

No. 2009-38

AN ACT

HB 39

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for cruelty to animals.

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

Section 1. Section 5511(h) and (h.1) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 5511. Cruelty to animals.

* * *

(h) **[Cropping ears of dog] *Specific violations***; prima facie evidence of violation.—

(1) (i) A person commits a summary offense if **[he crops] *the person crops, trims*** or cuts off, or causes or procures to be cropped, ***trimmed*** or cut off, the whole[,] or part of the ear or ears of a dog **[or shows or exhibits or procures the showing or exhibition of any dog whose ear is or ears are cropped or cut off, in whole or in part, unless the person showing such dog has in his possession either a certificate of veterinarian stating that such cropping was done by the veterinarian or a certificate of registration from a county treasurer, showing that such dog was cut or cropped before this section became effective].**

(ii) The provisions of this **[section] *paragraph*** shall not prevent a veterinarian from **[cutting or cropping] *cropping, trimming or cutting off*** the whole or part of the ear or ears of a dog when **[such] *the*** dog is anesthetized[,] and shall not prevent any person from causing or procuring **[such cutting or cropping] *the cropping, trimming or cutting off*** of a dog's ear or ears by a veterinarian.

(iii) The possession by any person of a dog with an ear or ears **[cut off or cropped] *cropped, trimmed or cut off*** and with the wound ***or incision site*** resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this subsection by **[such] *the*** person except as provided for in this subsection.

(iv) ***A person who procures the cropping, trimming or cutting off of the whole or part of an ear or ears of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision***

site is unhealed and shall be transferred with the dog during that period of time.

[The owner of any dog whose ear or ears have been cut off or cropped before this section became effective may, if a resident of this Commonwealth, register such dog with the treasurer of the county where he resides, and if a nonresident of this Commonwealth, with the treasurer of any county of this Commonwealth, by certifying, under oath, that the ear or ears of such dog were cut or cropped before this section became effective, and the payment of a fee of \$1 into the county treasury. The said treasurer shall thereupon issue to such person a certificate showing such dog to be a lawfully cropped dog.]

(2) (i) *A person commits a summary offense if the person debarks a dog by cutting, causing or procuring the cutting of its vocal cords or by altering, causing or procuring the alteration of any part of its resonance chamber.*

(ii) *The provisions of this paragraph shall not prevent a veterinarian from cutting the vocal cords or otherwise altering the resonance chamber of a dog when the dog is anesthetized and shall not prevent a person from causing or procuring a debarking procedure by a veterinarian.*

(iii) *The possession by any person of a dog with the vocal cords cut or the resonance chamber otherwise altered and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.*

(iv) *A person who procures the cutting of vocal cords or the alteration of the resonance chamber of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.*

(3) (i) *A person commits a summary offense if the person docks, cuts off, causes or procures the docking or cutting off of the tail of a dog over five days old.*

(ii) *The provisions of this paragraph shall not prevent a veterinarian from docking, cutting off or cropping the whole or part of the tail of a dog when the dog is at least 12 weeks of age and the procedure is performed using general anesthesia and shall not prevent a person from causing or procuring the cutting off or docking of a tail of a dog by a veterinarian as provided in this paragraph.*

(iii) The provisions of this section shall not prevent a veterinarian from surgically removing, docking, cutting off or cropping the tail of a dog between five days and 12 weeks of age if, in the veterinarian's professional judgment, the procedure is medically necessary for the health and welfare of the dog. If the procedure is performed, it shall be done in accordance with generally accepted standards of veterinary practice.

(iv) The possession by any person of a dog with a tail cut off or docked and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.

(v) A person who procures the cutting off or docking of a tail of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(4) (i) A person commits a summary offense if the person surgically births or causes or procures a surgical birth.

(ii) The provisions of this section shall not prevent a veterinarian from surgically birthing a dog when the dog is anesthetized and shall not prevent any person from causing or procuring a surgical birthing by a veterinarian.

(iii) The possession by any person of a dog with a wound or incision site resulting from a surgical birth unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.

(iv) A person who procures the surgical birth of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.

(v) This paragraph shall not apply to personnel required to comply with standards to minimize pain to an animal set forth in section 2143(a)(3) of the Animal Welfare Act (Public Law 89-544, 7 U.S.C. § 2131 et seq.), trained in accordance with section 2143(d) of the Animal Welfare Act, who work in a federally registered research facility required to comply with the Animal Welfare Act under the guidance or oversight of a veterinarian.

(5) (i) *A person commits a summary offense if the person cuts off or causes or procures the cutting off of the dewclaw of a dog over five days old.*

(ii) *The provisions of this paragraph shall not prevent a veterinarian from cutting the dewclaw and shall not prevent a person from causing or procuring the procedure by a veterinarian.*

(iii) *The possession by any person of a dog with the dewclaw cut off and with the wound or incision site resulting therefrom unhealed, or any such dog being found in the charge or custody of any person or confined upon the premises owned by or under the control of any person, shall be prima facie evidence of a violation of this paragraph by the person, except as provided in this paragraph.*

(iv) *A person who procures the cutting off of the dewclaw of a dog shall record the procedure. The record shall include the name of the attending veterinarian and the date and location at which the procedure was performed. The record shall be kept as long as the wound or incision site is unhealed and shall be transferred with the dog during that period of time.*

(h.1) Animal fighting.—A person commits a felony of the third degree if he:

- (1) for amusement or gain, causes, allows or permits any animal to engage in animal fighting;
- (2) receives compensation for the admission of another person to any place kept or used for animal fighting;
- (3) owns, possesses, keeps, trains, promotes, purchases, *steals or acquires in any manner* or knowingly sells any animal for animal fighting;
- (4) in any way knowingly encourages, aids or assists therein;
- (5) wagers on the outcome of an animal fight;
- (6) pays for admission to an animal fight or attends an animal fight as a spectator; or
- (7) knowingly permits any place under his control or possession to be kept or used for animal fighting.

This subsection shall not apply to activity undertaken in a normal agricultural operation.

* * *

Section 2. This act shall take effect as follows:

- (1) The amendment of 18 Pa.C.S. § 5511(h.1) shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 27th day of August, A.D. 2009.

EDWARD G. RENDELL