwealth and its residents, protect the residents of the  
16 Commonwealth who may purchase dogs, cats or rabbits from a  
17 pet store or other business establishment, help prevent  
18 inhumane breeding conditions, promote community awareness of  
19 animal welfare and foster a more humane environment in this  
20 Commonwealth.

21 The General Assembly of the Commonwealth of Pennsylvania  
22 hereby enacts as follows:

23 Section 1. Chapter 55 of Title 18 of the Pennsylvania  
24 Consolidated Statutes is amended by adding a subchapter to read:

25 SUBCHAPTER C

26 TRANSFER AND SALE OF ANIMALS

27 Sec.

28 5571. Definitions.

29 5572. Advertising information.

30 5573. Sales by pet shop-kennels.

1 § 5571. Definitions.

2 The following words and phrases when used in this subchapter  
3 shall have the meanings given to them in this section unless the  
4 context clearly indicates otherwise:

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

10 "Animal control officer." As defined in section 102 of the  
11 Dog Law.

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

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

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

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

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

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

29 "Cat." As defined in section 102 of the Dog Law.

30 "Dog." As defined in section 102 of the Dog Law.

1 "Dog Law." The act of December 7, 1982 (P.L.784, No.225),  
2 known as the Dog Law.

3 "Humane society police officer." As defined in section 102  
4 of the Dog Law.

5 "Offer for sale." To sell, offer for sale or adoption,  
6 barter, auction, give away or otherwise transfer a dog, cat or  
7 rabbit.

8 "Pet shop-kennel." A kennel or person that acquires and  
9 sells dogs, cats or rabbits for the purpose of resale, whether  
10 as owner, agent or consignee, and sells or offers to sell the  
11 dogs, cats or rabbits on a retail basis.

12 "Police officer." As defined in section 102 of the Dog Law.

13 "State dog warden." As defined in section 102 of the Dog  
14 Law.

15 § 5572. Advertising information.

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

23 (b) Penalty.--An individual who violates subsection (a)  
24 shall be subject to a civil penalty of \$100 for each  
25 advertisement offer.

26 § 5573. Sales by pet shop-kennels.

27 (a) Offense defined.--No pet shop-kennel may offer for sale  
28 a live dog, cat or rabbit unless the dog, cat or rabbit was  
29 obtained from or displayed in cooperation with:

30 (1) an animal care facility; or

1           (2) an animal rescue organization.

2           (b) Recordkeeping and posting.--

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

7           (2) A pet shop-kennel shall post, in a conspicuous  
8 location on the cage or enclosure of each animal, a  
9 notification listing the name of the animal care facility or  
10 animal rescue organization from which a dog, cat or rabbit  
11 was obtained.

12           (3) Records under paragraph (1) shall be:

13           (i) Made available immediately upon request to a  
14 humane society police officer, police officer, State dog  
15 warden, employee of the Department of Agriculture or  
16 animal control officer.

17           (ii) Submitted annually to the Department of  
18 Agriculture.

19           (c) Penalties.--Notwithstanding sections 901 and 903 of the  
20 Dog Law, a pet shop-kennel operator that violates this section  
21 shall be subject to a civil penalty of \$500. Each animal offered  
22 for sale in violation of this section shall constitute a  
23 separate violation.

24           (d) Construction.--Nothing in this section shall be  
25 construed to prevent a political subdivision from adopting and  
26 enforcing ordinances or regulations consistent with this  
27 section.

28           Section 2. This act shall take effect in 180 days.