
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 701 Session of
2023

INTRODUCED BY COMITTA, FONTANA, HAYWOOD, KANE, SANTARSIERO,
PENNYCUICK, CAPPELLETTI, COSTA, BREWSTER, MILLER AND SCHWANK,
MAY 15, 2023

REFERRED TO AGRICULTURE AND RURAL AFFAIRS, MAY 15, 2023

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 Dog and Cat
9 Protection 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
18 any of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 Section 3. Prohibition on sale of dogs and cats bred by certain

1 persons.

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

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

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

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

17 (a) Duties.--

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

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

29 (i) A person who raises cats regulated under Federal
30 law as research animals or sells or transfers cats to an

1 animal testing facility.

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

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

6 (iv) An animal testing facility.

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

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

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

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

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

28 (a) Requirements.--

29 (1) A person or kennel specified under paragraph (2) and
30 engaged in the raising of dogs or cats for research purposes

1 shall keep accurate records of all of the following:

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

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

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

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

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

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

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

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

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

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

30 (4) The official United States Department of

1 Agriculture's tag number or tattoo assigned to a dog or cat
2 under 7 U.S.C. Ch. 54.

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

5 (i) The species and breed or type.

6 (ii) The sex.

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

8 (iv) The color and distinctive markings.

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

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

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

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

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

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

30 (d) Submission.--A person or kennel under subsection (a)

1 shall annually submit a summary of the records under subsection
2 (a) to the department in a form determined by the department.

3 Section 6. Whistleblower protection.

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

16 Section 7. Annual report.

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

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

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

25 Section 8. Penalties.

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

28 Section 9. Regulations.

29 The department may promulgate regulations as necessary to
30 implement this act.

1 Section 10. Effective date.

2 This act shall take effect in 120 days.