
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 44 Session of 2019

INTRODUCED BY KILLION, DINNIMAN, ALLOWAY, ARGALL, BARTOLOTTA, BOSCOLA, BREWSTER, COLLETT, COSTA, FARNESE, FONTANA, KEARNEY, LANGERHOLC, LAUGHLIN, LEACH, MUTH, PHILLIPS-HILL, SABATINA, SANTARSIERO, SCAVELLO, STEFANO, STREET, TARTAGLIONE, K. WARD, WHITE, YAW AND YUDICHAK, FEBRUARY 5, 2019

REFERRED TO JUDICIARY, FEBRUARY 5, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for transfer and sale of
3 animals.

4 This act may referred to as Victoria's Law.

5 The General Assembly finds that:

6 (1) A significant number of puppies, kittens and rabbits
7 sold at pet stores come from large-scale, commercial breeding
8 facilities, puppy mills, kitten mills and rabbit mills, where
9 the health and welfare of the animals are not adequately
10 addressed.

11 (2) According to The Humane Society of the United
12 States, it is estimated that 10,000 puppy mills produce more
13 than 2,400,000 puppies each year in the United States and
14 that most pet store dogs, cats and rabbits come from puppy
15 mills, kitten mills and rabbit mills.

16 (3) The documented abuses endemic to puppy mills, kitten
17 mills and rabbit mills include overbreeding, inbreeding,

1 minimal to nonexistent veterinary care, lack of adequate and
2 nutritious food and water, shelter, lack of socialization,
3 lack of adequate space and lack of adequate exercise.

4 (4) The inhumane conditions in puppy mills, kitten mills
5 and rabbit mills lead to health and behavioral issues in the
6 animals bred in those facilities, and many consumers are
7 unaware of these conditions and issues when they purchase
8 animals from pet stores, due to both a lack of education on
9 the subject matter and misleading tactics of some pet stores.

10 (5) These health and behavioral issues, which may not
11 present themselves until some time after the purchase of the
12 animals, can impose exorbitant financial and emotional costs
13 on consumers.

14 (6) Current Federal and State regulations do not
15 properly address the sale in pet stores of dogs, cats and
16 rabbits bred at puppy mills, kitten mills and rabbit mills.

17 (7) Restricting the retail sale of puppies and kittens
18 to only those that are sourced from animal shelters or rescue
19 organizations will likely reduce the demand for puppies and
20 kittens bred in puppy mills and kitten mills and will likely
21 increase demand for animals from animal shelters or rescue
22 organizations.

23 (8) Due in large part to pet overpopulation, thousands
24 of dogs, cats and rabbits are euthanized annually in animal
25 shelters across this Commonwealth.

26 (9) Restricting the retail sale of puppies, kittens and
27 rabbits to only those that are sourced from animal shelters
28 or rescue organizations will likely reduce pet overpopulation
29 and the burden placed on agencies and local taxpayers.

30 (10) Across the United States, thousands of independent

1 pet stores and large chains operate in collaboration with
2 local animal shelters and rescue organizations to offer space
3 and support for showcasing adoptable homeless pets on their
4 premises utilizing a business model focused on the sale of
5 pet services and supplies rather than the sale of
6 commercially bred dogs, cats or rabbits.

7 (11) The provisions of 18 Pa.C.S. Ch. 55 Subch. C will
8 not impact a consumer's ability to obtain a dog, cat or
9 rabbit of the consumer's choice directly from a breed-
10 specific rescue organization or animal shelter or from a
11 breeder where the consumer can see directly the conditions in
12 which the dogs, cats or rabbits are bred.

13 (12) It is in the best interests of the Commonwealth to
14 adopt reasonable regulations to reduce costs to the
15 Commonwealth and its residents, protect the residents of the
16 Commonwealth who may purchase dogs, cats or rabbits from a
17 pet store or other business establishment, help prevent
18 inhumane breeding conditions, promote community awareness of
19 animal welfare and foster a more humane environment in this
20 Commonwealth.

21 The General Assembly of the Commonwealth of Pennsylvania
22 hereby enacts as follows:

23 Section 1. Chapter 55 of Title 18 of the Pennsylvania
24 Consolidated Statutes is amended by adding a subchapter to read:

25 SUBCHAPTER C

26 TRANSFER AND SALE OF ANIMALS

27 Sec.

28 5571. Definitions.

29 5572. Advertising information.

30 5573. Sales by pet shop-kennels.

1 § 5571. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Animal care facility." An animal control center or animal
6 shelter, maintained by or under contract with a State, county or
7 municipality, the mission or practice of which is to protect the
8 welfare of animals and the placement of animals in permanent
9 homes or animal rescue organizations.

10 "Animal control officer." As defined in section 102 of the
11 Dog Law.

12 "Animal rescue organization." A not-for-profit organization
13 that has tax-exempt status under section 501(c)(3) of the
14 Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. §
15 501(c)(3)), the primary mission or practice of which is the
16 rescue of animals and the placement of those animals in
17 permanent homes. The term does not include the following:

18 (1) An entity that is a breeder or broker.

19 (2) An entity that is affiliated with or housed on the
20 premises of a breeder or broker.

21 (3) An entity that obtains dogs from a breeder or broker
22 in exchange for payment or compensation or resells dogs
23 obtained from a breeder or broker and provides payment or
24 compensation to the breeder or broker.

25 "Breeder." A person that maintains dogs, cats or rabbits for
26 the purpose of breeding and selling their offspring.

27 "Broker." A person that transfers dogs, cats or rabbits for
28 resale by another person.

29 "Cat." As defined in section 102 of the Dog Law.

30 "Dog." As defined in section 102 of the Dog Law.

1 "Dog Law." The act of December 7, 1982 (P.L.784, No.225),
2 known as the Dog Law.

3 "Humane society police officer." As defined in section 102
4 of the Dog Law.

5 "Offer for sale." To sell, offer for sale or adoption,
6 barter, auction, give away or otherwise transfer a dog, cat or
7 rabbit.

8 "Pet shop-kennel." A kennel or person that acquires and
9 sells dogs, cats or rabbits for the purpose of resale, whether
10 as owner, agent or consignee, and sells or offers to sell the
11 dogs, cats or rabbits on a retail basis.

12 "Police officer." As defined in section 102 of the Dog Law.

13 "State dog warden." As defined in section 102 of the Dog
14 Law.

15 § 5572. Advertising information.

16 (a) Requirement.--An individual required to possess a
17 Federal, State or local license shall prominently include that
18 individual's name and address as registered with the licensing
19 agency and each applicable Federal, State or local license
20 number in the text of an advertisement offer for the sale of a
21 dog through a newspaper, posting, the mail, an Internet website
22 or another form of media.

23 (b) Penalty.--An individual who violates subsection (a)
24 shall be subject to a civil penalty of \$100 for each
25 advertisement offer.

26 § 5573. Sales by pet shop-kennels.

27 (a) Offense defined.--No pet shop-kennel may offer for sale
28 a live dog, cat or rabbit unless the dog, cat or rabbit was
29 obtained from or displayed in cooperation with:

30 (1) an animal care facility; or

1 (2) an animal rescue organization.

2 (b) Recordkeeping and posting.--

3 (1) A pet shop-kennel shall maintain records sufficient
4 to document the source of each dog, cat or rabbit the pet
5 shop-kennel acquires, for at least two years following the
6 date of acquisition.

7 (2) A pet shop-kennel shall post, in a conspicuous
8 location on the cage or enclosure of each animal, a
9 notification listing the name of the animal care facility or
10 animal rescue organization from which a dog, cat or rabbit
11 was obtained.

12 (3) Records under paragraph (1) shall be:

13 (i) Made available immediately upon request to a
14 humane society police officer, police officer, State dog
15 warden, employee of the Department of Agriculture or
16 animal control officer.

17 (ii) Submitted annually to the Department of
18 Agriculture.

19 (c) Penalties.--Notwithstanding sections 901 and 903 of the
20 Dog Law, a pet shop-kennel operator that violates this section
21 shall be subject to a civil penalty of \$500. Each animal offered
22 for sale in violation of this section shall constitute a
23 separate violation.

24 (d) Construction.--Nothing in this section shall be
25 construed to prevent a political subdivision from adopting and
26 enforcing ordinances or regulations consistent with this
27 section.

28 Section 2. This act shall take effect in 180 days.