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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1318 Session of  
2023

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INTRODUCED BY BIZZARRO, McNEILL, SHUSTERMAN, KAZEEM, SANCHEZ,  
PROBST, SCHLOSSBERG, MADDEN, HOHENSTEIN, HILL-EVANS, KHAN,  
DELLOSO, MUSTELLO, HOWARD, PIELLI, ISAACSON AND GREEN,  
JUNE 5, 2023

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
JUNE 5, 2023

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AN ACT

1 Providing for prohibition on sale of dogs and cats bred by  
2 certain persons, for duty of persons, kennels and animal  
3 testing facilities to offer dogs and cats for adoption and  
4 for whistleblower protection; and imposing penalties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Beagle  
9 Freedom Act.

10 Section 2. Definitions.

11 The following words and phrases when used in this act shall  
12 have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 "Animal testing facility." A facility, including a private  
15 entity, State agency or an institution of higher education, that  
16 confines and uses dogs or cats for research, education, testing  
17 or other scientific or medical purposes. The term shall include

1 any of the following:

2 (1) A kennel or facility subject to the Public Health  
3 Service Policy on Humane Care and Use of Laboratory Animals  
4 provided for under 42 U.S.C. Ch. 6A (relating to public  
5 health service).

6 (2) A kennel or facility subject to the provisions of 21  
7 CFR Pt. 58 (relating to good laboratory practice for  
8 nonclinical laboratory studies), 21 U.S.C. Ch. 9 (relating to  
9 Federal Food, Drug, and Cosmetic Act) or 42 U.S.C. Ch. 6A.

10 (3) A research kennel licensed under the Dog law.

11 "Dealer." A person who in the regular course of business for  
12 compensation or profit buys, sells, transfers, exchanges or  
13 barter dogs and cats. The term does not include any of the  
14 following:

15 (1) A person who transports companion animals in the  
16 regular course of business as a common carrier.

17 (2) A person whose primary purpose is to find permanent  
18 adoptive homes for companion animals.

19 "Department." The Department of Agriculture of the  
20 Commonwealth.

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

23 "Kennel." As defined in section 102 of the Dog Law.

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

25 "Releasing agency." As defined in section 901-A of the Dog  
26 Law.

27 "Research." As defined in section 102 of the Dog Law.

28 "Research kennel." As defined in section 102 of the Dog Law.

29 "State dog warden." As defined in section 102 of the Dog  
30 Law.

1 Section 3. Prohibition on sale of dogs and cats bred by certain  
2 persons.

3 Notwithstanding the provisions of section 908 of the Dog Law,  
4 a dealer or kennel may not sell or offer for sale, including a  
5 sale for research purposes, a dog or cat bred by a person who  
6 has received any of the following from the United States  
7 Department of Agriculture as authorized under 7 U.S.C. Ch. 54  
8 (relating to transportation, sale, and handling of certain  
9 animals):

10 (1) A citation for a direct or critical violation or  
11 citations for three or more indirect or noncritical  
12 violations during the two-year period before the procurement  
13 of the dog or cat.

14 (2) Two consecutive citations for no access to a housing  
15 facility before the procurement of the dog or cat.

16 Section 4. Duty of persons, kennels and animal testing  
17 facilities to offer dogs and cats for adoption.

18 (a) Duties.--

19 (1) If any person, kennel or animal testing facility  
20 specified under paragraph (2) does not have a need for a dog  
21 or cat in its possession and the dog or cat does not pose a  
22 health or safety risk to the public or the welfare of the dog  
23 or cat, the person, kennel or animal testing facility shall  
24 offer for release the dog or cat to a releasing agency for  
25 eventual adoption or for adoption through a private  
26 placement. In the case of an animal testing facility operated  
27 by a State agency or an institution of higher education, the  
28 animal testing facility may develop its own adoption program.

29 (2) Paragraph (1) shall apply only to the following:

30 (i) A person who raises cats regulated under Federal

1 law as research animals or sells or transfers cats to an  
2 animal testing facility.

3 (ii) A kennel that breeds dogs regulated under  
4 Federal law as research animals.

5 (iii) A kennel that sells or transfers dogs to an  
6 animal testing facility or a research kennel.

7 (iv) An animal testing facility.

8 (3) Any person, kennel or animal testing facility  
9 subject to this subsection shall keep the offer for release  
10 under paragraph (1) available for a reasonable period of time  
11 for a duration of up to 21 days before euthanizing a dog or  
12 cat specified under paragraph (1).

13 (b) Implementation.--Any person, kennel or animal testing  
14 facility under subsection (a) may enter into an agreement with a  
15 releasing agency to implement the requirements under subsection  
16 (a).

17 (c) Liability.--Any person, kennel or animal testing  
18 facility under subsection (a) shall not be liable for civil  
19 damages for a dog or cat adopted under subsection (a).

20 (d) Annual reports.--Any person, kennel or animal testing  
21 facility under subsection (a) shall annually submit a report to  
22 the department stating the number of dogs and cats that were  
23 adopted under subsection (a) and the name of each releasing  
24 agency utilized by the person, kennel or animal testing  
25 facility.

26 Section 5. Recordkeeping requirements for persons and kennels  
27 engaged in the raising of dogs or cats for research  
28 purposes.

29 (a) Requirements.--

30 (1) A person or kennel specified under paragraph (2) and

1 engaged in the raising of dogs or cats for research purposes  
2 shall keep accurate records of all of the following:

3 (i) A dog or cat purchased, acquired, owned, held or  
4 otherwise in the possession or control of the person or  
5 kennel.

6 (ii) A dog or cat transported, euthanized, sold or  
7 otherwise disposed of during the two-year period from the  
8 date of the purchase, acquisition, transfer or  
9 disposition of the dog or cat.

10 (2) Paragraph (1) shall apply only to the following:

11 (i) A person who raises cats regulated under Federal  
12 law as research animals or sells or transfers cats to an  
13 animal testing facility.

14 (ii) A kennel that breeds dogs regulated under  
15 Federal law as research animals.

16 (iii) A kennel that sells or transfers dogs to an  
17 animal testing facility or a research kennel.

18 (b) Records.--The records under subsection (a) shall include  
19 all of the following:

20 (1) The name and address of the person from whom a dog  
21 or cat was purchased or acquired and the person's license or  
22 registration number if the person is licensed or registered  
23 under 7 U.S.C. Ch. 54 (relating to transportation, sale, and  
24 handling of certain animals).

25 (2) The date on which a dog or cat was purchased or  
26 acquired.

27 (3) The name and address of the person to whom a dog or  
28 cat was sold, given or transferred and the person's license  
29 or registration number if the person is licensed or  
30 registered under 7 U.S.C. Ch. 54.

1           (4) The official United States Department of  
2           Agriculture's tag number or tattoo assigned to a dog or cat  
3           under 7 U.S.C. Ch. 54.

4           (5) A description of a dog or cat, including all of the  
5           following:

6                   (i) The species and breed or type.

7                   (ii) The sex.

8                   (iii) The date of birth or approximate age.

9                   (iv) The color and distinctive markings.

10          (6) The date and number of offspring born of a dog or  
11          cat while in the possession or under the control of the  
12          person or kennel under subsection (a).

13          (7) Medical care and vaccinations provided to a dog or  
14          cat.

15          (8) The date and method of disposition of a dog or cat,  
16          including the sale, death and cause of death of the dog or  
17          cat if the disposition is not euthanasia, adoption or  
18          transfer.

19          (9) The number of dogs or cats in the possession of the  
20          person or kennel under subsection (a) that the person or  
21          kennel does not need.

22          (10) The number of dogs or cats described under  
23          paragraph (9) that have been offered for transfer to a  
24          releasing agency for eventual adoption or for adoption  
25          through private placement.

26          (c) Inspections.--A person or kennel under subsection (a)  
27          shall ensure that the records under subsection (a) are legible  
28          and the records shall be open to inspection and may be copied by  
29          an employee of the department, State dog warden or police  
30          officer.

1 (d) Submission.--A person or kennel under subsection (a)  
2 shall annually submit a summary of the records under subsection  
3 (a) to the department in a form determined by the department.

4 Section 6. Whistleblower protection.

5 An employee of any person, dealer, kennel, animal testing  
6 facility, private entity, State agency or institution of higher  
7 education subject to this act shall be deemed to be an employee  
8 under the act of December 12, 1986 (P.L.1559, No.169), known as  
9 the Whistleblower Law, with regard to a good faith report of a  
10 potential violation of this act, the Dog Law or 7 U.S.C. Ch. 54  
11 (relating to transportation, sale, and handling of certain  
12 animals). Any dealer, kennel, animal testing facility, private  
13 entity, State agency or institution of higher education subject  
14 to this act shall be deemed to be an employer under the  
15 Whistleblower Law with regard to a good faith report of a  
16 potential violation of this act, the Dog Law or 7 U.S.C. Ch. 54.  
17 Section 7. Annual report.

18 No later than July 1, 2024, and each July 1 thereafter, the  
19 department shall submit a report summarizing the information  
20 collected under this act and complaints, enforcement activities  
21 and penalties authorized under this act to the following:

22 (1) The chair and minority chair of the Agriculture and  
23 Rural Affairs Committee of the Senate.

24 (2) The chair and minority chair of the Agriculture and  
25 Rural Affairs Committee of the House of Representatives.

26 Section 8. Penalties.

27 A violation of this act shall constitute a misdemeanor of the  
28 third degree.

29 Section 9. Regulations.

30 The department may promulgate regulations as necessary to

1 implement this act.

2 Section 10. Effective date.

3 This act shall take effect in 120 days.