

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

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

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

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

12 § 5532. Neglect of animal.

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

17 (1) Necessary sustenance and potable water.

18 (2) Access to clean and sanitary shelter [and] which
 19 must provide protection from the weather[. The shelter must

1 be sufficient to permit the animal to retain body heat] and
2 keep the animal dry.

3 (3) Necessary veterinary care.

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

7 (1) A shelter, which shall:

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

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

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

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

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

23 (i) have a windbreak at the entrance;

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

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

30 (iv) not utilize hay, blankets, rags or other

1 material that retains moisture for bedding.

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

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

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

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

18 * * *

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

21 § 5536. Tethering of unattended dog.

22 (a) Presumptions.--

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

29 * * *

30 (iv) The dog has not been tethered for longer than

1 [30] 15 minutes in temperatures above 90 or below 32
2 degrees Fahrenheit.

3 * * *

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

7 (1) Tethering a dog while actively engaged in lawful
8 hunting, exhibition, performance events or field training.

9 (2) Tethering a hunting, sporting or sledding dog breed
10 where tethering is integral to the training, conditioning or
11 purpose of the dog.

12 (3) Tethering a dog in compliance with the requirements
13 of a camping or recreational area.

14 (4) Tethering a dog for a period of time, not to exceed
15 one hour, reasonably necessary for the dog or person to
16 complete a temporary task.

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