

No. 2001-54

AN ACT

SB 816

Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for assaults with biological agents on animals.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 5511.3. Assault with a biological agent on animal, fowl or honey bees.

(a) Offense defined.—A person commits a felony of the second degree if the person intentionally, knowingly or maliciously exposes or causes to be exposed an animal, fowl or honey bees to any virus, bacteria, prion or other agent which causes infectious disease, including any of the following:

(1) Foot-and-mouth disease.

(2) Bovine spongiform encephalopathy (BSE), commonly known as mad cow disease.

(3) Avian influenza.

(4) Varroamite.

(b) Restitution.—The person convicted of violating this section shall, in addition to any other sentence imposed, be sentenced to pay the owner of the afflicted animal, fowl or honey bees restitution in an amount equal to the cost of the financial damages incurred as a result of the offense, including the following:

(1) Value of afflicted animal, fowl or honey bees.

(2) Disposal of afflicted animal, fowl or honey bees.

(3) Testing for disease on existing animal.

(4) Cleanup and sanitization of property and buildings on and in which afflicted animals, fowl or honey bees were located.

(5) Liability insurance for cleanup and sanitization workers.

(6) Soil testing of property.

(7) Loss revenue for aggrieved owner of afflicted animal, fowl or honey bees.

(c) Exceptions.—The provisions of this section shall not apply to research or veterinarian services, including immunizations, vaccinations or other treatments administered during the normal scope of practice.

Section 2. Title 42 is amended by adding a section to read:

§ 8314.¹ Assault with biological agent on animal, fowl or honey bees.

¹"8313" in enrolled bill.

(a) Civil action and relief available.—*An animal owner aggrieved by exposure of an animal, fowl or honey bees to any virus, bacteria, prion or other agent which causes infectious disease, including foot-and-mouth disease, bovine spongiform encephalopathy (BSE), commonly known as mad cow disease, avian influenza or varroamite, may, in a civil action in any court of competent jurisdiction, obtain appropriate relief, including compensatory and punitive damages, reasonable investigation expenses and reasonable attorney fees and other costs associated with the litigation of the action. Upon a showing of cause for the issuance of injunctive relief, a court may issue temporary restraining orders, preliminary injunctions and permanent injunctions as may be appropriate under this section.¹ During any period that an action under this section is pending, a court may order the cessation of the complained-of activity.*

(b) Exceptions.—*The provisions of this section shall not apply to research or veterinarian services, including immunizations, vaccinations or other treatments administered during the normal scope of practice.*

Section 3. This act shall take effect immediately.

APPROVED—The 25th day of June, A.D. 2001.

THOMAS J. RIDGE

¹“act.” in enrolled bill.