



NATIONAL ANIMAL INTEREST ALLIANCE

Supporting the people who care for America's animals

Radical animal legislation threatens the future of the US pet industry and many breeds of dogs and cats

The stated goal of most radical pet legislation is to:

- 1) eliminate puppy mills;
- 2) reduce pet overpopulation; or
- 3) protect consumers from inhumane, and/or dishonest pet sellers.

Instead of accomplishing these goals, however, the methods used in radical bills:

- 1) arbitrarily limit the number of breeding dogs or cats that a kennel or cattery can legally own, something that severely reduces the availability and selection of US dogs and cats to the public;
- 2) seek ideologically-based breeding standards to improve the well-being of breeding animals (rather than science- or veterinary-based standards);
- 3) promote mandatory spay/neuter of dogs and cats in private homes (where the progeny of hobbyists' dogs and cats are produced) limiting consumer choice and implying that anyone who breeds their dog or cat should be regulated as a commercial breeder. Note: When hobbyists are regulated by laws that define them as commercial, many are placed in conflict with residential zoning laws;
- 4) promote consumer laws that hold breeders and pet stores to unrealistic standards and grant consumers (including activist/consumers) excessive damages for poorly defined and diagnosed health conditions;
- 5) seek laws that exempt not-for-profit shelters and rescue groups from cruelty and consumer protection laws;
- 6) seek laws that give them a competitive advantage over breeders and pet stores in selling (adopting out) their dogs and cats;
- 7) oppose laws that restrict animal shelters and rescues from importing animals from other states or countries for adoption, and ones that would require them to disclose such activities; and
- 8) oppose laws that restrict animal shelters and rescues from operating as [unregulated] pet stores.

Alternatives to radical pet legislation

Addressing humane relocation

The US no longer has a dog overpopulation problem. It has a dog distribution problem, with many states having a greater demand for dogs than supply and just a few still having a surplus. The result is a practice called humane relocation where rescuers “pull” and move dogs from areas of high supply to areas that don’t have enough to meet demand.

The practice can be conducted responsibly but as the supply of dogs declines and the value of individual dogs increases, rescue is changing. Historically, rescuers adhered to a well-developed and widely accepted ethical code of conduct, and income was seldom a motive. Most rescuers still follow these principles, however today rescue also attracts a fair number of newcomers who see the issue opportunistically – as an easy and totally unregulated way to make a living while appearing to provide a valuable service. These recruits lack the hands-on experience of the earlier rescuers, provide little veterinary care or rehabilitation, transfer dogs with severe temperament and health problems and keep few records.

Some are careless about the source of the dogs they move, sometimes placing lost or stolen dogs without trying to locate an owner. Others have gotten into international humane relocation, bringing dogs into the US from developing countries where serious zoonotic diseases and parasites still flourish. Many totally unregulated US rescues and animal shelters make their income by accepting and selling dogs from Mexico, India and China, a situation that threatens the health of Americans and their animals.

Humane relocation is one of the most important issues facing the pet industry and must be regulated before it totally undermines the pet industry, outsources pet production and leads to disease threats. The CDC estimates that more than 300,000 dogs were imported into the US in 2006.

NAIA’s model law for regulating humane relocation: Shelter Import and Reporting Act:

<http://www.naiaonline.org/pdfs/ShelterImportAndReportingModel.pdf>

More information about humane relocation:

http://www.naiaonline.org/articles/archives/humane_insane.htm

<http://www.naiaonline.org/pdfs/proposedrulemaking-final4.pdf>

Regulating commercial kennels

Like all industries, professions and hobbies, the pet industry includes substandard operations that need to be improved or closed. Nationwide a combination of federal, state and local laws already exist in most states, which if enforced are sufficient to cover the majority of animal abuse and neglect cases related to pet breeding. The problem is a lack of qualified enforcement.



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In cases where animals are in danger and the operators are unwilling or unable to make the necessary improvement, enforcement should lead to closure. In the case of substandard operations where the animals are not in immediate danger but living in substandard conditions, and the operators are willing and able to make the needed improvements, enforcement agencies should be able to offer an array of resources and/or impose penalties to force needed improvements.

Commercial dog breeding has been regulated in several states through what are called Animal Care and Facilities Acts (ACFA's). In states with significant commercial activity, a properly funded and reasonably drafted ACFA can provide the needed oversight. In states where there is not substantial commercial activity, however, an ACFA, which depends on licensing fees for its funding is not a good idea because the license fees needed to ensure enforcement would cause small breeders to go underground or quit breeding.

Of all the states that have passed such statutes, the Kansas ACFA is the one most often cited as acceptable and effective by breeders and regulators alike. It is located here:

http://www.animallaw.info/statutes/stusksst47_229_47_835.htm Please note that it regulates commercial and hobby breeders, pet stores, pounds and animal shelters. The fees are listed in and limited by the statute.

Consumer protection and puppy lemon laws

Legislation is often introduced to protect the public from unscrupulous breeders and pet stores that sell sick puppies or misrepresent the ones they sell to the public. Typically these laws are drafted by people who are not versed in animal husbandry or veterinary medicine and they result in laws that hold breeders and sellers to an impossible standard. The following model law goes a long way toward correcting this problem while offering real protection to consumers. It offers a new approach:

NAIA dog buyer's protection law: http://www.naiaonline.org/pdfs/Dog_Buyer's_final.pdf

