

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 337 Session of 2021

INTRODUCED BY HOHENSTEIN, CIRESI, DeLUCA, FREEMAN, HANBIDGE, HILL-EVANS, HOWARD, ISAACSON, MALAGARI, McNEILL, SANCHEZ, SCHLOSSBERG, SCHWEYER AND THOMAS, JANUARY 29, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 2021

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 is amended and the section is amended by  
 10 adding subsections to read:

11 § 5532. Neglect of animal.

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

16 (1) Necessary sustenance and potable water.

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

1 keep the animal dry.

2 (3) Necessary veterinary care.

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

6 (1) A shelter, which shall:

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

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

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

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

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

22 (i) have a windbreak at the entrance;

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

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

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

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

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

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

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

17 \* \* \*

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

20 § 5536. Tethering of unattended dog.

21 (a) Presumptions.--

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

28 \* \* \*

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

30 [30] 15 minutes in temperatures above 90 or below 32

1 degrees Fahrenheit.

2 \* \* \*

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

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

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

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

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

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