

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 248 Session of 2017

INTRODUCED BY LEACH, JANUARY 27, 2017

REFERRED TO JUDICIARY, JANUARY 27, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
 2 Consolidated Statutes, in riot, disorderly conduct and
 3 related offenses, providing for the offense of use of live
 4 animals in traveling exhibitions.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
 8 Statutes is amended by adding a section to read:

9 § 5511.4. Use of live animals in traveling exhibitions.

10 (a) Offense defined.--No person who is an exhibitor may
 11 employ or use any exotic animal or exotic wildlife in an animal
 12 act, ride, performance or exhibition as part of a traveling show
 13 or exhibition if, during the 15-day period preceding the
 14 employment or use, the animal was living or traveling in a
 15 mobile housing facility.

16 (b) Applicability.--Subsection (a) shall not apply to the
 17 use of an animal, including a nonhuman primate:

18 (1) in an exhibition at a nonmobile, permanent
 19 institution or facility, including an accredited zoo or

1 aquarium;

2 (2) as part of an outreach program for educational or
3 conservation purposes by a zoo or aquarium accredited by the
4 Association of Zoos and Aquariums, if the animal is not kept
5 in a mobile housing facility for more than 12 hours per day;

6 (3) by a university, college, laboratory or other
7 research facility registered with the United States Secretary
8 of Agriculture under section 6 of the Animal Welfare Act
9 (Public Law 89-544, 7 U.S.C. § 2136); or

10 (4) in film, television or advertising, if the use does
11 not involve a live public exhibition.

12 (c) Penalty.--A person who violates this section commits a
13 misdemeanor of the third degree.

14 (d) Definitions.--The following words and phrases when used
15 in this section shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Domestic animal." The term includes, but is not limited to,
18 a dog, cat, equine animal, bovine animal, rabbit, sheep, goat or
19 porcine animal. The term does not include an exotic animal or
20 exotic wildlife.

21 "Domestic fowl." An avian raised for food, hobby or sport.

22 "Exhibitor." A person who exhibits an animal to the public
23 for compensation. The term includes, but is not limited to, the
24 owner and operator of a carnival, circus, fair or zoo that
25 exhibits an animal, whether for profit or not. The term does not
26 include:

27 (1) the owner or operator of a retail pet store;

28 (2) a person who owns a common, domesticated household
29 pet and who derives less than a substantial portion of income
30 from a nonprimary source for exhibiting an animal that

1 exclusively resides at the residence of the person; or
2 (3) an organization that sponsors or a person who
3 participates with domestic animal or domestic fowl species in
4 a purebred dog or cat show, or a state or county fair or
5 livestock show intended to advance the agricultural arts and
6 sciences.

7 "Exotic animal." An animal that is native to a foreign
8 country or of foreign origin or character, is not native to the
9 United States or was introduced from abroad and includes all
10 hybrids of the animal. The term includes, but is not limited to,
11 a nonhuman primate, lion, tiger, leopard, elephant, camel,
12 antelope, anteater, kangaroo, water buffalo and any species of
13 foreign domestic cattle, such as ankole, gayal and yak.

14 "Exotic wildlife." As defined in 34 Pa.C.S. § 2961 (relating
15 to definitions).

16 "Mobile housing facility." A transporting vehicle,
17 including, but not limited to, a truck, trailer or railway car
18 used to house animals while traveling for exhibition or public
19 education purposes.

20 Section 2. This act shall take effect in 60 days.