

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1554 Session of
1987

INTRODUCED BY MURPHY, MICHLOVIC, KOSINSKI, DALEY, RYBAK,
D. W. SNYDER, FOX, BOOK, ITKIN AND SERAFINI, JUNE 11, 1987

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 11, 1987

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, regulating animal research; and
3 providing penalties.

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

6 Section 1. Section 5511(1) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5511. Cruelty to animals.

9 * * *

10 (1) Search warrants.--Where a violation of this section is
11 alleged, any issuing authority may, in compliance with the
12 applicable provisions of the Pennsylvania Rules of Criminal
13 Procedure, issue to any police officer or any agent of any
14 society or association for the prevention of cruelty to animals
15 duly incorporated under the laws of this Commonwealth a search
16 warrant authorizing the search of any building or any enclosure
17 in which any violation of this section is occurring or has
18 occurred, and authorizing the seizure of evidence of the

1 violation including, but not limited to, the animals which were
2 the subject of the violation. Where an animal thus seized is
3 found to be neglected or starving, the police officer or agent
4 is authorized to provide such care as is reasonably necessary,
5 and where any animal thus seized is found to be disabled,
6 injured or diseased beyond reasonable hope of recovery, the
7 police officer or agent is authorized to provide for the humane
8 destruction of the animal. The cost of the keeping, care and
9 destruction of the animal shall be paid by the owner thereof and
10 claims for the costs shall constitute a lien upon the animal. In
11 addition to any other penalty provided by law, the authority
12 imposing sentence upon a conviction for any violation of this
13 section may require that the owner pay the cost of the keeping,
14 care and destruction of the animal. [No search warrant shall be
15 issued based upon an alleged violation of this section which
16 authorizes any police officer or agent or other person to enter
17 upon or search premises where scientific research work is being
18 conducted by, or under the supervision of, graduates of duly
19 accredited scientific schools or where biological products are
20 being produced for the care or prevention of disease.]

21 * * *

22 Section 2. Title 18 is amended by adding a section to read:

23 § 5511.1. Animal research facilities.

24 (a) License required.--No person, partnership, association
25 or corporation, institution or school shall act as a research
26 facility unless licensed for that purpose by the Secretary of
27 Agriculture, or by the Federal Laboratory Animal Welfare Act
28 (Public Law 89-544, 80 Stat. 350, 7 U.S.C. § 2131). The
29 secretary shall promulgate rules and regulations prescribing
30 standards for issuing a license and prescribe a fee therefor.

1 (b) Regulations.--The secretary shall promulgate regulations
2 to govern humane handling, treatment and care by research
3 facilities and shall employ agents with authority to inspect
4 research facilities at reasonable hours, with or without prior
5 notice of inspection. The secretary shall require certification
6 of formal training for researchers, technicians and attendants
7 who directly handle live animals.

8 (c) Institutional care committee.--Each research facility
9 shall form an Institutional Animal Care Committee which shall
10 include representatives of the facility, including not less than
11 one member of the animal care staff, one member who is a State
12 enforcement agent responsible for inspection, and not less than
13 one member who is a representative of an incorporated humane or
14 animal welfare organization. The committee shall ensure that
15 animal care and facilities conform to Federal and State laws and
16 regulations, before, during and after their use.

17 (d) Prohibited tests.--LD50 Toxicity and Draize Eye
18 Irritancy Tests are hereby prohibited in this Commonwealth.

19 (e) Refusal to participate in experimentation.--No employee
20 or student who refuses to participate in experimentation,
21 research or teaching methods involving vivisection of live
22 animals shall be penalized for refusal to participate based upon
23 the individual's fundamental beliefs.

24 (f) Penalty.--

25 (1) If the secretary has reason to believe that any
26 person licensed by this section has violated any provision of
27 this section, or any of the rules, regulations or standards
28 promulgated by the secretary, he may temporarily suspend such
29 person's license, and, after notice and opportunity for a
30 hearing, may suspend the license for an additional period or

1 revoke the license, if such violation is determined to have
2 occurred.

3 (2) Any individual, institution or organization that
4 engages in research or experiments on live animals without a
5 valid license commits a misdemeanor of the third degree.

6 (g) Definitions.--As used in this section, the following
7 words and phrases shall have the meanings given to them in this
8 subsection:

9 "Animal." Any living vertebrate that is separated from its
10 natural environment and is utilized or intended for use in
11 research, testing and teaching.

12 "Research facility." Any individual, institution,
13 organization, elementary, secondary or postsecondary school that
14 uses or intends to use live animals in research tests or
15 experiments, purchases or transports live animals in commerce or
16 receives State funding, directly or indirectly, for research or
17 facility operations.

18 "Secretary." The Secretary of Agriculture of the
19 Commonwealth.

20 Section 3. Within 60 days of enactment of the provisions of
21 this act, the Governor shall appoint a review committee
22 consisting of representatives of research and humane
23 organizations, to review existing and proposed regulations. The
24 Secretary of Agriculture shall act as chairman of the committee.
25 Regulations shall be developed by the committee designed to
26 minimize the duplication of research, the use of live animals in
27 teaching, testing and research and to ensure humane treatment of
28 animals maintained in research, teaching and other facilities in
29 Pennsylvania.

30 Section 4. This act shall take effect in 60 days.