

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2560 Session of  
1994

INTRODUCED BY D. R. WRIGHT, MARCH 8, 1994

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 8, 1994

AN ACT

1 Amending the act of December 7, 1982 (P.L.784, No.225), entitled  
2 "An act relating to dogs, regulating the keeping of dogs;  
3 providing for the licensing of dogs and kennels; providing  
4 for the protection of dogs and the detention and destruction  
5 of dogs in certain cases; regulating the sale and  
6 transportation of dogs; declaring dogs to be personal  
7 property and the subject of theft; providing for the  
8 assessment of damages done to livestock, poultry and domestic  
9 game birds; providing for payment of damages by the  
10 Commonwealth in certain cases and the liability of the owner  
11 or keeper of dogs for such damages; imposing powers and  
12 duties on certain State and local officers and employees;  
13 providing penalties; and creating a Dog Law Restricted  
14 Account," further providing for kennels, for sales documents  
15 and for selling or trading dogs; and providing for duties of  
16 State dog wardens.

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

19 Section 1. Section 206 of the act of December 7, 1982  
20 (P.L.784, No.225), known as the Dog Law, is amended by adding a  
21 subsection to read:

22 Section 206. Kennels.

23 \* \* \*

24 (e) Dogs in danger.--If a dog is removed from a kennel under

1 section 402(5), the kennel shall return any fee charged for care  
2 of the dog.

3 Section 2. Sections 207, 210 and 215 of the act are amended  
4 to read:

5 Section 207. Transfer of kennels.

6 (a) Kennel removed to another county.--Whenever any person  
7 who keeps or operates a kennel permanently removes the kennel to  
8 another county, he shall file an application with the secretary  
9 to transfer his license to the county of removal. Upon approval  
10 by the secretary, the kennel license shall remain in effect,  
11 until it has expired pursuant to section 206.

12 (b) Maintenance of kennels.--All kennels shall be  
13 [maintained] operated in a sanitary and humane condition [in  
14 accordance with standards and sanitary codes promulgated by the  
15 secretary.] so as to protect the health and well-being of the  
16 dogs housed in the kennel. Specifically, all kennels shall  
17 conform to the following conditions:

18 (1) All primary enclosures shall be constructed and  
19 maintained to provide sufficient space for each dog to move  
20 freely about, turn fully around, stand fully erect and to sit  
21 and lie down in a normal, comfortable position. When an  
22 animal becomes too large for its cage, it shall be promptly  
23 transferred to a cage that provides sufficient space as set  
24 forth in this paragraph.

25 (2) The bottom of each enclosure shall be constructed so  
26 as not to injure or cause discomfort to the dog's feet while  
27 in a standing position or while moving about the cage.

28 (3) The temperature of the enclosure shall be maintained  
29 at a level to protect the animal's health.

30 (4) The enclosure shall be constructed so as to provide

protection from the elements such as wind, rain, snow and sun.

(5) Both indoor and outdoor enclosures shall provide animals adequate natural or artificial light.

(6) Enclosures shall be maintained in a sanitary way so as to prevent the spread of disease and to protect the health of the animal.

(7) Food that is nutritional and free from contamination or disease shall be provided once a day unless otherwise directed by a veterinarian. Water shall be provided twice a day unless otherwise specified by a veterinarian. Food and water shall be provided in spill-resistant dishes or receptacles. Self-feeders may be used. All receptacles used to feed dogs shall be regularly sanitized and cleaned.

(8) Dogs shall be removed from their enclosures at least once a day for an extended period of at least 30 minutes for exercise, either in an outside pen or an enclosed pen providing appropriate space and conditions for the dog to run about.

(9) A dog being kept primarily for breeding purposes may not be bred in such a way so as to endanger its own health.

(c) Records to be maintained.--Every keeper of a kennel shall keep a record of each dog at any time kept in the kennel for two years. Such record shall show:

(1) The breed, color, markings, sex and age of each dog.

(2) The date on which each dog entered the kennel.

(3) Where it came from.

(4) To whom it belongs.

(5) For what purpose each dog is kept in the kennel.

(6) The date on which each dog leaves the kennel.

1           (7) How and to whom it is disposed.

2 Such record shall be legible and shall be open to inspection by  
3 any employee of the department, State dog warden or police  
4 officer or agent of any legally constituted law enforcement  
5 agency as defined by this act.

6       (d) Additional requirements.--Every holder of a kennel  
7 license shall attach one tag to a collar or harness of each dog  
8 six months old or older kept by that person, whenever the dog is  
9 not within the kennel except as provided for in section 202.

10 Section 210. [Bills of sale.] Documents.

11       (a) Bills of sale.--All owners or operators of kennels  
12 described in section 206, and all out-of-state dealers shall be  
13 required to have in their possession a bill of sale for each dog  
14 purchased or transported, except for dogs delivered to the  
15 kennel licensee for purposes of boarding or for dogs whelped at  
16 the kennel. Any bill of sale which is fraudulent or indicates  
17 the theft of any dog, shall be prima facie evidence for the  
18 immediate revocation of license by the secretary. The bill of  
19 sale shall contain information required by the secretary through  
20 regulations.

21       (b) Certificates of sale.--A dog offered for sale by a  
22 kennel shall be accompanied by a certificate of sale that  
23 contains all of the following:

24           (1) Information on the breed, sex and age of the dog.

25           (2) A record of vaccinations and veterinary treatment  
26 received by the dog.

27           (3) A record of the current health of the dog.

28           (4) Other information required by regulations of the  
29 department.

30 Section 215. Selling, bartering or trading dogs.

1     (a) General rule.--It shall be unlawful for any person to  
2 buy, sell, transfer, barter, trade, raffle, rent, auction or  
3 offer as an inducement to purchase any product, commodity or  
4 service, any dog at any public place other than at licensed  
5 kennel locations, pet shop-kennels licensed pursuant to this  
6 act, dog shows, or field trials sponsored by a recognized breed  
7 or kennel association. For purposes of this section the term  
8 public place shall mean a place to which the general public has  
9 a right to resort; not necessarily a place devoted solely to the  
10 uses of the public, but a place which is in point of fact public  
11 rather than private, a place visited by many persons and usually  
12 accessible to the neighboring public. It shall be unlawful to  
13 barter, trade, sell or in any way transfer any dog under seven  
14 weeks of age, unless such puppies have been orphaned and it  
15 becomes necessary to transfer said orphaned puppies to a  
16 nonprofit kennel.

17     (b) Equitable relief.--If, within three months of a sale of  
18 a dog, a veterinarian certifies that information subject to  
19 section 210(b)(2) was incorrect or misrepresented, the consumer  
20 may elect to return the dog and receive a replacement or to  
21 receive a full refund.

22     Section 3. The act is amended by adding a section to read:  
23 Section 402. State dog wardens.

24     A State dog warden has the following powers and duties:

25         (1) To inspect kennels and pet shop kennels.

26         (2) To verify that the requirements of this act are  
27 being complied with.

28         (3) To report any continuing violations to the  
29 department.

30         (4) To recommend the imposition of fines when

1     appropriate.

2           (5) Upon suspicion that a dog is in poor health or is  
3     being mistreated, to require a veterinarian to examine the  
4     dog. If the dog is found by the veterinarian to be in poor  
5     health or mistreated, the State dog warden shall order  
6     supplemental care for the dog based upon recommendations of  
7     the veterinarian. The dog shall be reexamined by the  
8     veterinarian after one month to ensure that the kennel is  
9     complying with recommendations under this paragraph. If it is  
10    found that the kennel is not complying with these  
11    recommendations, the dog shall be removed from the facility  
12    in order to protect its health.

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