THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 551 Session of 2019

INTRODUCED BY K. WARD, BROWNE, KILLION, COSTA, SANTARSIERO, COLLETT, STEFANO, DINNIMAN, SCHWANK, LEACH, YUDICHAK AND TARTAGLIONE, MAY 28, 2019

REFERRED TO JUDICIARY, MAY 28, 2019

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, in riot, disorderly conduct and related offenses, further providing for the offense of neglect of animal and for the offense of tethering of unattended dog.

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

Section 1. Section 5532(a) of Title 18 of the Pennsylvania Consolidated Statutes, amended October 24, 2018 (P.L.685, No.104), is amended and the section is amended by adding subsections to read:

§ 5532. Neglect of animal.

(a) Offense defined.--A person commits an offense if the person fails to provide for the basic needs of each domestic animal to which the person has a duty of care, whether belonging to himself or otherwise, including any of the following:

(1) Necessary sustenance and potable water.

(2) Access to clean and sanitary shelter [and] which must provide protection from the weather[. The shelter must
be sufficient to permit the animal to retain body heat and keep the animal dry.

(3) Necessary veterinary care.

(a.1) Requirements for dogs.--The following shall be provided for a dog that stays outside and unattended for more than 30 minutes during any period of a day:

(1) A shelter, which shall:

   (i) be moistureproof and windproof and of a suitable size to accommodate the dog, allowing for freedom of movement to make normal postural adjustments, including the ability to stand, turn around and lie down with limbs outstretched;

   (ii) be made of durable material with a solid, moistureproof floor raised at least three inches from the ground;

   (iii) have a roof which shall extend eight inches over the doorway and not permit rain to enter inside the shelter; and

   (iv) not be constructed of metal or any material that readily conducts heat or cold.

(2) Between November 1 and March 31 of any year, a shelter described under paragraph (1) which shall:

   (i) have a windbreak at the entrance;

   (ii) contain a sufficient quantity of suitable, clean bedding material consisting of straw, cedar shavings or the equivalent;

   (iii) provide insulation appropriate to local climate conditions and sufficient to protect against cold and dampness; and

   (iv) not utilize hay, blankets, rags or other
material that retains moisture for bedding.

(3) Between May 1 and October 31 of any year, one or more areas of shade by natural or artificial means large enough to accommodate the entire body of the dog at one time. A shaded area must be separate from a shelter required under this subsection.

(a.2) Extreme weather for dogs.--

(1) No person who has the duty of care of a dog may knowingly leave the dog outside and beyond the visual range and physical presence of the person, regardless of access to an outdoor shelter, for more than 15 consecutive minutes in an area in which a severe weather advisory or warning has been issued by the National Weather Service or if the temperature is below 32 degrees Fahrenheit or above 90 degrees Fahrenheit.

(2) This subsection shall include, but not be limited to, a dog in a fenced-in yard, in a kennel or tethered.

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Section 2. Section 5536(a)(1)(iv) and (b) of Title 18 are amended to read:

§ 5536. Tethering of unattended dog.

(a) Presumptions.--

(1) Tethering an unattended dog out of doors for less than nine hours within a 24-hour period when all of the following conditions are present shall create a rebuttable presumption that a dog has not been the subject of neglect within the meaning of section 5532 (relating to neglect of animal):

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(iv) The dog has not been tethered for longer than
[30] 15 minutes in temperatures above 90 or below 32 degrees Fahrenheit.

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(b) Construction.--[This] While subject to the provisions of subsection (a), this section shall not be construed to prohibit any of the following:

1. Tethering a dog while actively engaged in lawful hunting, exhibition, performance events or field training.
2. Tethering a hunting, sporting or sledding dog breed where tethering is integral to the training, conditioning or purpose of the dog.
3. Tethering a dog in compliance with the requirements of a camping or recreational area.
4. Tethering a dog for a period of time, not to exceed one hour, reasonably necessary for the dog or person to complete a temporary task.

Section 3. This act shall take effect in 60 days.