

DOG LAW - OMNIBUS AMENDMENTS
Act of Oct. 23, 2023, P.L. 114, No. 18
Session of 2023
No. 2023-18

Cl. 03

SB 746

AN ACT

Amending the act of December 7, 1982 (P.L.784, No.225), entitled "An act relating to dogs, regulating the keeping of dogs; providing for the licensing of dogs and kennels; providing for the protection of dogs and the detention and destruction of dogs in certain cases; regulating the sale and transportation of dogs; declaring dogs to be personal property and the subject of theft; providing for the abandonment of animals; providing for the assessment of damages done to animals; providing for payment of damages by the Commonwealth in certain cases and the liability of the owner or keeper of dogs for such damages; imposing powers and duties on certain State and local officers and employees; providing penalties; and creating a Dog Law Restricted Account," in short title and definitions, further providing for definitions; in licenses, tags and kennels, further providing for issuance of dog licenses, compensation, proof required, deposit of funds, records, license sales, rules and regulations, failure to comply, unlawful acts and penalty, for applications for dog licenses, fees and penalties, for kennels, for requirements for kennels, for revocation or refusal of kennel licenses, for dogs temporarily in the Commonwealth and for health certificates for importation; in offenses of dogs, further providing for dog bites and detentions and isolation of dogs; in dangerous dogs, further providing for court proceedings, certificate of registration and disposition, for requirements, for public safety and penalties and for construction of article; in injury to dogs, further providing for selling, bartering or trading dogs; in enforcement and penalties, further providing for enforcement of this act by the secretary and provisions for inspections and for enforcement and penalties; in sterilization of dogs and cats, further providing for definitions; and imposing penalties.

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

Section 1. The definitions of "humane society or association for the prevention of cruelty to animals," "humane society police officer" and "nonprofit kennel" in section 102 of the act of December 7, 1982 (P.L.784, No.225), known as the Dog Law, is amended and the section is amended by adding definitions to read:

Section 102. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Certificate of vaccination." A certificate verifying vaccination against rabies, containing information consistent with the current version of the National Association of State Public Health Veterinarians Rabies Compendium.

* * *

"Humane society or association for the prevention of cruelty to animals." A nonprofit society or association duly incorporated pursuant to 15 Pa.C.S. Ch. 53 Subch. A (relating to incorporation generally) for the purpose of the prevention of cruelty to animals[.], **which has a licensed physical kennel facility that can house a minimum of ten dogs, and which is not located on a residential property.**

"Humane society police officer." [Any person duly appointed pursuant to 22 Pa.C.S. § 501 (relating to appointment by nonprofit corporations) to act as a police officer for a humane society or association for the prevention of cruelty to animals. The term shall include any person who is an agent of a humane society or association for the prevention of cruelty to animals as agent is used in 18 Pa.C.S. § 5511 (relating to cruelty to animals).] **As defined in 22 Pa.C.S. § 3702 (relating to definitions).**

"Interstate certificate of veterinary inspection." A legible official document that is:

(1) made on a form issued by the chief livestock health official of the state of origin or the United States Department of Agriculture;

(2) prepared by an accredited veterinarian of the state of origin certifying the health of the animal described in the certificate; and

(3) validated by the chief livestock health official of the state of origin.

* * *

["Nonprofit kennel." A kennel registered under the laws of this Commonwealth as a nonprofit entity or a nonprofit animal control kennel under sections 901 and 1002. The term shall include kennels operated by approved medical and veterinary schools and nonprofit institutions conducting medical and scientific research, which shall be required to register, but shall not be required to pay any of the license fees set by this act, and which may use their own identification tags for dogs within their kennels without being required to attach tags hereinafter prescribed while dogs are within such kennels, if approved by the secretary.]

* * *

"Seller." An individual who:

(1) sells or transfers the ownership interest of a dog to another individual for consideration of money; and

(2) meets the criteria to be licensed as a kennel.

* * *

Section 2. Sections 200(a) and (b) and 201 of the act are amended to read:

Section 200. Issuance of dog licenses; compensation; proof required; deposit of funds; records; license sales; rules and regulations; failure to comply; unlawful acts; penalty.

(a) Issuance of dog licenses.--

(1) The county treasurer shall be an agent and shall process applications for dog license certificates and issue dog license certificates and tags.

(1.1) The county treasurer shall be permitted and may permit agents to issue vanity or collector tags that are approved by the department, in addition to the license.

(2) The county treasurer may authorize magisterial district judges to be agents and to process applications for dog license certificates and to issue dog license certificates and tags.

(3) The county treasurer may authorize other agents within the county to process dog license certificates and to issue dog license certificates and tags. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents who have been appointed by their respective county treasurers under this paragraph shall meet bonding requirements as their respective county treasurers may require.

(4) The secretary shall have the authority, after a review of the agents appointed by a county treasurer, to appoint agents within each county to process dog license certificates and to issue dog license certificates and tags. Priority shall be given to licensed doctors of veterinary medicine and kennels licensed under this act. At least half of the agents appointed in each county shall have hours of operation after 5 p.m. at least one weekday and shall be open at least one day of each weekend. Agents appointed by the secretary under this paragraph shall be required to post a bond or other security instrument in a form satisfactory to the secretary in an amount he determines. The secretary may recall the appointment of any agent at any time.

(5) Agents who have been appointed by their respective county treasurers prior to the effective date of this section may continue to act as agents for the county treasurers under such bonding requirements as the county treasurer may require.

(6) The secretary shall establish, operate and maintain, through a vendor or otherwise, a single Statewide dog licensing Internet website capable of selling dog licenses online in each county that has not implemented and made functional online dog licensing as of the effective date of this paragraph.

(b) Compensation.--

(1) For services rendered in collecting and paying over dog license fees, agents, for as long as they continue to act in that capacity, may collect and retain a sum equal to the cost of a postage stamp plus \$1, **except as provided under paragraph (1.1)**, for each dog license sold, which amount shall be full compensation for services rendered by them under this act. The compensation shall be retained by the respective agents and shall cover, among other things, the cost of processing and issuing dog licenses, postage, mailing, returns and bonding of the agents.

(1.1) Beginning on the effective date of this paragraph, the compensation under paragraph (1) for each lifetime license sold shall be \$3.

(2) A magisterial district judge authorized by the county treasurer to process applications for dog license certificates and issue dog license certificates is not authorized to collect compensation under this subsection.

(3) Agents under subsection (a) (3) and (5) shall collect an additional 50¢ which shall be remitted to the county treasurer, for the use of the county, in the same manner as records are forwarded under subsection (e).

* * *

Section 201. Applications for dog licenses; fees; penalties.

(a) General rule.--Except as provided in subsection (b), on or before January 1 of each year, the owner of any dog, three months of age or older, **or upon transfer to a new owner, whichever comes first**, except as hereinafter provided, shall apply to the county treasurer of his respective county or an

agent under section 200(a), on a form prescribed by the department, for the appropriate license for the dog. The application and license certificate shall state the breed, sex, age, color and markings of the dog, the name, address and telephone number of the owner and the year of licensure. The application shall be accompanied by the appropriate license fee as follows:

[(1) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$5.

(2) For all other male and female dogs, the license fee shall be \$7.]

(2.1) For all male and female dogs, the license fee shall be \$7.

(3) For Pennsylvania residents 65 years of age or older and persons with disabilities:

[(i) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the license fee shall be \$3.]

(ii) For all [other] male and female dogs, the license fee shall be \$5.

(4) Compensation, if collected under section 200(b), shall also be paid by all applicants, regardless of age or disability.

(5) All additional costs of a vanity or collector tag issued under this subsection shall be in addition to the required license fee under this section. The additional cost shall be distributed equally between the county treasurer that issued the license and the Dog Law Restricted Account. A vanity or collector tag shall not be issued without approval of the department.

(b) Lifetime license.--The owner of any dog three months of age or older which has been permanently identified may apply to the county treasurer of his respective county or an agent under section 200(a), on a form prescribed by the department for a lifetime license for such a dog. Except as otherwise provided in this act, a dog which has been issued a lifetime license shall be required to wear a license tag. The application and license certificate shall state the breed, sex, age, color and markings of such dog, the type and number of permanent identification and the name, address and telephone number of the owner. The application shall be accompanied by the appropriate license fee as follows:

[(1) For each neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced, the lifetime license fee shall be \$30.

(2) For all other male and female dogs, the license fee shall be \$50.]

(2.1) For all male and female dogs, the license fee shall be \$49.

(3) For Pennsylvania residents 65 years of age or older and persons with disabilities:

(i) For each [neutered male dog and for each spayed female dog for which the certificate of a licensed doctor of veterinary medicine or the affidavit of the owner is produced,] **male and female dog**, the license fee shall be [\$20] **\$33**.

[(ii) For all other male and female dogs, the license fee shall be \$30.]

(4) Compensation, if collected under section 200(b), shall also be paid by all applicants, regardless of age or disability. A dog which has been issued a lifetime license prior to the effective date of [this act] **the amendment of this subsection** shall not be subject to fees under this subsection.

(5) All additional costs of a vanity or collector tag issued under this subsection shall be charged in addition to the fees under this section. The additional cost shall be distributed equally between the county treasurer that issued the tag and the Dog Law Restricted Account. A vanity or collector tag shall not be issued without approval of the department.

(b.1) Proof of licensure.--A person owning or keeping a dog that is required to be licensed shall produce proof of licensure within ten days after a police officer, State dog warden, department official or designated municipal animal control officer requests the proof.

(b.2) Application.--A seller of dogs at retail to a Pennsylvania resident shall provide the new dog owner with a department-issued dog license application and department-issued letter regarding dog licensing.

(c) Penalty.--A person who violates this section commits a summary offense and, upon conviction, shall be sentenced to pay a fine of not less than [~~\$50~~] **\$100** nor more than [~~\$300~~] **\$500** for each unlicensed dog. Fraudulent statements, including those related to the breed of the dog, failure to pay the appropriate fee or failure to update records, including address and contact information, within 120 days of moving constitute a violation. The burden of proof shall be the same as under section 802.

(d) Increase of fees.--The secretary may increase fees as follows:

(1) A fee under subsection (a)(2.1) or (3) may be increased by no more than \$2, to become effective December 1, 2025.

(2) A fee under subsection (a)(2.1) or (3) may be increased by an additional \$1, to become effective December 1, 2027.

(3) The secretary shall transmit notice of a fee increase under this subsection to the Legislative Reference Bureau for publication in the next available issue of the Pennsylvania Bulletin.

Section 3. Sections 206(a) and (b) and 207(a.1), (a.2)(1), (c.1), (e) and (g) of the act are amended and the sections are amended by adding subsections to read:

Section 206. Kennels.

(a) Applications, kennel license classifications and fees.--

(1) Any person who keeps or operates a kennel shall, on or before January 1 of each year, apply to the department for [a] the appropriate type and class of kennel license. Kennels shall be classified by type, and the fee for the license shall be determined by the kennel type, the number of dogs housed, kept, harbored, boarded, sheltered, sold, given away or transferred in or by the kennel during the previous year.

(2) A person who did not keep or operate a kennel during the previous year shall apply for the type and class of kennel the person expects to operate during the calendar year.

(3) A person operating a kennel who changes the type or classification of kennel due to an increase in the number of dogs housed, kept, harbored, boarded, sheltered, sold,

given away or transferred in or by the kennel during any calendar year shall, within seven days of the increase, apply to the department for the appropriate type and class of kennel license.

(4) The application forms and kennel licenses shall be as designated by the secretary. A separate license shall be required for each type of kennel and every location at which a kennel is kept or operated. A kennel license is required to keep or operate any kennel. All kennel licenses shall expire on December 31. When two or more licensed kennels are operated by the same person at the same location, each kennel shall be inspected and licensed as required by law. **The total number of dogs housed, kept, harbored, boarded, sheltered, sold, given away or transferred in or by all of the kennels operated by that person at that location shall be counted to determine whether those kennels meet the definition of "commercial kennel" in section 102, in which case each kennel must apply for, and be inspected and licensed as, the appropriate Kennel Class C type.**

(5) **The kennel classes and license fees shall be as follows:**

(i) Kennel Class I.

To keep or operate a private kennel, pet shop-kennel, research kennel, rescue network kennel, dealer kennel, **out-of-state dealer kennel** or kennel for a total of 50 dogs or less of any age during a calendar year - [\$75] **\$100** per year.

(ii) Kennel Class II.

To keep or operate a private kennel, pet-shop kennel, research kennel, rescue network kennel, dealer kennel, **out-of-state dealer kennel** or kennel for a total of 51 to 100 dogs of any age during a calendar year - [\$200] **\$250** per year.

(iii) Kennel Class III.

To keep or operate a private kennel, pet shop-kennel, research kennel, rescue network kennel, dealer kennel, **out-of-state dealer kennel** or kennel for a total of 101 to 150 dogs of any age during a calendar year - [\$300] **\$375** per year.

(iv) Kennel Class IV.

To keep or operate a private kennel, pet shop-kennel, research kennel, rescue network kennel, dealer kennel, **out-of-state dealer kennel** or kennel for a total of 151 to 250 dogs of any age during a calendar year - [\$400] **\$500** per year.

(v) Kennel Class V.

To keep or operate a private kennel, pet shop-kennel, research kennel, rescue network kennel, dealer kennel, **out-of-state dealer kennel** or kennel for a total of 251 to 500 dogs of any age during a calendar year - [\$500] **\$625** per year.

(vi) Kennel Class VI.

To keep or operate a private kennel, pet shop kennel, research kennel, rescue network kennel, [kennel or] dealer kennel, **out-of-state dealer kennel or kennel** for a total of more than 500 dogs of any age during a calendar year - [\$750] **\$950** per year.

(vii) Boarding Kennel Class I.

To keep or operate a boarding kennel having the capacity to accommodate a total of 1 to 10 dogs at any time during a calendar year - [\$100] **\$125** per year.

(viii) Boarding Kennel Class II.

To keep or operate a boarding kennel having the capacity to accommodate a total of 11 to 25 dogs at any time during a calendar year - [\$150] **\$200** per year.

(ix) Boarding Kennel Class III.

To keep or operate a boarding kennel having the capacity to accommodate 26 or more dogs at any time during a calendar year - [\$250] **\$325** per year.

[Nonprofit Kennel

To keep or operate a nonprofit kennel - \$25 per year.]

(x) Kennel Class C-I.

To keep or operate a commercial kennel for a total of 50 dogs or less of any age during a calendar year - [\$75] **\$100** per year.

(xi) Kennel Class C-II.

To keep or operate a commercial kennel for a total of 51 to 100 dogs of any age during a calendar year - [\$200] **\$250** per year.

(xii) Kennel Class C-III.

To keep or operate a commercial kennel for a total of 101 to 150 dogs of any age during a calendar year - [\$300] **\$375** per year.

(xiii) Kennel Class C-IV.

To keep or operate a commercial kennel for a total of 151 to 250 dogs of any age during a calendar year - [\$400] **\$500** per year.

(xiv) Kennel Class C-V.

To keep or operate a commercial kennel for a total of 251 to 500 dogs of any age during a calendar year - [\$500] **\$625** per year.

(xv) Kennel Class C-VI.

To keep or operate a commercial kennel for a total of more than 500 dogs of any age during a calendar year - [\$750] **\$950** per year.

(xvi) Humane society or association for the prevention of cruelty to animals.

To keep or operate a humane society or association for the prevention of cruelty to animals - \$35 per year.

(xvii) Municipal Holding Pens.

To keep or operate a municipal holding pen - \$35 per year.

(xviii) Rescue Network Kennel.

To keep a rescue network kennel during a calendar year, the kennel class license fee is applicable to the number of dogs housed by or transferred through or at the rescue network kennel or rescue network kennel homes registered under the rescue network kennel.

[(b) Nonprofit kennels.--A nonprofit kennel shall apply for a nonprofit kennel license. Such kennel may use its own identification tags for dogs confined therein. The secretary may approve, upon application, the removal of tags from licensed dogs confined therein. A rescue network kennel may be a nonprofit kennel if it meets the definition of nonprofit kennel.]

(b.1) Rescue network kennels.--

(1) No person shall engage in or carry on the business of a rescue network kennel unless the person is duly licensed by the department.

(2) An application for a rescue network kennel must be made on a form furnished by the department. The form shall contain such information as the department may reasonably require to determine the applicant's identity, competency and eligibility.

(3) A person that applies for or holds a rescue network kennel license shall identify the location of any home where dogs are kept on behalf of the rescue network kennel.

* * *

Section 207. Requirements for kennels.

(a.1) Prohibition to operate; injunction; fines.--

(1) It shall be unlawful for kennels described under section 206 to operate without first obtaining a kennel license from the department.

(2) The secretary shall not approve any kennel license application unless such kennel has been inspected and approved by a State dog warden or employee of the department.

(3) The secretary may file a suit in equity in the Commonwealth Court to enjoin the operation of any kennel that violates any of the provisions of this act.

(4) It shall be no defense to any civil penalty or criminal prosecution under this act that a person operating a kennel failed to properly obtain the appropriate **type and class of** license.

(5) A kennel operator that is applying for a different **type or class of** license because of an increase in the total number of dogs or due to birth of additional dogs **housed, kept, harbored, boarded, sheltered, sold, given away or transferred in or by** the kennel during a calendar year shall not be in violation, provided the application is filed within seven days of the increase.

(6) A person who is required to file for a Kennel Class C license pursuant to this subsection and has complied with paragraph (5) shall have an additional 365 days from the date of filing of the Kennel Class C license application to come into compliance with the additional requirements for Kennel Class C license holders. The secretary may grant an extension of time for a person to come into compliance with the Kennel Class C requirements if the secretary determines the person is making a good-faith effort to comply with the requirements and makes a showing of reasonable expectation that compliance can be achieved through the granting of an extension. A person who has not complied with paragraph (5) may be assessed a civil penalty under subsection (a.2), in addition to any penalty under section 903, of not less than \$1,000 nor more than \$5,000 each day a kennel operates in violation of paragraph (5). The penalty shall be premised on the gravity and willfulness of the violation, the potential harm to the health and safety of the animals and the public, previous violations and the economic benefit to the violator for failing to comply with this act.

(7) A person who operates a kennel without first obtaining the appropriate type and class of kennel license from the department commits a misdemeanor of the third degree.

(a.2) Civil penalties and remedies.--The following shall apply to civil penalties and remedies for unlicensed kennels:

(1) In addition to proceeding under any other remedy available at law or in equity for a violation of a provision

of this act or a rule or regulation adopted or order issued under this act, the secretary may assess a civil penalty, in addition to any penalty under section 903(c), against an unlicensed kennel of not less than [\$500] **\$1,000** nor more than [\$1,000] **\$5,000** for each day it operates in violation of this act. The penalty shall be premised on the gravity and willfulness of the violation, the potential harm to the health and safety of the animals and the public, previous violations and the economic benefit to the violator for failing to comply with this act.

* * *

(c.1) [Nonprofit kennels.--All nonprofit kennels] **Humane societies or associations for the prevention of cruelty to animals.--A humane society or association for the prevention of cruelty to animals** shall be required to keep all records required to be kept under this section, except that, in the case of a dog running at large, it shall not be a violation of subsection (c) (3) or (4) for the [nonprofit kennel] **humane society or association for the prevention of cruelty to animals** to list only the location from which a dog was retrieved if the information required to be maintained under subsection (c) (3) and (4) is unknown and not available to the [nonprofit kennel] **humane society or association for the prevention of cruelty to animals**.

(c.2) **Display of information by pet shop kennels and kennels offering dogs directly to the public.--Notwithstanding the provisions of subsection (c), a dog offered for sale or adoption directly to the public shall have the following information posted conspicuously on its primary enclosure, to the extent the information is known:**

- (1) The breed, age and date of birth of the dog.
- (2) The state in which the breeder of the dog is located.
- (3) The United States Department of Agriculture license number of the breeder, if applicable.
- (4) The Department of Agriculture license number of the breeder, if applicable.
- (5) Documentation of all inoculations, vaccinations, worming treatments and other medical treatments, if any, including the date of the treatment, the diagnosis and the name and title of the treatment provider.
- (6) Bite attacks on a human being or domestic animal, dog or cat.

* * *

(e) **Display of kennel license.--The following shall apply:**

(1) A person operating a kennel required to be licensed under this act shall display, in a place conspicuous to persons authorized to enter, a current and valid kennel license certificate issued by the department. The kennel license certificate shall show all of the following:

- (i) The year for which it was issued.
- (ii) The kennel class and type.
- (iii) The number of dogs allowed to be housed in that class of kennel per calendar year.

(1.1) **An individual required to possess a Federal, State or local license to sell or offer for sale a dog shall prominently include the individual's name and address as registered with the licensing agency and each applicable Federal, State or local license number in the text of an advertisement offer for the sale of a dog by the individual through a newspaper, posting, the mail, an Internet website or another form of media placed by the individual or anyone**

acting on the individual's behalf. For puppies under four months of age, the kennel license certificate must include the license number of the dam from which the puppy was born, excluding situations involving humane society or association for the prevention of cruelty to animals where the dam information is unknown.

(1.2) An individual who violates paragraph (1.1) shall be subject to a civil penalty of \$100 for each advertisement offer.

(2) Rescue network kennel homes associated with a dealer or rescue kennel network shall display a copy of the dealer's or the rescue kennel network's kennel license.

(3) If the secretary revokes or denies a kennel license, the department shall issue a notice of revocation or denial. The notice shall be posted in a place conspicuous to persons authorized to enter and approved by the department for a period of time as provided in this subsection. In the case of a revocation or denial of a kennel license, the kennel shall display the notice of revocation or denial until such time as the kennel has ceased to operate or as the department determines and sets forth in the order. In the case of an appeal of revocation or denial, the notice of revocation or denial shall remain posted until the final disposition of appeal or the department has reissued a valid kennel license.

(4) If the secretary finds a kennel operating without a license, the kennel, upon notice of violation or order, shall display a notice of violation issued by the department. The notice shall be posted in a place conspicuous to persons authorized to enter and approved by the department until the time as the kennel has ceased to operate or as the department determines and sets forth in the order or until such time as the kennel has come into compliance and the secretary has issued a valid kennel license.

(5) Failure to display a current and valid kennel license certificate or a notice of revocation, suspension or denial as provided in this subsection constitutes a violation of this act.

* * *

(f.1) Isolation plan for imported dogs.--All kennels shall have and implement a plan for the isolation of dogs imported from another state or country to minimize the possibility of transmission of disease. The plan shall be approved by a licensed doctor of veterinary medicine and must include protocols for diagnosis, testing, treatment, prevention and disinfection for contagious, infectious, communicable and zoonotic diseases. The plan shall be made available for review by dog wardens and employees of the department.

(g) Additional requirements for boarding kennels, [nonprofit kennels] **humane societies or associations for the prevention of cruelty to animals** and Kennel Class I through VI license holders.--The following shall apply to boarding kennels, [nonprofit kennels] **humane societies or associations for the prevention of cruelty to animals** and Kennel Class I through VI license holders:

(1) Kennels under this subsection must develop and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan shall be approved by a veterinarian.

(2) All kennels for dogs shall be equipped with smoke alarms or fire extinguishers. Housing facilities shall be equipped with fire extinguishers on the premises. An indoor housing facility may have a sprinkler system.

(3) Primary enclosures must be designed and constructed so that they are structurally sound and must be kept in good repair.

(4) Primary enclosures may not have gaps or openings on the sides of the enclosure that would allow for a dog's limbs to extend into another primary enclosure.

* * *

Section 4. Sections 211(a), 212, 214, 502(a), 502-A, 503-A(b), 505-A, 507-A(f)(1), 603(b), 901(b.5) and 903(b)(1) and (2) of the act are amended to read:

Section 211. Revocation or refusal of kennel licenses.

(a) General powers of secretary.--The secretary shall revoke a kennel license, dealer license or out-of-state dealer license if a licensee is convicted of a violation of 18 Pa.C.S. [§ 5511] **§ 3129 (relating to sexual intercourse with animal) or Ch. 55 Subch. B** (relating to cruelty to animals) or of substantially similar conduct pursuant to a cruelty law of another state. The secretary shall not issue a kennel license, dealer license or out-of-state dealer license to a person that has been convicted of a violation of 18 Pa.C.S. [§ 5511] **§ 3129 or Ch. 55 Subch. B** within the last ten years. The secretary may revoke or refuse to issue a kennel license, dealer license or out-of-state dealer license for any one or more of the following reasons:

(1) the person holding or applying for a license has made a material misstatement or misrepresentation in the license application;

(2) the person holding or applying for a license has made a material misstatement or misrepresentation to the department or its personnel regarding a matter relevant to the license;

(3) the person holding or applying for a license has failed to comply with this act;

(4) the person holding or applying for a license has failed to comply with any regulation promulgated under this act;

(5) the person holding or applying for a license has been convicted of any law relating to cruelty to animals and the conviction is more than ten years old, if there is evidence the person has not been rehabilitated and granting a license would jeopardize the health, safety and welfare of the dogs;

(6) the person holding or applying for a license has been convicted of a felony;

(7) the person holding or applying for a license has:

(i) within the last ten years, been found to have violated section 9.3 of the act of December 17, 1968 (P.L.1224, No.387), known as the "Unfair Trade Practices and Consumer Protection Law," or been required to cease and desist from operating a kennel or owning, selling or caring for dogs, or both; or

(ii) within the last ten years, entered into an agreement with the Office of Attorney General which requires the person to cease and desist from operating a kennel or owning, selling or caring for dogs, or both;

(8) the location of the kennel for which the license is sought is subject to a final, binding order, which is not subject to a pending legal challenge, declaring the kennel is not a permitted use under the applicable zoning ordinance;

(9) the person holding or applying for a license has acted or is acting in concert with a person who has violated the act of December 15, 1986 (P.L.1610, No.181), known as

the "Rabies Prevention and Control in Domestic Animals and Wildlife Act";

(10) the person holding or applying has had a kennel license, dealer license or out-of-state dealer license refused or revoked within the past ten years; [or]

(11) the person holding or applying for a license has a person who does or will play a role in the ownership of the kennel or caring for the dogs, and such other person would be refused a license if that person had been the applicant. A role shall include ownership of a financial interest in the kennel operation, caring for the dogs or participation in the management of the kennel[.]; or

(12) the person holding or applying for a license has violated section 214.

* * *

Section 212. Dogs temporarily in the Commonwealth.

(a) General rule.--Any person may bring, or cause to be brought into the State, for a period of 30 days, one or more dogs for show, trial, or breeding purposes or as a household pet without securing a Pennsylvania license, and any person holding a Pennsylvania nonresident hunting license may, without securing a license or licenses therefor, bring or cause to be brought into the State one or more dogs for the purpose of hunting game during any hunting season when hunting with dogs is permitted by law, if a similar exemption from the necessity of securing dog licenses is afforded for hunting purposes to residents of Pennsylvania by the state of such person's residence; but each dog shall be equipped with a collar bearing a name plate giving the name and address of the owner.

(b) Applicability.--**This section shall not apply to a dog coming into a kennel.**

Section 214. Health certificates for importation.

(a) Requirements.--It shall be a violation of this act to transport any dog into this Commonwealth except under the provisions in section 212 without [a certificate of health prepared by a licensed doctor of veterinary medicine] **an interstate certificate of veterinary inspection**, which certificate, or copy of such, shall accompany the dog while in this Commonwealth. The certificate shall state that the dog is at least eight weeks of age and shows no signs or symptoms of infectious or communicable disease; did not originate within an area under quarantine for rabies; and, as ascertained by reasonable investigation, has not been exposed to rabies within 100 days of importation.

(b) Vaccinations.--

(1) All dogs **transported into this Commonwealth** must have been vaccinated for rabies in accordance with the act of December 15, 1986 (P.L.1610, No.181), known as the "Rabies Prevention and Control in Domestic Animals and Wildlife Act." The name of the vaccine manufacturer, the date of administration, and the rabies tag number must appear on [health certificates prepared by a licensed doctor of veterinary medicine.] **a certificate of vaccination and an interstate certificate of veterinary inspection.**

(2) All dogs **transported into this Commonwealth and placed in a kennel, except for a boarding kennel, shall have had an initial dose of Distemper, Adeno, Parainfluenza, Parvovirus (DAPP) vaccine as certified by a licensed doctor of veterinary medicine. A dog subject to this paragraph shall be isolated in accordance with an isolation plan under section 207(f.1) and shall not be dispensed, moved, sold,**

offered for sale, given away or transferred for a period of 14 days.

(c) Boarding kennels.--The owner or operator of a boarding kennel shall require the owner of each out-of-state dog for which the boarding kennel is taking control to provide a certificate of vaccination and an interstate certificate of veterinary inspection at the time the dog enters the boarding kennel. The certificate of vaccination and the interstate certificate of veterinary inspection shall be kept on file at the boarding kennel for seven days following the dog's departure from the boarding kennel.

Section 502. Dog bites; detention and isolation of dogs.

(a) Confinement.--

(1) Any dog which bites or attacks a human being shall be **immediately** confined in [quarters] **a primary enclosure** approved by a designated employee of the Department of Health, a State dog warden or employee of the Department of Agriculture, an animal control officer or a police officer. The dog may be detained and isolated in an approved kennel or **in a primary enclosure** at the dog owner's property or at another location approved by the investigating officer. Where the dog is detained is at the discretion of the investigating officer.

(2) All dogs [so] detained **under paragraph (1)** must be isolated for a minimum of ten days **to determine the medical results of the offending dog's confinement.**

(3) **When a dog detained under this subsection is outside of the primary enclosure for veterinary care or relief, it shall be muzzled, on a leash and under physical restraint by a responsible person.**

(4) Any costs incurred in the detaining and isolation of the dog shall be paid by the offending dog's owner or keeper or both. If the dog's owner or keeper is not known, the Commonwealth is responsible for all reasonable costs for holding and detaining the dog.

* * *

Section 502-A. Court proceedings, certificate of registration and disposition.

[(a) Summary offense of harboring a dangerous dog.--Any person who has been attacked by one or more dogs, or anyone on behalf of the person, a person whose domestic animal, dog or cat has been killed or injured without provocation, the State dog warden or the local police officer may file a complaint before a magisterial district judge, charging the owner or keeper of the a dog with harboring a dangerous dog. The owner or keeper of the dog shall be guilty of the summary offense of harboring a dangerous dog if the magisterial district judge finds beyond a reasonable doubt that the following elements of the offense have been proven:

(1) The dog has done any of the following:

(i) Inflicted severe injury on a human being without provocation on public or private property.

(ii) Killed or inflicted severe injury on a domestic animal, dog or cat without provocation while off the owner's property.

(iii) Attacked a human being without provocation.

(iv) Been used in the commission of a crime.

(2) The dog has either or both of the following:

(i) A history of attacking human beings and/or domestic animals, dogs or cats without provocation.

(ii) A propensity to attack human beings and/or domestic animals, dogs or cats without provocation. A

propensity to attack may be proven by a single incident of the conduct described in paragraph (1) (i), (ii), (iii) or (iv).

(3) The defendant is the owner or keeper of the dog.

(a.1) Effect of conviction.--A finding by a magisterial district judge that a person is guilty under subsection (a) of harboring a dangerous dog shall constitute a determination that the dog is a dangerous dog for purposes of this act.]

(a.2) Summary offense of harboring a dangerous dog.--

(1) A State dog warden or a local police officer may file a complaint before a magisterial district judge, charging the owner or keeper of the dog with harboring a dangerous dog on behalf of:

(i) A person, including the person's legal guardian or personal representative, who has been attacked by one or more dogs.

(ii) A person whose domestic animal, dog or cat has been killed or injured by a dog.

(2) The owner or keeper of the dog shall be guilty of the summary offense of harboring a dangerous dog if the magisterial district judge finds beyond a reasonable doubt that the dog has done any of the following:

(i) Inflicted severe injury without provocation on a human being on public or private property.

(ii) Killed or inflicted severe injury without provocation on a domestic animal, dog or cat while off the owner's property.

(iii) Attacked a human being without provocation.

(iv) Been used in the commission of a crime.

(v) Has a history of attacking, without provocation, a human being, domestic animal, dog or cat.

(3) The provisions of paragraph (2) (i) and (iii) shall not apply if a human being has violated 18 Pa.C.S. § 3503 (relating to criminal trespass).

(4) For the purposes of this subsection, the term "owner" or "keeper of the dog" shall not include a veterinarian licensed by the Commonwealth or a veterinary technician certified by the Commonwealth while acting in the scope of the duties or employment of the veterinarian or veterinary technician, respectively.

(a.3) Effect of conviction.--A finding by a magisterial district judge that a person is guilty under subsection (a.2) of harboring a dangerous dog shall constitute a determination that the dog is a dangerous dog for purposes of this act.

(b) Report of conviction.--The magisterial district judge shall make a report of a conviction under subsection [(a)] (a.2) to the Bureau of Dog Law Enforcement, identifying the convicted party, identifying and describing the dog or dogs and providing other information as the bureau might reasonably require.

(c) Certificate of registration required.--It is unlawful for an owner or keeper to have a dangerous dog without a certificate of registration issued under this article. This article shall not apply to dogs used by law enforcement officials for police work, certified guide dogs for the blind, hearing dogs for the deaf nor aid dogs for the handicapped.

(d) Disposition of dog during court proceedings.--An owner or keeper of any dog who has been charged with harboring a dangerous dog shall keep the dog or dogs confined in a proper enclosure or, when off the property of the owner or keeper for purposes of veterinary care, muzzled [and], on a leash **and under physical restraint by a responsible person until the time a report is made under subsection (b). If an appeal of a decision**

under subsection (b) is filed, the dog or dogs shall remain so confined until the proceedings are completed. It shall be unlawful for an owner or keeper of a dog who has been charged with harboring a dangerous dog to dispense, move, sell, offer to sell, give away or transfer the dog in any manner except to have it humanely killed or move the dog to a licensed kennel if approved by the investigating officer. A violation of this subsection shall constitute a summary offense accompanied by a fine of not less than \$500.

Section 503-A. Requirements.

* * *

(b) Registration fee.--The registration fee for a dangerous dog certificate shall be [\$500] **\$1,000** per calendar year for the life of the dog plus an additional amount set by the department as may be necessary to cover the costs of issuing this registration and enforcing this section. This registration fee shall be in addition to any other fees collectable under this act and shall be credited to the Dog Law Restricted Account for the purpose of administering and enforcing this act.

* * *

Section 505-A. Public safety and penalties.

(a) Failure to register and restrain.--The owner or keeper of a dangerous dog who violates any of the following provisions on the first occurrence commits a misdemeanor of the third degree if:

(1) The dangerous dog is not validly registered under this act.

(2) The owner or keeper of the dangerous dog fails to comply with the provisions of section 503-A or 504-A.

(3) The dangerous dog is not maintained in the proper enclosure.

(4) The dangerous dog is outside of the dwelling of the owner or keeper or outside of the proper enclosure and not under physical restraint of the responsible person.

(5) The dog is outside the dwelling of the owner without a muzzle, regardless of whether the dog is physically restrained by a leash.

(6) The dog is outside the dwelling of the owner or a proper enclosure without a muzzle and unsupervised, regardless of whether the dog is physically restrained by a leash.

(a.1) Subsequent violations.--The owner or keeper of a dangerous dog who commits a subsequent violation under subsection (a) commits a misdemeanor of the second degree and, upon conviction, shall pay a fine not to exceed \$5,000, plus the costs of quarantine, kennel charges and destruction of the dangerous dog. [The] **A seizure and destruction order shall be issued, and the** dangerous dog shall be forfeited immediately by the owner or keeper to a dog warden or police officer and shall be placed in a kennel or, if necessary, quarantined for a length of time to be determined by the department. After a period of ten days, if no appeal **of the seizure and destruction order** has been filed and the necessary quarantine period has elapsed, the dangerous dog shall be destroyed humanely in an expeditious manner. If an appeal **of the seizure and destruction order** is filed, the dangerous dog shall remain confined at the owner's or keeper's expense until the proceedings are completed.

(a.2) Utilization of fines.--All fines collected under this section shall be deposited into the Dog Law Restricted Account and may be utilized to pay the expenses of the department in administering its duties under this act.

(a.3) Collection.--In cases of inability to collect the fine assessed or failure of any person to pay all or a portion of the fine, the secretary may refer the matter to the Office of Attorney General, which shall institute an action in the appropriate court to recover the fine.

(b) Attacks by dangerous dog.--If a dangerous dog, through the intentional, reckless or negligent conduct of the dog's owner or keeper, attacks a person or a domestic animal, dog or cat, the dog's owner or keeper shall be guilty of a misdemeanor of the second degree. In addition, **a seizure and destruction order shall be issued** and the dangerous dog shall be immediately seized by a dog warden or police officer and placed in quarantine for a length of time to be determined by the department. After a period of ten days, if no appeal **of the seizure and destruction order** has been filed by the owner or keeper of the dangerous dog, and after the quarantine period has expired, the dangerous dog shall be humanely destroyed in an expeditious manner, with costs of kenneling, quarantine and destruction to be borne by the dog's owner or keeper. If an appeal **of the seizure and destruction order** is filed, the dangerous dog shall remain confined at the owner's or keeper's expense until the proceedings are completed and, if found guilty of the cited offense, the dangerous dog shall thereafter be humanely destroyed in an expeditious manner, with costs of kenneling, quarantine and destruction to be borne by the dog's owner or keeper.

(c) Attacks causing severe injury or death.--The owner or keeper of any dog that, through the intentional, reckless or negligent conduct of the dog's owner or keeper, aggressively attacks and causes severe injury or death of any human shall be guilty of a misdemeanor of the first degree. In addition, **a seizure and destruction order shall be issued** and the dog shall be immediately confiscated by a State dog warden or a police officer and placed in quarantine for a length of time to be determined by the department. After a period of ten days, if no appeal **of the seizure and destruction order** has been filed by the owner or keeper of the dangerous dog, and after the quarantine period has expired, the dangerous dog shall be humanely destroyed in an expeditious manner, with costs of kenneling, quarantine and destruction to be borne by the dog's owner or keeper. If an appeal **of the seizure and destruction order** is filed, the dangerous dog shall remain confined at the owner's or keeper's expense until the proceedings are completed and, if found guilty of the cited offense, the dangerous dog shall be humanely destroyed in an expeditious manner, with costs of kenneling, quarantine and destruction to be borne by the dog's owner or keeper.

(c.1) Appeal of seizure and destruction order.--

(1) **The owner or keeper of a dangerous dog may appeal a seizure and destruction order issued under subsections (a.1), (b) or (c) by filing an appeal within ten days of receipt of the seizure and destruction order. The owner or keeper of the dangerous dog shall be responsible for all costs of kenneling and quarantine of the dangerous dog throughout the pendency of the appeal.**

(2) **An appeal may not be granted unless the owner or keeper includes with the request for an appeal a copy of a written agreement with a licensed kennel where the dangerous dog will be kept during the appeal proceedings.**

(3) **If at any time during the appeal proceedings the owner or keeper of the dangerous dog fails to make payments to the kennel where the dangerous dog is kept, or if for any**

reason the owner or keeper of the dangerous dog is unable to find a licensed kennel to keep the dog, the dangerous dog shall be humanely destroyed in an expeditious manner, with costs of kenneling, quarantine and destruction to be borne by the dog's owner or keeper.

(4) The department shall not be liable for any costs of kenneling, quarantine or destruction of the dangerous dog.

(d) Dog owned by a minor.--If the owner of the dangerous dog is a minor, the parent or guardian of the minor shall be liable for injuries and property damages caused by an unprovoked attack by the dangerous dog under section 4 of the former act of July 27, 1967 (P.L.186, No.58), entitled "An act imposing liability upon parents for personal injury, or theft, destruction, or loss of property caused by the willful, tortious acts of children under eighteen years of age, setting forth limitations, and providing procedure for recovery."

(e) Mandatory reporting.--

(1) All known incidents of dog attacks shall be reported to the State dog warden, who shall investigate each incident and notify the department if a dog has been determined to be dangerous.

(2) A State dog warden or police officer who has knowledge of a dog which has attacked a person shall file a written report summarizing the circumstances of the attack with the police in the municipality where the owner of the dog resides or if the attack occurred outside the owner's municipality of residence, with the police having jurisdiction in the municipality where the attack occurred. The report shall be available for public inspection.

Section 507-A. Construction of article.

* * *

(f) Procedure in certain cities.--In cities of the first class, second class and second class A, the following procedure shall apply:

(1) A person who has been attacked by a dog, or anyone on behalf of such person, or a person whose domestic animal, dog or cat has been killed or injured without provocation while the attacking dog was off the owner's property or a police officer or an animal control officer employed by or under contract with the city may make a complaint before a magisterial district judge, charging the owner or keeper of such a dog with harboring a dangerous dog. The magisterial district judge shall make a report of the determination under section [502-A(a)] **502-A(a.2)** to the police or an animal control officer employed by or under contract with the city and to the Bureau of Dog Law Enforcement. The Bureau of Dog Law Enforcement shall give notice of this determination to the respective city treasurer.

* * *

Section 603. Selling, bartering or trading dogs.

* * *

(b) Illegal to transfer ownership of certain puppies.--It shall be unlawful to barter, trade, raffle, sell, auction or in any way transfer ownership of a dog under eight weeks of age, unless the dog has been orphaned and it becomes necessary to transfer ownership of the orphaned dog to a [nonprofit kennel] **humane society or association for the prevention of cruelty to animals**, or from a [nonprofit kennel] **humane society or association for the prevention of cruelty to animals** with approval by a licensed doctor of veterinary medicine.

* * *

Section 901. Enforcement of this act by the secretary;
provisions for inspections.

* * *

(b.5) Additional grounds.--The department may refuse to employ a person to act as a dog warden or other employee charged with the enforcement of this act or may suspend or revoke the employment of a person who is acting as a dog warden or is charged with the enforcement of this act if the department determines that the person has:

(1) Made a false or misleading statement in the application for employment.

(2) Carried or possessed a firearm in the performance of his or her duties without certification pursuant to subsection (b.2).

(3) Engaged in conduct which constitutes a prima facie violation of 18 Pa.C.S. [§§ 5301 and 5511 (relating to cruelty to animals)] **§ 5301 or Ch. 55 (relating to riot, disorderly conduct and related offenses)**.

(4) Knowingly failed to enforce any of the provisions of this act.

(5) Violated any of the provisions of this act.

* * *

Section 903. Enforcement and penalties.

* * *

(b) Criminal penalties.--Unless otherwise provided under this act, a person who violates a provision of Articles II through VII or a rule or regulation adopted or order issued under this act commits the following:

(1) For the first offense, a summary offense and shall, upon conviction, be sentenced for each offense to pay a fine of not less than [\$100] **\$500** nor more than [\$500] **\$1,000** or to imprisonment for not more than 90 days, or both.

(2) For a subsequent offense that occurs within one year of sentencing for the prior violation, a misdemeanor of the third degree and shall, upon conviction, be sentenced for each offense to pay a fine of not less than [\$500] **\$1,000** nor more than [\$1,000] **\$5,000** plus costs of prosecution or to imprisonment of not more than one year, or both.

* * *

Section 5. The definition of "releasing agency" in section 901-A of the act is amended to read:

Section 901-A. Definitions.

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

* * *

"Releasing agency." A public or private pound, animal shelter, humane society[, society] **or association** for the prevention of cruelty to animals, rescue network kennel or other similar entity that releases a dog or cat for adoption.

* * *

Section 6. This act shall take effect in 90 days.

APPROVED--The 23rd day of October, A.D. 2023.

JOSH SHAPIRO