

No. 1989-60

## AN ACT

SB 357

Amending the act of July 19, 1979 (P.L.130, No.48), entitled "An act relating to health care; prescribing the powers and duties of the Department of Health; establishing and providing the powers and duties of the State Health Coordinating Council, health systems agencies and Health Care Policy Board in the Department of Health, and State Health Facility Hearing Board in the Department of Justice; providing for certification of need of health care providers and prescribing penalties," permitting health care facilities to board an animal in certain cases; and limiting liability when animals are boarded or brought on the premises of health care facilities.

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

Section 1. The act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act, is amended by adding a section to read:

**Section 821. Pet therapy programs.**

*(a) Use of pet therapy.—Notwithstanding any inconsistent provision of law, rule or regulation to the contrary, and subject to the approval of the secretary, every health care facility may, at the discretion of the health care provider, invite a nonprofit organization or an individual to bring domesticated pets onto the premises of the facility or may board domesticated pets on the premises of the facility if the pet therapy would, in the determination of the secretary and the health care provider, tend to promote the general well-being of the residents of the facility. The secretary shall adopt rules and regulations necessary to implement the provisions of this act.*

*(b) Limitation of liability.—If a health care facility boards domesticated pets in the facility or if a health care facility or health care provider invites a nonprofit organization to bring domesticated pets onto the premises of the facility for the well-being of the residents of the facility, the health care facility or health care provider, or a director, officer or employee of the health care facility or health care provider, or the nonprofit organization, or a director, officer or employee of the nonprofit organization, shall not be liable to any person for civil damages as a result of any acts or omissions arising from the boarding of domesticated pets in the facility or the bringing of domesticated pets onto the premises of the facility unless the conduct of the person falls below the standards generally practiced and accepted in like circumstances by similar persons performing the same or similar acts, and unless it is shown that the person did an act or omitted the doing of an act which the person was under a recognized duty to another to do, knowing or having reason to know that the act or omission created a substantial risk of actual harm to the person or property of another. It shall be insufficient to impose liability to establish only that the conduct of the person fell below ordinary standards of care.*

Section 2. This act shall take effect in 60 days.

APPROVED—The 4th day of October, A. D. 1989.

ROBERT P. CASEY