

News on Legislation by Amy Peterson

The dog fancy is under siege. Animal rightist legislation backed by animal rights extremists has been introduced in 26 states. Such organizations vowed to introduce breeder bills in 34 states this year. Having failed for over 8 years at the federal level to pass legislation that would regulate, inspect and eliminate many small scale dog/cat breeders selling at retail, the animals rights extremists have taken their campaign across the U.S. at the state level. The legislation has many common elements such as using numbers to define which breeders will be legislated, setting engineering vs performance standards for facilities, and establishing some type of veterinary criteria for breeding. Eerily similar in wording, these regulations are being touted by animal rights extremists as targeting puppy mills. In reality, these bills will severely impact the dedicated, responsible hobby breeder.

Although the numbers vary, these bills set limits on the number of dogs a person may have without being subjected to harsh licensing requirements, annual inspections, and engineering requirements for housing that exceed those required by USDA. Some states are discussing limits as low as three intact females. Others set a cap on how many breeding adults an individual may have. Most require a background check, fingerprinting, unannounced inspections, and more. In some states, a breeder must be judged "of good moral character" in order to obtain a license.

These bills are a danger to anyone in the dog fancy. Backed and funded by the very deep pockets of animal rights extremists, these bills continue to gain sponsors in state legislatures. If they are passed, only the backyard breeders and the commercial puppy mills will continue to produce puppies. Responsible, quality breeders will be forced out by costs and requirements. The backyard breeders with a couple of substandard dogs will stay under the radar, and the commercial breeders will simply write the costs off as a business expense. While we all certainly abhor the conditions at true puppy mills, the legislation that is crisscrossing the nation will do nothing more than promote puppy mills and backyard breeders.

The term Puppy Mill is an emotional one with negative connotations. Asked to describe what a puppy mill would be, most people would say "dirty, smelly, underfed, undervetted, overcrowded..." and we do know that these situations exist. But those conditions have nothing to do with the number of dogs kept at any one place.

It is possible to have one dog kept in poor conditions, underfed, undermedicated, neglected and uncared for. It is possible to have 50 (or more) dogs kept in clean, healthy, and safe conditions if one is dedicated to the task and the hard work. Quantity has nothing to do with quality of care. Quality of care is a result of dedication, determination, persistence, knowledge, and grit. Some people can handle one dog but not two. Some can handle 5 but not 10. Some can handle more than others.

Effective laws are made to deal with problems and can be enforced without abuse. There are already laws in place to manage situations where dogs (or other pets) cause a nuisance by their noise or smell. This can happen whether there is one dog or 100. Why not enforce the laws that already exist and deal with the problems that exist instead of attempting to regulate the 99% of the persons not causing problems.

Yes, there are puppy mills in existence...those people who breed dogs who do not keep their animals in safe, humane, comfortable quarters or provide them the most careful of care. Under current law, animal control authorities have the power to investigate suspected animal cruelty and these existing, sensible laws should be enforced. Enforcement of current laws by trained animal control authorities is a more practical and indeed a better use of taxpayer funds and would far more effectively address animal welfare concerns.

While some of these limits may seem like a large number of dogs, remember that these are just the highlights of the bills. Buried within them are unspecified fees, engineering standards, and prohibitive violations if found not in compliance – including the euthanizing of dogs or sending them to a shelter rather than rehoming them.

There are a number of things each of us can do to curb these bills. First is an awareness of the difference between animal welfare and animal rights. Animal welfare organizations seek to maintain the human-animal bond and ensure that animals are well cared-for. Animal rights organizations would see the human-animal bond broken and their agendas include stopping breeding of all domesticated animals, prohibiting the use of animals for food, and all traditional relationships with animals.

Second, as concerned dog owners and breeders, it is imperative that we know and understand the legislation that is being considered in our individual states, and to act upon it by calling, writing, faxing, and e-mailing our representatives. Further contact should include the sponsors of any such bill, as well as the committee members reviewing it.

Third, we must educate our families, friends, and co-workers about how these bills will not affect just the dog fancy, but any individual who owns a dog. If these animal rights extremists get their foot in the door with respect to breeders, it won't

be long before the limits are reduced further, to the point of breeding bans; after that, activities such as obedience, agility, lure coursing, and dog shows could come under the direct fire of these extremists.

And finally, try to attend the hearings. Numbers do count!

It is important to note that compromise is NOT the answer. If a compromise is achieved, then it's a foot in the door to lower the numbers or raise the standards at the next legislative assembly. Further, compromise implies that both sides concede something. In this case, the animal rights extremists have nothing to concede. The only party making the concessions is the dog fancy.

A short list of the legislation currently pending in different states is listed below and the impact across the nation, if these are passed, would be devastating to the dog fancy. This list is certainly not all-inclusive but does give an overview of the massive effort being pushed by the animal rights groups to ban breeding, demand mandatory spay/neuter, and interfere with our civil rights and liberties regarding our ability to own and breed dogs.

Please contact your legislator and voice your opinion regarding these matters before the breeding of dogs becomes a criminal act.

The table below is provided as a courtesy from Sportsman's and Animal Owners Voting Alliance.

STATE	BILL	SUMMARY	STATUS
AL	SB 554	This bill would require the sterilization of all privately owned dogs and cats within the state with certain specified exceptions. This bill would also provide that the owner of a dog or cat over 6 months of age that has not been sterilized and that is the subject of a complaint to a local animal control agency, as specified, may be cited and, if cited, must pay a civil penalty to the local animal agency within 30 days.	Introduce 4/1; assigned to Judiciary.
AR	SB 864	Requires licensing for anyone owning 12 or more dogs and cats; allows warrantless searches	Referred to referred to Senate Committee on Judiciary. 4/8. Bill died in committee.
CA	AB 241	Existing law specifies that certain conduct against animals is criminal. This bill would make it a misdemeanor to have more than a combined total of 50 intact dogs and cats. Because this bill would create a new crime, it would impose a state-mandated local program. No individual or business that buys or sells dogs or cats to the public or at wholesale shall own, possess, control, or otherwise have charge or custody of more than a combined total of 50 dogs and cats with intact sexual organs. To comply with the new law animals in excess of 50 must be spayed, neutered, sold, relinquished or euthanized.	03.09.09 referred to Committee on Public Safety. <u>Hearing date scheduled for 4/14/09.</u>
CA	SB 250	No person may own an unaltered dog except as specified. It would be unlawful for any person who owns, keeps, or harbors any unaltered cat over 6 months of age to remain outdoors.	Referred to Committee on Local Govt. 03.09.09. <u>Hearing Date 4/15.</u>
CO	HB 1172	Limits at 25 the number of unsterilized dogs over 6 months of age that a dog breeder may keep on premises licensed under the "Pet Animal Care and Facilities Act" (Act). Mandates annual certification by a licensed veterinarian that a dog is suitably healthy for breeding before the dog may be bred.	Referred to Ag Committee. Hearing 02.09.09: After consideration on the merits, the Committee recommends the following - HB09-1172 be postponed indefinitely.
DE	HB 95	This bill adopts the recommendations of the Humane Society of the United States regarding restrictions on the large-scale for-profit dog breeding operations commonly known as "puppy mills." The intent of this bill is to ensure that dogs are bred in sanitary and humane conditions. The bill prohibits the possession of more than 25 breeding dogs at one time and imposes minimum requirements for breeding dogs to receive veterinary care.	Introduced 03.26. Referred to House Agriculture Committee.

FL	SB 2002 & HB 1249	Prohibits a person from keeping 50 or more breeding dogs at any one time; requires engineering standards for exercise, kennel size, sanitary conditions, temperature control, enclosure construction for anyone who owns 10 or more breeding dogs that are 4 months of age or older.	03/05/09 S Introduced, referred to Community Affairs; Agriculture; General Government Appropriations -SJ 00147
FL	HB 451	Requires all dogs and cats over the age of 4 months to be spayed/neutered; allows counties to extend certain exemptions	Referred to Agriculture & Natural Resources Policy Committee; first reading 03.03.09. Revised 03.25.09 to remove mandatory SN; replaced with surcharge imposed on intact animals if in violation of ordinance-surcharge to fund low cost SN.
IL	HB 198	Requires anyone with 3 or more females to be a commercially licensed kennel; sets engineering standards including live steam sanitation and enclosure requirements double those of USDA for facilities; requires background checks; requires extensive disclosure documents at sale; limits ownership to 20 intact dogs at any time. Dogs cannot be sold by facilities whose license is revoked; dogs must be surrendered to animal control or euthanized.	HB 198 referred to the Business/Occupational Licenses Committee; 2nd reading on 03.12.09. Read on House floor and recorded. Moved to Rules Committee.
IL	SB 53	Mirror bill to HB 198	SB 53 read and recorded in Senate. 03.17.09 Amendment #2 has stripped text from the bill.
IN	HB 1468	Pet dealer if you sell over 5 puppies/year. Registration as commercial breeder if you breed 10 or more litters/12 month period. Limit of 30 intact animals, standards for breeding, facilities. Mandated veterinary health certificate for breeding; USDA engineering standards for facilities; excessive record keeping and reporting;	Passed House; possible revisions in Senate. 02.23.09 First reading: referred to Committee on Corrections, Criminal, and Civil Matters.
LA	HB 1193	Limit facilities to a maximum of 75 dogs; created new license fees	Passed 10/2008
ME	LD 964, HP666	Establishes 3 categories of breeding kennels with excessive licensing fees.	Referred to Committee on Agriculture, Conservation and Forestry 03.12.09. Public Hearing scheduled Apr 15, 2009, 0100PM
ME	LD 1053	Requires \$150 intact fee for all dogs and cats over 6 months of age. Limit of 10 dogs/cats for any breeding kennel at an annual fee of \$500 each. Increases pet shop fees to \$650 per dog sold.	Referred to Committee on Agriculture, Conservation and Forestry. 03.31.09 Pursuant to Joint Rule 310.6 Placed in Legislative Files (DEAD)
MD	SB 318	Limit of 50 at any time; engineering standards set for anyone owning 10 or more	3/2009 UNFAVORABLE Report by Judicial Proceedings Withdrawn
MD	HB 495	Mirror bill to SB 318	Last hearing 02.12.09
MN	SF 7	Facilities to be regulated using USDA engineering standards; limit of 50 at any one time; mandatory ID for tracking before sale of animal; requires background checks for licensure.	1.08.09 referred to Agriculture and Veterans Committee
MN	HF 253	Companion bill to SF 7; AMENDED 03.19.09. Commercial breeder defined as anyone owning or having interest in 20 or more adult intact dogs/cats and 5 litters/year. Adult defined as 24 weeks of age.	Referred to Public Policy. 03.19.09 amended, passed to Civil Justice Committee. HF 253 has been TABLED
MN	SF500	Minnesota Puppy and Kitten Mill Cruelty Prevention Act. First labeling kitten mills. Labels as commercial anyone who owns or has an interest in animals for breeding; limits ownership to 40. Standards for care to be established under Best Management Practices which are to be written. Permit, inspection and fees to be determined by Board of Animal Health. The board must establish a per animal rate for each fee so as to cover the board's reasonable administration and inspection costs; board's rate-setting process is exempt from all existing rule-making requirements.	Referred to Agriculture and Veterans 02.09.09
MN	HF573	Mirror bill to SF500	Referred by chair of Public Safety to Crime & Criminal Records Div. 02.12.09

MT	HB 548	Requires annual unannounced inspections for facilities that breed dogs for sale or sell 20 dogs annually; requires department to adopt rules for inspections and standards for construction and maintenance of facilities that breed dogs for sale or sell dogs. AMENDED IN COMMITTEE. Inspection requires 48 hrs notice; standards for facilities removed; limit increased to sales of 100 dogs/year.	Referred to Agriculture Committee; failed first vote 3/5; amended & passed 3/18; scheduled for 2nd house hearing 3/23. TABLED.
NC	SB 460	Classifies anyone with 15 females as commercial breeder requiring licensing; annual veterinary certification for breeding; females under 18 mos or over 8 yrs cannot be bred; reporting; USDA commercial kennel standards; inspections at any time	Referred to Commerce Committee
NC	HB 460	Mirror bill to SB 460	Referred to Rules; should not advance
NC	HB 733	Classifies anyone with 15 females as commercial breeder requiring licensing; Limits ownership at any time to 20 females over 4 months; annual veterinary certification for breeding; females under 18 mos or over 8 yrs cannot be bred; reporting; USDA commercial kennel standards; inspections at any time. Revises definition of commercial breeding facility to exclude kennels or establishments operated primarily for the purpose of boarding or training hunting, sporting, herding, or guide dogs.	Filed 03.19.09
NE	NE LB 677	Limit of 75; commercial engineering standards for dog and cat kennels; license to be based on the daily average of dogs/cats housed. Enclosures to be a minimum of 3 times the length of the dog. Yearly veterinary examinations mandated.	01.21.09 Introduced; 02.20.09 Indefinitely postponed
NY	AB 7285	Amends the agriculture and markets law. No person or business may own, possess, control, or have charge or custody with more than 50 intact dogs or cats. Violation is a misdemeanor.	03/27/2009 referred to agriculture
NV	SB 241	Defines breeder as a person who breeds dogs and cats for sale. Sets \$500 annual license fee. Sets the qualifications a person must meet to be issued a license as a 6 breeder, including good moral character. Dog or cat may only have 2 litters in its lifetime. Litters must be registered with the Department of Agriculture. Microchipping is mandatory. AMENDED: fee reduced to \$250.	
OK	HB 1332	Requires anyone who sells, transfers 35 or more animals of any age within 1 year to obtain a license; establishes standards for staffing, record keeping, breeding protocols, housing and sanitation, transportation, nutrition. Out of state breeders must be licensed to buy or sell in OK. Creates state animal advisory board for implementing Pet Program. Mandatory microchipping to sell out of state.	Passed House; first reading in Senate 03.05.09. Assigned to Senate Appropriations-Passed.
OR	HB 2470	Prohibits people from owning more than 25 breeding dogs; establishes engineering space and exercise requirements for people with more than 10 breeding dogs;	Referred to Consumer Protection; hearing held 02.23.09
TN	SB 258	Requires anyone with more than 20 to be licensed as commercial breeder; engineering standards for facilities and care; ownership set at maximum of 75	referred to the Senate Standing Committee Commerce Labor & Agriculture.
TN	HB 386	Identical to SB 258	Passed House Subcommittee on Civil Practice & Procedure; referred to Judiciary Committee 4/7/2009.
TX	HB 458	Allows counties to impose dog limit laws in unincorporated areas, changing the rules on pet owners who have bought homes with no HOA or dog-related deed restrictions.	02.18.09 referred to County Affairs. 03.16.09 Public hearing held, testimony taken and recorded.
TX	SB 1845	Statewide mandatory spay/neuter for all dogs and cats over 6 months unless owner holds a \$300 intact permit	Filed 03.11.09
TX	HB 4277	Identical bill to SB 1845	Filed 03.13.09
TX	HB 3180	Imposes excessive reporting; stringent kennel standards, grooming, exercise, socialization, and breeding standards. Defines commercial breeder as anyone who possesses 11 or more adult intact females; breeder may not possess more than 50 at any time.	03.18.09 referred to Licensing & Administrative Procedures. <u>Hearing scheduled 4/1/09. Bill pending.</u>

TX	SB 1910	Identical bill to SB 3180	Filed 03.12.09
TX	SB 634	Would prohibit tethering under any condition, mandates 150 SF kennel requirements, does not allow dogs to be outside unattended at all during inclement weather (hunting dogs are not exempt).	02.23.09 referred to Criminal Justice
TX	HB 2001	Identical bill to SB 634	3.09.09 referred to County Affairs
VA	HB 538	License, standards, inspection for kennels with over 30; places limit of 50 that can be owned at any time.	Passed in 2008
WA	SB 5651	Prohibits possession of more than 25 breeding dogs at one time; establishes welfare standards where more than 10 breeding dogs are owned. Certain enclosure requirements; inspection of facilities and records at any time during daylight hours. Writes into law that dogs are not a commodity, and establishes puppy mill as the name for commercial breeding facilities covered in the bill. Restricts breeding of any female to one litter per year, must be between 18 months & 8 yrs. Prohibits cropping & docking.	03.12.09 passed Senate. Passed House 4/8/09 vote 74-23
WI	SB 110	Will regulate anyone who sells over 100 dogs/year; rules to be written; fees to be determined. First offense \$1,000 fine and up to 6 months imprisonment.	03.11.09 Referred to Committee on Agriculture & Higher Education
WV	HB 2843	Labels as commercial breeding operation anyone who maintains 20 or more intact dogs; maximum of 40 can be owned. Annual veterinary examination required for female dogs. Breeding limits over 18 months, under 8 years. Investigations and inspections of facilities, books and records allowed for any reason. Violation is a misdemeanor subject to a fine of not more than \$2,500 or a jail term of not more than one year or both.	02.26.09 Introduced. 03.18.09 Committee on Agriculture amended numbers to Class I kennel 20-40; Class II kennel 40+. Fees to be determined. 3/31/09 HB 2843 FAILED TO MOVE THRU COMMITTEE PRIOR TO DEADLINE.
WY	HB 312	Animal Cruelty if not meeting minimum standards of care established by HB 312 for shelter, light, veterinary care, adequate space.	Died