

No. 2002-211

AN ACT

SB 1325

Amending Title 3 (Agriculture) of the Pennsylvania Consolidated Statutes, providing for animal exhibition sanitation; and imposing penalties.

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

Section 1. Title 3 of the Pennsylvania Consolidated Statutes is amended by adding a chapter to read:

CHAPTER 25
ANIMAL EXHIBITION SANITATION

Sec.

2501. Definitions.

2502. Sanitation standards.

2503. Administration.

2504. Penalty.

§ 2501. Definitions.

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

“Adequate hand-cleansing facility.” A facility which has:

- (1) running water and soap or other hand-cleansing methods approved by the department; and
- (2) hand-drying equipment or disposable towels.

The term does not include a communal basin.

“Advertise.” To notify the public of an event by:

- (1) publication in a newspaper, magazine or other publication of general circulation;
- (2) announcement on television or radio;
- (3) public mailing or distribution of written material; or
- (4) posting of written material at a location other than the animal exhibition grounds.

“Agricultural fair.” An agricultural exhibition which is conducted in a manner to make it eligible for a grant under the act of July 8, 1986 (P.L.437, No.92), known as the Pennsylvania Agricultural Fair Act.

“Animal.” A living nonhuman organism having sensation and the power of voluntary movement and requiring for its existence oxygen and organic food. The term does not include a fish or an aquatic animal.

“Animal exhibition.” As follows:

- (1) The term shall include:
 - (i) an agricultural fair;

- (ii) a petting zoo;
- (iii) an event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if the operator advertises the event;
- (iv) an event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if the operator charges an admission fee for access to the animals; or
- (v) an event where animals are displayed on animal exhibition grounds for view and physical contact with humans, if there is a retail food establishment on the grounds.

(2) The term shall not include:

- (i) an event, other than an agricultural fair, sponsored by an agricultural organization and held for not more than two days per year;
- (ii) an event authorized by a farmer to permit individuals to view or have contact with animals the farmer is raising or keeping in the course of "normal agricultural operation" as defined in the act of June 10, 1982 (P.L.454, No.133), entitled "An act protecting agricultural operations from nuisance suits and ordinances under certain circumstances," which is not held on animal exhibition grounds where there is a retail food establishment;
- (iii) an event performed or authorized in the normal course of operation of an equine boarding, riding or training enterprise by the person that operates the enterprise;
- (iv) an event performed or authorized on the premises of a pet store by the person that operates the store;
- (v) an event sponsored by or authorized by a recognized dog or cat breed association, dog or cat club or recognized kennel association;
- (vi) an event performed or authorized by an animal rescue organization, a humane society or association for the prevention of cruelty to animals; or
- (vii) an event excluded by regulation of the department.

"Animal exhibition grounds." The premises on which an animal exhibition is conducted.

"Operator." A person that conducts an animal exhibition. The term includes a person that contracts with another to conduct an animal exhibition.

"Veterinarian-client-patient relationship." A relationship in which:

(1) the veterinarian has assumed the responsibility for making veterinary medical judgments regarding the health of the animal and the need for veterinary medical treatment; and

(2) the owner or caretaker of the animal has agreed to follow the instructions of the veterinarian in relation to zoonotic diseases.

"Zoonotic disease." A disease which is transmissible from an animal to a human being.

§ 2502. Sanitation standards.

(a) **Minimum.**—The following sanitation standards are required to minimize the risk of contracting a zoonotic disease at an animal exhibition:

(1) An operator shall promote public awareness of the risk of contracting a zoonotic disease at the animal exhibition and of the measures necessary to minimize the risk of contraction by posting appropriate notices at the animal exhibition.

(2) An adequate hand-cleansing facility for adults and children shall be conveniently located on the animal exhibition grounds. The operator shall post appropriate notices which designate the location of the hand-cleansing facility required by this paragraph and encourage the cleansing of hands after touching animals, using the restroom and before eating.

(3) A person may not bring an animal to an animal exhibition unless the person has an established veterinarian-client-patient relationship.

(b) **Additional.**—The department may promulgate additional sanitation standards through regulations.

§ 2503. Administration.

The department shall do all of the following:

(1) Access the Department of Health's aggregate data reports and other information relating to the occurrence of zoonotic diseases.

(2) In consultation with the Department of Health, promote public education and physician awareness of the risk, and the sanitation standards necessary to minimize the risk, of contracting a zoonotic disease. The primary emphasis of this paragraph shall be the need to cleanse hands after contact with animals to reduce the risk of contracting a zoonotic disease.

(3) Promulgate regulations necessary to administer this chapter.

(4) Implement and enforce this chapter.

§ 2504. Penalty.

(a) **Imposition.**—The department may assess an administrative penalty of up to \$500 for each violation of this chapter or a regulation promulgated under this chapter.

(b) **Procedure.**—A penalty assessed under subsection (a) shall be subject to 2 Pa.C.S. Ch. 5 Subch. A (relating to practice and procedure of Commonwealth agencies) and Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

Section 2. This act shall take effect as follows:

(1) This section shall take effect immediately.

(2) The addition of 3 Pa.C.S. § 2502(a)(2) shall take effect July 1, 2003.

(3) The remainder of this act shall take effect in 120 days.

APPROVED—The 9th day of December, A.D. 2002.

MARK S. SCHWEIKER