AN ACT

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

This act may referred to as Victoria's Law.

The General Assembly finds that:

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

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

(3) The documented abuses endemic to puppy mills, kitten mills and rabbit mills include overbreeding, inbreeding,
minimal to nonexistent veterinary care, lack of adequate and nutritious food and water, shelter, lack of socialization, lack of adequate space and lack of adequate exercise.

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

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

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

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

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

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

(10) Across the United States, thousands of independent
pet stores and large chains operate in collaboration with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises utilizing a business model focused on the sale of pet services and supplies rather than the sale of commercially bred dogs, cats or rabbits.

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

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

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

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

SUBCHAPTER C
TRANSFER AND SALE OF ANIMALS

Sec.
5571. Definitions.
5572. Advertising information.
5573. Sales by pet shop-kennels.
§ 5571. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 5572. Advertising information.

(a) Requirement.--An individual required to possess a Federal, State or local license shall prominently include that 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 through a newspaper, posting, the mail, an Internet website or another form of media.

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

§ 5573. Sales by pet shop-kennels.

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

(1) an animal care facility; or
(2) an animal rescue organization.

(b) Recordkeeping and posting.--

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

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

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

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

   (ii) Submitted annually to the Department of Agriculture.

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

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

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