



## Libre's Law: a few clarifications

Recent cold weather has brought well-deserved attention to the care of dogs who live outdoors. Libre's Law was a huge step in the right direction, enhancing penalties for animal abuse and placing limits on chronic chaining. That said, there are areas for improvement within the law that have been highlighted during the recent extreme weather. The HSUS is working with lawmakers to clarify the extreme weather provision and provide a meaningful definition of adequate shelter but in the meantime, we hope these questions provide clarity.

This Q & A has been reviewed by the Pennsylvania SPCA, Federated Humane Societies of Pennsylvania, Pennsylvania Vet Medical Association and Animal Legal Defense Fund.

**Q: Who can take action for a dog lacking appropriate shelter/exposed in extreme weather?**

**A:** A humane officer and/or law enforcement officer may enforce the cruelty code and seize an animal and file charges. If you believe that Act 10 is not being enforced, lawfully document the situation as best you can (take photographs, record times and dates) and request to speak with a law enforcement supervisor.

When speaking with a supervisor, cite the section of the law believed to be violated and inform him/her you are requesting an investigation.

Keep in mind that during extreme weather the number of calls increases exponentially and therefore response times are likely to be longer than usual.

Additionally, animals with access to shelter will always be investigated after animals without access to any shelter or having medical conditions needing immediate treatment.

**Q: Can dogs be tethered outside in extreme weather?**

**A:** The circumstances and manner in which a dog is tethered for longer than 30 minutes in weather under 32 or over 90 degrees may lead to charges of neglect.

The statute allows an exception to this rule for temporary tasks lasting one hour (for example, while doing yardwork), so if tethering in extreme weather is the only violation, many officers will use that timeframe for determining a violation.

When circumstances are non-life threatening, an officer may provide the owner an opportunity to remedy the issue.

In more serious circumstances when the dog's health and safety are at risk, an officer may choose to file charges and/or obtain a search warrant to remove the dog. These decisions are based on numerous situationally specific factors.

**Q: Can a dog be left outdoors in extreme weather?**

**A:** Yes. While the intent of Libre's Law was to protect dogs from severe conditions, current language still allows that a dog can be kept outside in these temperatures as long as s/he is untethered, and s/he has shelter that maintains adequate body temperature and keeps them dry.

There are certainly severe weather conditions under which no outdoor shelter will allow them to maintain their body temperature. Additional penalties may apply if the conditions are so poor that the animal is at imminent risk of severe injury or death.

If you are aware of a dog in immediate danger, continue reporting it to law enforcement until an officer responds.

**Q: What about dogs with inadequate shelter?**

**A:** Pennsylvania cruelty code requires 'shelter must be sufficient to permit the animal to retain body heat and keep the animal dry.' An officer is empowered to utilize the cruelty code if, upon responding to a report, he/she finds a dilapidated/damp/uninsulated structure, and/or the dog appears to be in distress (excessive vocalization, limping, panting, shivering, paleness, whimpering, frostbite, stiff limbs, ice on body parts, etc.).

**Q: In addition to extreme weather guidelines, what are the new rules for tethering?**

**A:** In order to ensure compliance with the law, dogs should not be tethered for more than 9 cumulative hours in a 24 hour period.

The tether should not be a tow or logging chain, and must be at least 10 feet long and attached to a well-fitted collar with a swivel (no choke/prong/chain collars allowed).

Tethered dogs should not be surrounded by excess waste or have open sores/wounds.

Tethered dogs should have access to drinkable water and an area of shade.

*Note:* these conditions can be met and an officer may still cite for neglect if the officer can prove that the conditions justify it. Similarly, an owner may fail to meet one of these standards and the officer may find insufficient evidence of neglect. The law allows discretion to the officer and the court.



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