

**MEMORANDUM**

February 27, 2015

TO: County Council

FROM: Amanda Mihill, Legislative Attorney *A. Mihill*

SUBJECT: **Action:** Bill 50-14, Animal Control – Retail Pet Stores

**Public Safety Committee recommendation (3-0): enact Bill 50-14.**

Bill 50-14, Animal Control – Retail Pet Stores, sponsored by then-Council Vice President Leventhal, Councilmembers Navarro, Branson, Riemer, Berliner, Elrich, then-Council President Rice and Councilmembers Katz, Hucker, and Floreen was introduced on October 28, 2014. A public hearing was held on January 27 at which the Council heard from individuals that were supportive and opposed to Bill 50-14. Donald Johnson, Director of the Montgomery County Animal Services, testified on behalf of the County Executive in support of Bill 50-14 (©63). A Public Safety Committee worksession was held on February 5.

Bill 50-14 would prohibit certain retail pet stores from selling certain animals bred in certain breeding facilities. Specifically, Bill 50-14 would prohibit any pet store that operates in the County's jurisdiction to sell any dog or cat unless the animal was obtained from an animal care facility or a non-profit rescue organization.

**Background**

On October 16, 2014 the Public Safety Committee received a briefing on puppy and kitten mills from the Humane Society and the Division of Animal Services. The Council staff packet for that briefing can be found at the following link: [http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2014/141016/20141016\\_PS4.pdf](http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2014/141016/20141016_PS4.pdf). A copy of the Powerpoint presentation provided at that meeting is attached on ©6. After the public hearing, Mike Bober, Executive Vice President for the Pet Industry Joint Advisory Council, provided a response to the Humane Society's presentation. This response is on ©34.

**Federal law.** The Animal Welfare Act applies to commercial kennels and requires certain basic standards of care and treatment. The U.S. Department of Agriculture enforces the Animal Welfare Act, which required covered entities to provide animals with adequate care and treatment in

housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. USDA notes that these requirements are “basic standards” and “regulated businesses are encouraged to exceed these standards” (see fact sheet on ©43).

In 2010, the USDA’s Office of Inspector General issued an audit of the Animal and Plant Health Inspection Service’s Animal Care Program (see executive summary of the report at ©49 and the agency’s response at ©52).<sup>1</sup> The Inspector General found several “major deficiencies” with the administration of the Animal Care Act, including:

- the enforcement process was ineffective against problematic dealers;
- inspectors did not cite or document violations properly to support enforcement actions;
- the new penalty worksheet calculated minimal penalties;
- the Service misused guidelines to lower penalties for violators; and
- some large breeders circumvented the Animal Welfare Act by selling animals over the internet (©49-50).

After this report was issued, the USDA issued a final rule amending the definition of retail pet store so that breeders could not avoid the Animal Welfare Act by selling dogs over the internet. Under the final rule, a retail pet store is defined, in part, as “a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, and coldblooded species.”

***Maryland law.*** State law does not require retail pet stores to sell dogs only from animal care facilities or non-profit rescue organizations. Section 19-703 of Title 19 of the Business Regulation Article requires a retail pet store to conspicuously post on each dog’s cage certain information about that dog and the dealer, maintain a written record of certain information and medical treatments of the dog and information about the dealer (©58). Section 19-704 requires a retail pet store to provide a health certificate to a buyer (©60) and Section 19-705 specifies certain remedies for a buyer if a dog gets sick or dies within a certain period of time (©61).

***Action in other jurisdictions.*** Several jurisdictions have enacted legislation similar to Bill 50-14, including Phoenix, Chicago, Los Angeles, and San Diego. Other jurisdictions have approached this issue in different ways. Connecticut, for instance, requires pet stores to sell pets only from breeders that are licensed by the United States Department of Agriculture (USDA), have not committed a direct violation of USDA regulations during the previous two years, have not committed three or more indirect violations of USDA regulations during the previous two years, and have not received “No Access” violations from the USDA on their two most recent visits. The New York City Council recently enacted a law (which later became law) prohibiting pet stores from selling a dog or cat that was obtained by a source not licensed by the USDA, a broker, or a dealer or breeder with certain violations of the Animal Welfare Act.

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<sup>1</sup> A copy of the entire Inspector General audit can be found at: <http://www.usda.gov/oig/webdocs/33002-4-SF.pdf>

## Summary of Public Input

The Council has received hundreds of e-mails from constituents supporting Bill 50-14. At the hearing and in written correspondence, the Council heard from many residents and advocacy organizations supportive of Bill 50-14, including Puppy Mill Rescue Support Group, Humane Society of the United States, Montgomery County Humane Society, and Best Friends Animal Society.

Those who support Bill 50-14 did so for reasons, including:

- concerns about the living conditions and nutrition and veterinary treatment of dogs and puppies in commercial kennels;
- concerns about the health of puppies, including parasites, respiratory infections, congenital defects;
- concerns about the behavior of puppies bred in commercial kennels;
- concerns that puppies from large commercial kennels contributing to the number of homeless dogs in animal shelters; and
- Bill 50-14 would encourage adoption of animals from shelters and rescue organizations.

The Council has also heard from residents and organizations opposed to Bill 50-14, both in written correspondence and at the hearing, including the Pet Industry Joint Advisory Council, MD Association of Pet Industries, VCA – North Rockville Animal Hospital, and America’s Pet Registry.

Those who opposed Bill 50-14 did so for reasons, including:

- retail pet stores are regulated at the federal and state level and animal welfare concerns should be addressed at those levels;
- Maryland law requires warranties for dogs purchased at pet stores and pet stores often offer health guarantees;
- a veterinarian argued that in her practice, she has seen no more or less issues with congenital defects or serious health issues that dogs from any other source (except for respiratory infections);
- does not retain consumer choice on where consumers purchase puppies; and
- concerns about health and behavior of puppies coming from animal shelters.

Select written testimony and correspondence begins on ©63.

## Issue / Committee Recommendation

***Should Bill 50-14 be enacted?*** Mike Bober, on behalf of the Pet Industry Joint Advisory Council, advocated:

- requiring that animals in retail pet stores come only from USDA-licensed sources; and
- prohibiting animals from sources that have “no entry” on their last USDA inspection report that directly impacts animal health (©80).

As noted above, this approach has been followed in some jurisdictions. Concerns about using this approach include that the standards required by the Animal Welfare Act are only basic standards<sup>2</sup> and that enforcement of those standards has not been strongly enforced (as evidenced by the USDA OIG report). In light of this, in Council staff's view, if the Council is concerned about these large scale commercial breeders, the amendments offered by Mr. Bober may not address those concerns. **Committee recommendation (3-0):** enact Bill 50-14 as introduced.

Although some commenters noted that this issue is addressed at the state and federal levels, that fact does not preclude the Council from enacting this legislation. As Councilmembers are probably already aware, Council staff would note that there are no retail pet stores within the County's jurisdiction that sell dogs and cats.<sup>3</sup> This legislation would, however, require a future retail pet store that would seek to sell dogs and cats in the County to obtain those animals from an animal care facility or a non-profit rescue organization.

This packet contains:	<u>Circle #</u>
Bill 50-14	1
Legislative Request Report	5
Powerpoint presentation to Public Safety Committee	6
Pet Industry Joint Advisory Council response	34
Fiscal and Economic Impact statement	38
USDA fact sheet on Animal Welfare Act	43
USDA OIG report excerpts	45
State law	58
Select testimony and correspondence	
County Executive	63
America's Pet Registry, Inc.	64
Best Friends Animal Society	66
Humane Society of the United States	71
Just Puppies (and supplement)	73
Montgomery County Humane Society	77
Pet Industry Joint Advisory Council (and supplement)	78
Lindsay Anderson (and supplement)	83
David Beye	88
Veronica Bred	89
Geneva Brooks	91
Susan Carlson	92
Billie Castro	97
Ruth Hanessian	99
Kathryn Kenney McGriff	101
Johanie Parra	104
Raul	105
Sue-Anne Slonin	106

F:\LAW\BILLS\1450 Animal Control-Retail Pet Stores\Action Memo.Docx

<sup>2</sup> The USDA fact sheet on the Animal Welfare Act urge regulated breeders to exceed these standards (©43).

<sup>3</sup> There is 1 store within the County that does sell dogs and cats, but that store is within the City of Rockville and the County's animal control law does not apply within the City.

Bill No. 50-14  
Concerning: Animal Control – Retail Pet Stores  
Revised: 10/17/2014 Draft No. 2  
Introduced: October 28, 2014  
Expires: April 28, 2016  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council Vice President Leventhal and Councilmembers Navarro,  
Branson, Riemer, Berliner, Elrich, Rice, Katz, Hucker, and Floreen

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**AN ACT** to:

- (1) prohibit certain retail pet stores from selling certain animals bred in certain breeding facilities; and
- (2) generally amend County animal control law.

By adding

Montgomery County Code  
Chapter 5, Animal Control  
Article V  
Sections 5-405, 5-406, and 5-407

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Article V (Sections 5-405, 5-406, and 5-407) is added as follows:**

2                           **Article V. Retail Sale of Dogs and Cats**

3           **5-405. Legislative Findings.**

4           The County Council finds and declares that:

5           (a)   A significant number of puppies and kittens sold at retail pet stores  
6                   throughout the United States come from large-scale, commercial  
7                   breeding facilities where the health and welfare of the animals are not  
8                   adequately provided for (“puppy mills” and “kitten mills,”  
9                   respectively). According to The Humane Society of the United States,  
10                  it is estimated that 10,000 puppy mills produce more than 2,400,000  
11                  puppies a year in the United States and that most dogs and cats sold in  
12                  retail pet stores come from puppy and kitten mills.

13           (b)   The documented abuses endemic to puppy and kitten mills include  
14                   over-breeding, inbreeding, minimal to non-existent veterinary care,  
15                   lack of adequate and nutritious food, water or shelter, lack of  
16                   socialization, lack of adequate space, and lack of adequate exercise.

17           (c)   The inhumane conditions in puppy and kitten mill facilities lead to  
18                   health and behavioral issues in the animals bred in those facilities.  
19                   However, many consumers are unaware of these issues when  
20                   purchasing animals from retail pet stores because of a lack of  
21                   education on the issue and misleading tactics of retail pet stores in  
22                   some cases. These health and behavioral issues, which may not  
23                   present themselves until after the purchase of the animal, can impose  
24                   exorbitant financial and emotional costs on consumers.

25           (d)   Current Federal, State and County regulations do not properly address  
26                   the sale of puppy and kitten mill dogs and cats in Montgomery County  
27                   retail pet stores.

- 28        (e)    Restricting the retail sale of puppies and kittens to only those that are  
29            sourced from shelters or rescue organizations is likely to decrease the  
30            demand for puppies and kittens bred in puppy and kitten mills, and is  
31            likely to increase demand for animals from animal shelters and rescue  
32            organizations.
- 33        (f)    Due in large part to pet overpopulation, a state task force recently  
34            found that 45,000 dogs and cats are euthanized in Maryland animal  
35            shelters annually, at an estimated cost of \$8 to 9 million each year.  
36            Restricting the retail sale of puppies and kittens to only those that are  
37            sourced from animal shelters and rescue organizations will likely  
38            reduce pet overpopulation and thus the burden on such agencies and  
39            financial costs on County taxpayers.
- 40        (g)    Across the country, thousands of independent retail pet stores as well  
41            as large chains operate profitably with a business model focused on  
42            the sale of pet services and supplies and not on the sale of dogs and  
43            cats. Many of these shops collaborate with local animal shelters and  
44            rescue organizations to offer space and support for showcasing  
45            adoptable homeless pets on their premises.
- 46        (h)    This law will not affect a consumer's ability to obtain a dog or cat of  
47            his or her choice directly from a breed-specific rescue organization or  
48            a shelter, or from a hobby breeder where the consumer can see  
49            directly the conditions in which the dogs or cats are bred, or can  
50            confer directly with the hobby breeder concerning those conditions.
- 51        (i)    The County Council believes it is in the best interests of the County to  
52            adopt reasonable regulations to reduce costs to the County and its  
53            residents, protect the citizens of the County who may purchase cats or  
54            dogs from a retail pet store or other business establishment, help

55 prevent inhumane breeding conditions, promote community  
56 awareness of animal welfare, and foster a more humane environment  
57 in the County.

58 **5-406. Definitions.**

59 In this Article, the following words have the meanings indicated:

60 Animal care facility means an animal shelter maintained by, or under  
61 contract with, any state, county, or municipality, and whose mission and  
62 practice is, in whole or significant part, the rescue and placement of animals  
63 in permanent homes.

64 Cat means any individual of the species of the domestic cat, felis catus.

65 Dog means any individual of the species of the domestic dog, canis lupus  
66 familiaris, or any resultant hybrid.

67 Non-profit rescue organization means a non-profit organization that has tax  
68 exempt status under Section 501(c)(3) of the Internal Revenue Code, and  
69 whose mission and practice is, in whole or in significant part, the rescue and  
70 placement of animals in permanent homes.

71 Offer for sale means to display, sell, deliver, offer for sale or adoption,  
72 advertise for the sale of, barter, auction, give away, or otherwise dispose of a  
73 dog or cat.

74 Retail pet store means a store that is required to comply with Title 19,  
75 Subtitle 7 of the Business Regulation Article of the Maryland Code.

76 **5-407. Retail Sale of Dogs and Cats.**

77 A retail pet store must not offer for sale any dog or cat unless the retail pet  
78 store obtained that dog or cat from:

79 (a) an animal care facility; or

80 (b) a non-profit rescue organization.

81

## LEGISLATIVE REQUEST REPORT

Bill 50-14

*Animal Control – Retail Pet Stores*

<b>DESCRIPTION:</b>	Bill 5-14 would prohibit certain retail pet stores from selling certain animals bred in certain breeding facilities. Specifically, it would require any pet store that operates in the County's jurisdiction to sell any dog or cat unless the animal was obtained from an animal care facility or a non-profit rescue organization.
<b>PROBLEM:</b>	A significant number of puppies and kittens sold at retail pet stores throughout the United States come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for.
<b>GOALS AND OBJECTIVES:</b>	Restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations.
<b>COORDINATION:</b>	Department of Police
<b>FISCAL IMPACT:</b>	To be requested.
<b>ECONOMIC IMPACT:</b>	To be requested.
<b>EVALUATION:</b>	To be requested.
<b>EXPERIENCE ELSEWHERE:</b>	Several jurisdictions across the country have enacted similar laws.
<b>SOURCE OF INFORMATION:</b>	Amanda Mihill, Legislative Attorney, 240-777-7815
<b>APPLICATION WITHIN MUNICIPALITIES:</b>	To be researched.
<b>PENALTIES:</b>	A violation of this Chapter 5 is a Class B violation.

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VETERINARY MEDICAL  
ASSOCIATION



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[humanesociety.org](http://humanesociety.org)

## Puppy Mills and Pet Store Sales



Montgomery County Council Committee on Public Safety

October 16 , 2014

Melanie Kahn, Senior Director, Puppy Mills Campaign

The Humane Society of the United States



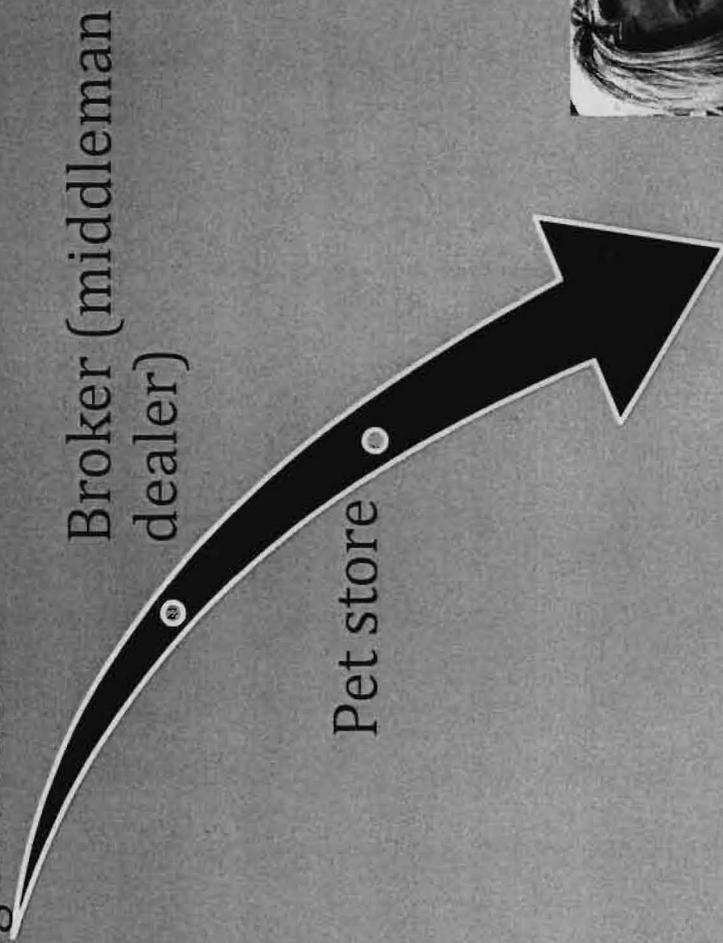
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Commercial  
Dog Breeder



Broker (middleman  
dealer)

Pet store

Buyer





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humanesociety.org

# Pet Stores Sell Puppy Mill Dogs

## NY Pet Stores Supplied by Puppy Mills: Humane Society

RBC New York investigation finds animals from many pet stores come from places with USDA violations

By Katy Tur and Tom Burke

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A large number of pet stores in New York routinely purchase animals from puppy mills where dogs are kept in cruel confinement for commercial purposes, an NBC New York investigation has found.

Thursday, Nov 10, 2011 | Updated at 7:18 PM EDT

## To Market, To Market, To Buy a Sick Dog

An HSUS investigation reveals the underbelly of Texas puppy sales

As Animals magazine | January-February 2011



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## HUMANE SOCIETY: CHICAGO PET STORES LINKED TO PUPPY MILLS

December 11, 2012 11:24:50 AM PST

December 11, 2012 (CHICAGO) — A dozen Chicago area pet stores are selling puppies bred at puppy mills, according to the Humane Society of the United States.

Investigators visited 12 Chicago area pet stores during a three-day period in October and found they are linked to inhumane commercial breeders, or puppy mills, according to the Humane Society. Employees at the stores told the undercover investigators that the animals were not from puppy mills, but documents showed otherwise, according to the Humane Society.

No violations have been filed against the stores in connection with the HSUS investigation.

United States  
of the current laws and increased consumer  
"ell." Niki Ianni, HSUS, said.  
scue center or shelter, or find a reputable breeder.  
during a six-month period from puppy mills. Iowa  
at the animals also come from Missouri, Oklahoma.

### DISTURBING QUESTIONS ABOUT LARGEST U.S. PET RETAILER ARE RAISED AS ANIMAL PLANET INVESTIGATES: PETLAND

Undercover Operation Reveals Poor Breeding Conditions  
May 6, 2010

Call Contact - Taki Koopstein  
Call Contact - Barbara Windsor

### DISTURBING QUESTIONS ABOUT LARGEST U.S. PET RETAILER ARE RAISED AS ANIMAL PLANET INVESTIGATES: PETLAND

Undercover Operation Reveals Poor Breeding Conditions

After seeing 253 puppies of America's own dogs and know the joy of bringing a pet home for the first time, children are filled with excitement as they choose a puppy to take home. But how many know about the torments many of these puppies endured prior to arriving at the pet shop and before being lucky enough to find a loving home? Surprisingly, many people are completely unaware of the cramped and isolated kennels that are "ground zero" for commercial puppy breeding.

Unfortunately, many pet owners visit pet stores when they should be more wary. On Monday, May 17, at 10 PM (ET/PT), Animal Planet's new special ANIMAL PLANET INVESTIGATES: PETLAND does the digging for you. This special reports on a Humane Society of the United States (HSUS) investigation into Petland's alleged sale of puppies from "puppy mills" which the retailer denies — and a resulting lawsuit brought by Petland customers. Meet "Mike," an undercover investigator for the Humane Society of the United States (HSUS), who's investigating Petland, the largest retailer of puppies in the U.S. and its alleged connection to mass, commercial breeders suspected of producing unhealthy dogs. Mike begins his quest by visiting one breeder who has sold puppies to their local Petlands. It's a dangerous, undercover investigation as Mike crosses state lines, uncovers horrors and hardships.

While hundreds of customers have contacted the HSUS to complain about health problems in the puppies they purchased from Petland, the retailer insists they do not purchase from puppy mills. The special shows footage of employees saying that all of their puppies are provided by a USDA-licensed breeder, yet Mike shows a connection between the retailer and breeders operating under questionable conditions.

Mike discovers a laundry list of animal welfare and inhumane practices at numerous breeders including more than 140 dogs housed in filthy concrete kennels, water bowls connected with metal and clogging green water, pregnant animals of wet dog and one breeder's confession that she kills healthier dogs because of their lack of a stellar birth.

In our ANIMAL PLANET INVESTIGATES special, we are committed to providing viewers with a raw and unrestricted access to crucial investigations," says Marjorie Kaplan, president and general manager of Animal Planet. "It's our responsibility: Humane Society as it may be to raise questions about the practice of mass dog breeding and to question whether there profits is put before the welfare of animals."



## A Horrible Hundred

Problem Puppy Mills in the United States

In recent years The Humane Society of the United States (HSUS) has assisted in rescuing almost 10,000 dogs from more than 50 different puppy mills across the country. While The HSUS stands ready to assist law enforcement with closing down illegal puppy mills whenever feasible, there remain an estimated 10,000 puppy mills across the United States, and many of them are legal. Although most of the dogs at these mass-breeding facilities have no real quality of life, living continually in small wire cages with little or no personal attention, exercise or veterinary care, there are very few laws to protect them as long as they are being provided with food, water, and shelter.



Many dogs at Royal Acres Kennel in Magnolia, NC, were found with severe health issues. This dachshund suffered from paralysis as well as secondary infections from dragging his lower body along the concrete. With the assistance of The HSUS, authorities removed 58 neglected dogs from Royal Acres in February 2013, including this one, Ricky Bobby, who is now in a good home. But authorities declined to close down the puppy mill completely, and it continues to sell puppies online. /The HSUS 2013

But hundreds of puppy mills can't—or won't—meet even the most basic minimum standards required by law. Some facilities have been cited repeatedly by federal or state departments of agriculture for injured and sick dogs who had not been treated by a vet, keeping dogs in filthy conditions, subjecting animals to the freezing cold or stifling heat without adequate protection, performing invasive surgeries on their own animals without a veterinary license, and even in some cases shooting their unwanted dogs.

This report is a list of some of the nation's dog breeding kennels that are of high concern to The HSUS due to repeated problems with animal health or animal care. It is not a list of all puppy mills, nor a list of all problematic facilities. The list does not include other problematic puppy mill dealers, such as brokers and pet stores, unless the operators are also breeding dogs.



## 101 Puppy Mills

A Sampling of Problem Puppy Mills in the United States

Almost four years after Missouri voters approved a stronger puppy mill law in 2010, the state still dominates a list of 101 problem puppy mills across the country. 22 of the 101 dealers on our 2014 list of problem puppy mills are from Missouri. Coming in second, Kansas has 13 problem dealers on the list, followed by Nebraska (12), Arkansas (6) and Iowa (6).



USDA inspectors photographed a Yorkie with an eye disorder at a facility owned by Andy Troyer in Frederickburg, Ohio, in 2011 after the operator repeatedly failed to get adequate treatment for the dog. Additional problems were found at the same facility in 2014. /USDA 2011.

Most of the facilities in this report have been cited by federal or state inspectors for grave or repeated animal care violations, including:

- A breeder in Missouri who admitted to leaving a gravely injured and nearly unresponsive Pomeranian named "WooBe" lingering for three days without taking him to a vet (Johanna Steele);
- Four breeders who listed gunshot as a method of euthanasia on their official veterinary plans (Barker in AR; Mamma's Minis in CO; Tietz and Williams in NE);
- A breeder in Illinois who had five beagles euthanized rather than providing them with warmer shelter as directed by his inspector (Melton Christiansen);
- A breeder in Missouri who was found with a dead, four-week-old shih tzu puppy frozen solid in the outdoor portion of an enclosure when overnight temperatures had recently been as low as -9 degrees (Johnny Dake);
- Breeders who left their dogs exposed to heat indexes as high as 109 degrees or bitter cold temperatures as low as one degree Fahrenheit (Hines in SD; Psek in NE);



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# Edward Cannon Novinger, MO *Sells to pet store in Rockville*



**"E CANNON KENNELS": CANNON,  
EDWARD**

USDA License # 43A4206

Breeds Yorkshire Terrier puppies in Novinger,  
MO

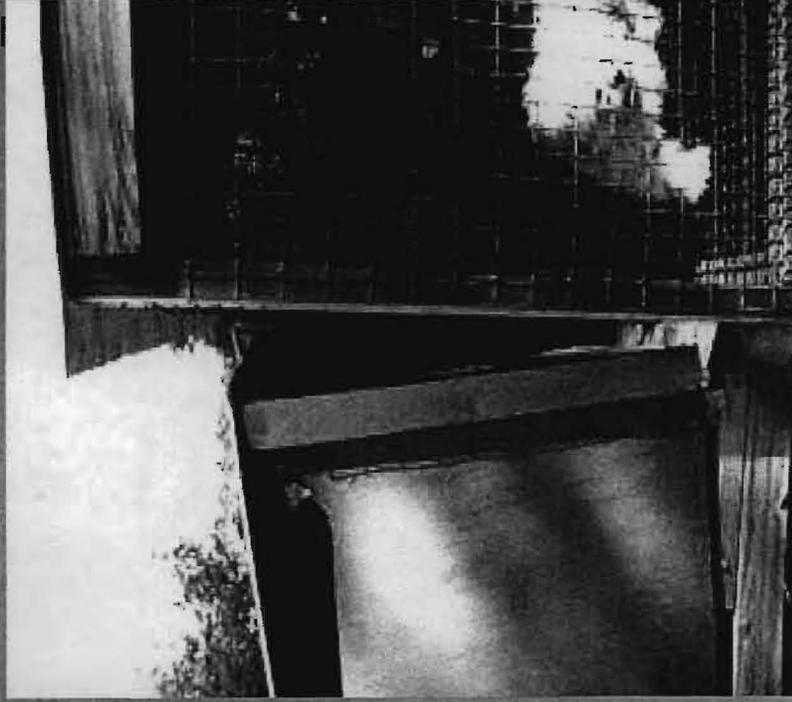


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# Tina Carr Hannibal, MO *Sells to pet store in Rockville*



**"SIMPLY PUPPIES" : CARR, TINA**

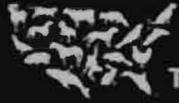
USDA License # 43A2700

Breeds puppies in Hannibal, MO



# Stacey Farley Lancaster, MO *Sells to pet store in Rockville*

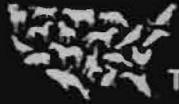
- “feet and legs have become soiled with feces and/or urine”
- “strong and prominent ammonia [urine] odor”
- “fecal and urine accumulation in the enclosure.”
- “extreme insect and rodent problem”



# USDA standards fail to protect dogs

## Permissible under Animal Welfare Act:

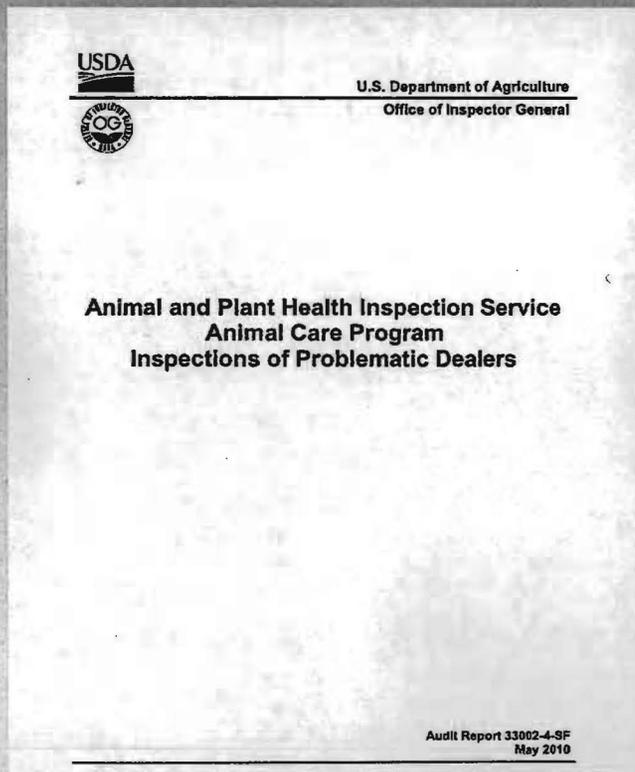
- ✓ Hundreds of dogs in a facility
- ✓ Stacked cages in overcrowded facilities
- ✓ Cages with only 6" of space from dog's nose
- ✓ Painful wire floors
- ✓ Breeding on every heat cycle until "spent"



# USDA enforcement

“Major deficiencies” identified:

- AC’s Enforcement Process was Ineffective Against Problematic Dealers
- AC Inspectors Did Not Cite or Document Violations Properly to Support Enforcement Actions
- APHIS’ New Penalty Worksheet Calculated Minimal Penalties
- APHIS Misused Guidelines to Lower Penalties for AWA Violators





# State enforcement

## The Puppy Industry in Missouri

*A Study of the Buyers, Sellers, Breeders  
and Enforcement of the Laws*

Executive Summary



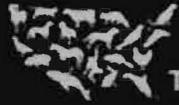
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Springfield, MO 65802 • Phone: (417) 862-4222 • [www.southwestmissouri.bbb.org](http://www.southwestmissouri.bbb.org)

- “The lack of aggressiveness in penalizing breeders for violations of the law would seem to contribute to a laissez-faire attitude toward regulations on the part of breeders.”
- “Breeders and others in Missouri, with seeming impunity, will continue to send sick puppies to be purchased by unwary customers.”



# Responsible Breeders Don't Sell to Pet Stores



*"I will be discriminating in the sales of my puppies, and concerned with the types of homes in which they are placed. My dogs/puppies will not be sold to dog wholesalers or retailers."*

**United Kennel Club Code of Ethics**



THE HUMANE SOCIETY  
OF THE UNITED STATES

Celebrating Animals | Confronting Cruelty

[humanesociety.org](http://humanesociety.org)

# HSUS Supports Responsible Dog Breeders



How to find a  
responsible dog breeder

Note: The Humane Society of the United States encourages you to consider adoption from a shelter or rescue. If you choose to purchase a dog from a breeder, the following guidelines will help you make sure your dog comes from a responsible breeder, instead of a puppy mill.



## HSUS Supports Humane Pet Shops

- Cynthia Socha, owner of H3 Pets in Stratford CT: *“As the owner of a successful pet store that does not sell commercially bred animals, I can vouch for the fact that not selling such animals does not guarantee a demise in business...This [humane] model has helped us become successful as it generates a tremendous amount of goodwill in the community.”*
- Rene Karapedian, owner of Pet Rush in Los Angeles, CA: *“I switched over to what I call the “humane model”—animal adoption instead of animal sales...Most of these shelters that I go pick up dogs from, they are putting down anywhere from 50 to 70 dogs a day. So this is one way to stop that from happening.”*
- Amy Circionie owner of Feed Bag Pet Store in Cutchogue, NY: *“I have found that there is no way for me to sell puppies from my retail establishment that does not contribute to the suffering of both the parent dogs and the puppies bred from them. Reputable breeders with high standards of care do not sell their puppies to ANY pet stores for resale.”*



# Pet Overpopulation

## Bernalillo County, NM Animal Shelter Survey Data collected by Animal Protection of New Mexico

	Animal Intake 2007	Euthanasia 2007	Euthanasia Percentage 2007	Animal Intake 2011	Euthanasia 2011	Euthanasia Percentage 2011
Albuquerque Animal Welfare Department	30,000	14,000	47%	23,506	8,317	35%
Animal Humane New Mexico, Albuquerque	5,244	1,050	20%	5,328	551	10%
<b>Combined</b>	<b>35,244</b>	<b>15,050</b>	<b>43%</b>	<b>28,834</b>	<b>8,868</b>	<b>31%</b>



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humane.org

# Conclusion

WE  PUPPIES

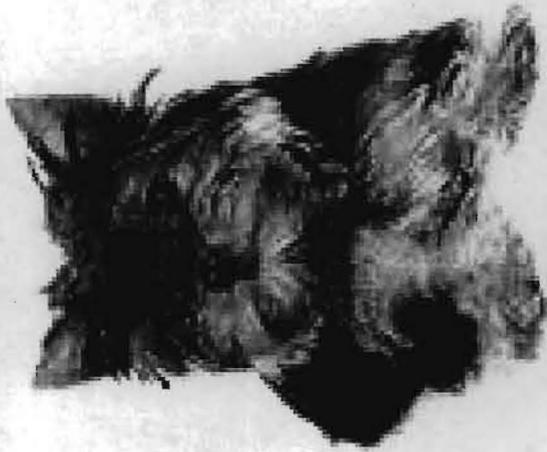
THAT'S WHY WE DON'T BELL THEM!

Many of us love our animals and  
are proud to have them. We  
know that people who love their  
animals are more likely to be  
responsible owners. In many  
cases, the animals are well  
cared for and happy. They  
even help us in our lives.

We have heard the stories of  
the animals that have been  
put down because they were  
puppy mills and we know you don't  
want the government to allow them  
to keep doing this to our  
animals and our families.

HUMANE SOCIETY OF THE UNITED STATES

PLEASE SUPPORT  
YOUR LOCAL CHAPTER



# THE MEDICAL CASE AGAINST PUPPY MILLS

Environmental impact on dog health and common ailments of puppies  
originating from puppy mills

Peter H. Eeg BSc, DVM, CVLF, FASLMS  
Poolesville Veterinary Clinic  
Poolesville, Maryland 20837

# ENVIRONMENTAL IMPACT

- Continuous Confinement
  - Lack of Human Contact
  - Lack of Environmental Stimuli
- Deplorable Housing Conditions and Care
  - Poor Husbandry
  - Constant Exposure to Feces, Urine and Infections
- Minimal to No Veterinary Care
  - Non-Veterinary Trained individuals “Practicing Veterinary Medicine”
    - C- Sections
    - Random Anti-parasitic use
    - Mass Antibiotic Use
    - Surgery



# COMMON AILMENTS

- Indiscriminant in-breeding
  - Breed Every Cycle
  - Father to Daughter Breeding
  - Brother to Sister Breeding
  - Etc...
- Congenital Defects
  - Heart Abnormalities
  - Ocular Abnormalities
  - Hernia
  - Liver Abnormalities



- Neurologic Disorders
- Orthopedic Disorders
- Retained Testicles
- Chronic Immune Disease

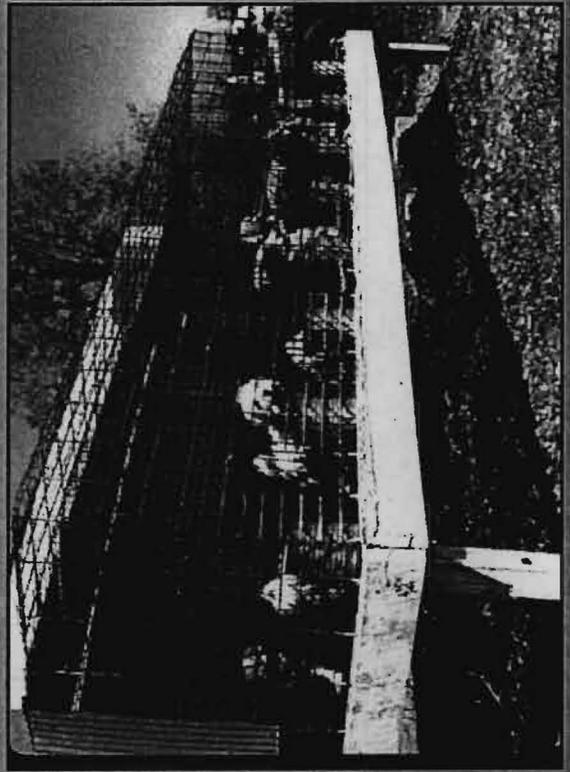
# COMMON AILMENTS

- Reduced or Hyper-immune system responses
  - Increases allergy issues
  - Increases infection rates
  - Immune disorders of the Joints, Skin and G.I. Tract
- Continuous Exposure To Air, Water and Soil Borne Pathogens
  - No chance for normal healthy growth rate in the critical first 6 weeks of life.
- Poor Weight Gain and Failure To Thrive
  - Due to combination of Environment and Diet

# COMMON AILMENTS

**Puppies arrive from Puppy Mills with a host of Disease and Injury States.**

- Cage/Wire injuries to Feet, Legs, Face and Body
- Bacterial Diseases
  - Kennel Cough
  - Staph sp. Infections (MERS)
  - Brucellosis
  - Pneumonia
- Parasitic Infections
  - Giardia
  - Round Worms
  - Hook Worms
  - Whip Worms
  - Tape Worms
  - Lung Worms
- Viral Infection
  - Parvo Virus
  - Distemper Virus
  - Parainfluenza type I and II

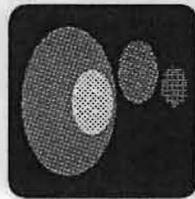


# CALL TO ACTION

“ The Greatness of a Nation and  
its Moral Progress, Can be  
Judged by the Way its Animals  
are Treated.”

-M. Gandhi

Lisa Portnoy, DVM, DACLAM





## Impact of Resale on Puppy Health

- Consumer demand for tiny puppies results in premature separation from their mothers (5-6 weeks vs. recommended weaning at 8-12 weeks). Puppies need to be with their mother and littermates for normal socialization.
- The puppies are then sold to brokers for resale to pet stores all over the country.
- The puppies may be crammed into small cages for long distance travel and may not receive adequate food, water or ventilation.
- They may be exposed to disease from a sick puppy during transport. Some may die.



# Puppy Immune System

- Puppies receive protective maternal antibodies from their mother's milk within 24 hours after birth.
- These antibodies wane anywhere between 6-16 week of age.
- As maternal Abs wane, puppies need to be vaccinated multiple times to actively stimulate their own system against disease.
- If they do not receive a full series of vaccinations, they may succumb to disease.





## Impact of Resale on Puppy Health

- Early separation, exposure to potentially hazardous shipping conditions and the stress of transport weaken their immune systems making them more susceptible to disease.
- Puppies maybe given antibiotics to cover signs of infection and once in a new home may manifest health problems.





# How Puppy Buyers are Affected

- If the puppy becomes sick, the buyer will have to incur potentially high veterinary costs to treat the illness.
- Puppy buyers are rarely compensated by consumer protection “lemon laws.”
- Surviving pups may have lifelong medical or behavioral issues.
- Other pets or people in the household may become sick if the disease is contagious.
- This all has a heavy emotional toll on the puppy owners.



Celebrating Animals | Confronting Cruelty

*hsVma*  
HUMANE SOCIETY  
VETERINARY MEDICAL  
ASSOCIATION



THE HUMANE SOCIETY  
OF THE UNITED STATES



February 2, 2015

Public Safety Committee  
Montgomery County Council  
100 Maryland Avenue  
Rockville, MD 20850

Dear Chairman Elrich and Members of the Committee:

We at the Pet Industry Joint Advisory Council (PIJAC) take issue with The Humane Society of the United States' (HSUS) inaccurate representation of pet stores and the pet industry at-large which form the basis for the legislation being discussed this evening. It is our continuing concern that this bill was largely conceived and introduced on the basis of misleading information about professional breeders, much of which is included in the PowerPoint presentation originally delivered by representatives of the HSUS on Thursday, October 16<sup>th</sup>.

We are disappointed that we have not been provided with a similar opportunity to address you and make the case for alternative forms of legislation that could accomplish the goal of sending an unmistakable message to irresponsible, substandard breeders *without* imposing a blanket sales prohibition on prospective future pet stores. Like the HSUS, we see legislation on this and other animal well-being issues across the country and we are therefore capable of providing insights on the merits and drawbacks of various legislative approaches, ranging from full-scale bans like the one before you now to collaborative, responsible approaches to source transparency.

We were surprised to see Montgomery County consider such a stark, all-or-nothing "solution," as there have been numerous jurisdictions that have passed ordinances over the past few years. In that time, we have seen an evolution away from full bans, even in jurisdictions like yours that have the luxury of considering something that will not directly affect any current local businesses.

It is our hope that this analysis of the HSUS PowerPoint presentation from October 16<sup>th</sup> will help convince you that this issue warrants closer consideration of possible alternatives to an across-the-board ban instead of docile acceptance of what has been presented to you as settled fact. We hope to have the opportunity to discuss these issues with you further, with the aim of crafting a bill that will truly make Montgomery County a leader within the country when it comes to responsible pet ownership. Thank you for your time.

Sincerely,

Mike Bober  
Executive Vice President  
Pet Industry Joint Advisory Council

**PET INDUSTRY JOINT  
ADVISORY COUNCIL**  
1146 19<sup>th</sup> Street, N.W., Suite 350  
Washington, DC 20036  
Tel: 202-452-1525  
Fax: 202-452-1516

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(34)

# **Analysis of HSUS PowerPoint**

## **“Puppy Mills and Pet Store Sales”**

### **(October 16, 2014)**

- Beginning with the image on the title page of the slide deck and continuing throughout, HSUS uses images of dogs and facilities without any citations regarding where and when these images were taken. Are these current images from USDA-licensed, professional breeders? Do these breeders sell to pet stores? Or are they meant to be hand-selected “representative” images?
- HSUS repeatedly blurs the line between responsible, USDA-licensed and inspected breeders, small-scale, exempt breeders, and those who flout licensing requirements. They conflate these groups to arrive at a figure of 10,000 or more “puppy mills” across the country, selling more than 2 million dogs annually.
- Separately, HSUS has stated that pet stores across the country sell “between 300,000 and 500,000 dogs” annually - or **less than ¼** of the dogs they attribute to “puppy mill” breeding.
- As support for their assertion that “Pet stores sell puppy mill dogs,” they provide four screen shots, three of which are articles reporting on HSUS’s own conclusions rather than independent sources.
- They then go on to show the cover pages of their two most recent collections of “problem puppy mills” to bolster their claim that pet stores sell dogs from puppy mills. However, a review of their most recent lists shows that 40 of the breeders listed are not, in fact, USDA-licensed. As such, pet stores would be unable to legally sell dogs from these breeders. An additional 16 breeders from this list have not been cited for a single direct violation by

the USDA in the past three years (the period for which reports are available via their online database).

- The next three slides show breeders whom the HSUS cites as having supplied puppies to Just Puppies of Rockville. A search of the USDA's inspection database shows that two of the three breeders have stellar reputations with minimal citations for non-compliance:
  - Edward Cannon had no non-compliant items in his most recent inspection (3/19/14) and that he had addressed the two indirect non-compliant items cited in his previous inspection (2/12/13) and he had no violations in the inspection prior to that (7/19/12).
  - Tina Carr had one non-compliant item in each of her last two inspections (4/3/14 and 1/10/13) and no non-compliant items on her inspection prior to that (1/24/12).
- The standards of care prescribed by the Animal Welfare Act and overseen by the USDA are – by definition – minimum standards of care. Many states have licensing requirements that exceed these standards and most breeders exceed them as a matter of practice. HSUS would be hard-pressed to find responsible, professional breeders whose facilities and practices meet the federal guidelines exactly.
- HSUS is citing a report by the Office of the Inspector General that dates back to May of 2010. In the four and a half years since this report was issued, the USDA has implemented the OIG's recommended changes across multiple issue areas, resulting in increased enforcement, tighter restrictions on exemptions and generally improved conditions across all licensed breeders.
- Their review of state-level enforcement is drawn from a report on Missouri breeding that was conducted by the Better Business Bureau in March of 2010 – it's even older and more outdated than

the OIG's report and it predates a significant tightening of state regulation of professional breeders in Missouri; it is obsolete.

- The “responsible breeders don’t sell to pet stores” canard is a statement of opinion, not fact. The breed-specific clubs cited as prohibiting their members from selling into the retail channel simply are not – and should not be - the only source of dogs in the country.
- Many stores that do not sell dogs and cats are successful, though it is an apples-to-oranges comparison to point to Big Box chains that enjoy economies of scale and preferential pricing arrangements with suppliers and to suggest that a small, local pet store can simply “do that instead.” Among the examples of “humane model” stores cited by HSUS, one of them has never sold dogs and cats and another now sells “Humane Pet Store Business Solutions.”
- Statistics on pet overpopulation from New Mexico are irrelevant to Montgomery County – unless Montgomery County is contemplating transporting dogs from out-of-state shelters and rescues into the county for adoption. As stated in our testimony at the public hearing, Montgomery County is fortunate enough to have VERY low rates of both shelter intake AND non-owner-requested euthanasia.



ROCKVILLE, MARYLAND

**MEMORANDUM**

December 2, 2014

TO: George Leventhal, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Joseph F. Beach, Director, Department of Finance

SUBJECT: FEIS for Council Bill 50-14, Animal Control – Retail Pet Stores

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Joseph F. Beach, Director, Department of Finance  
David Platt, Department of Finance  
Chief Thomas Manger, Montgomery County Police Department  
Paul Hibler, Montgomery County Police Department  
Bruce Meier, Office of Management and Budget  
Felicia Zhang, Office of Management and Budget

**Fiscal Impact Statement**  
**Council Bill 50-14 - Animal Control – Retail Pet Stores**

1. Legislation Summary

Bill 50-14 would prohibit the sale of dogs and cats in retail pet stores unless they were obtained from an animal care facility or a non-profit rescue organization.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

No impact on revenues or expenditures. Pet shops are currently inspected and licensed annually, including some random inspections. None of the nine pet shops in the County currently sell dogs or cats.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

No impact on revenues or expenditures.

4. An actuarial analysis through the entire amortization period for legislation that would affect retiree pension or group insurance costs.

Not Applicable

5. Later actions that may affect future revenue and expenditures if the legislation authorizes future spending.

Not Applicable.

6. An estimate of the staff time needed to implement the legislation.

A few minutes per store during current inspections if any stores begin selling dogs and/or cats.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

None.

8. An estimate of costs when an additional appropriation is needed.

Not Applicable

9. A description of any variable that could affect revenue and cost estimates.

Not Applicable

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Not Applicable

11. If legislation is likely to have no fiscal impact, why that is the case.

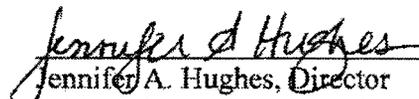
The legislation will have almost no impact on current operations beyond the addition of a few minutes to the current inspections if any stores begin selling dogs and/or cats.

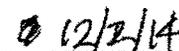
12. Other fiscal impacts or comments.

None

13. The following contributed to and concurred with this analysis.

Paul Hibler, Deputy Director, Montgomery County Police Department Animal Services  
Division  
Bruce Meier, OMB

  
\_\_\_\_\_  
Jennifer A. Hughes, Director  
Office of Management and Budget

  
\_\_\_\_\_  
Date

**Economic Impact Statement**  
**Bill 50-14, Animal Control – Retail Pet Stores**

**Background:**

Bill 50-14 would prohibit any pet store that operates in the County's jurisdiction to sell any dog or cat unless that animal was obtained from an animal care facility or a non-profit rescue organization.

The legislation states that "according to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies per year and that most dogs and cats sold in retail pet stores come from puppy and kitten mills." Bill 50-14 also states that "a state task force recently found that 45,000 dogs and cats are euthanized in Maryland animal shelters annually at an estimated cost of \$8 to \$9 million each year." The legislation also states that the law "will not affect a consumer's ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or a shelter, or from a hobby breeder."

According to The Humane Society report dated October 14, 2013, nine out of 12 pet stores in Maryland that sell puppies were not complying with the Maryland law (Md. Code, Bus. Reg. §§ 19-701 to 707) to protect dogs and consumers.

**1. The sources of information, assumptions, and methodologies used.**

Source of information on the number of "puppy mills" operating in the County and the number of pet stores is from the Animal Services Division, Montgomery County Police Department (MCPD).

**2. A description of any variable that could affect the economic impact estimates.**

The variables that could affect the economic impact estimates are the number of puppy mills operating in the County, the number of pet stores in the County that obtain animals from such facilities, and the cost differential over the life of the pet between when one is purchased from a puppy mill and when purchased from an animal rescue organization. Since MCPD reports that there are no puppy mills operating under Montgomery County Government's jurisdiction and no pet stores that sell puppies from a puppy mill, this legislation has no economic impact.

**3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.**

Bill 50-14 has no economic impact.

**4. If a Bill is likely to have no economic impact, why is that the case?**

See paragraph #3.

**Economic Impact Statement**  
**Bill 50-14, Animal Control – Retail Pet Stores**

5. The following contributed to or concurred with this analysis: David Platt and Rob Hagedoom, Finance; and Paul Hibler, Police Department.

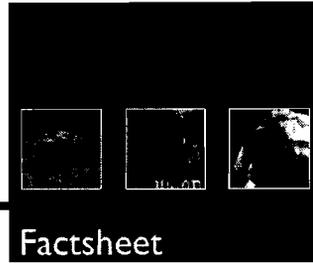
  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

11/28/14  
Date



# Animal Care

[www.aphis.usda.gov/animal\\_welfare/](http://www.aphis.usda.gov/animal_welfare/)



Factsheet



United States  
Department of  
Agriculture

Animal and Plant  
Health Inspection  
Service

## The Animal Welfare Act

For nearly 50 years, the U.S. Department of Agriculture (USDA) has enforced the Animal Welfare Act (AWA) to protect certain animals from inhumane treatment and neglect. Congress passed the AWA in 1966 and strengthened the law through amendments in 1970, 1976, 1985, 1990, 2002, 2007, and 2008. The USDA's Animal and Plant Health Inspection Service (APHIS) administers the AWA, its standards, and its regulations.

### ■ The Law

The AWA requires that basic standards of care and treatment be provided for certain animals bred and sold for use as pets, used in biomedical research, transported commercially, or exhibited to the public. Individuals who operate facilities in these categories must provide their animals with adequate care and treatment in the areas of housing, handling, sanitation, nutrition, water, veterinary care, and protection from extreme weather and temperatures. Although Federal requirements establish basic standards, regulated businesses are encouraged to exceed these standards.

### ■ Exemptions

The AWA regulates the care and treatment of warmblooded animals, except those (such as farm animals) that are used for food, fiber, or other agricultural purposes. Currently, coldblooded animals, such as snakes and alligators, are exempt from coverage under the Act. Animal shelters and pounds are regulated if they sell dogs or cats to dealers or research facilities. Pets owned by private citizens are not regulated.

### ■ Pet Protection

To help prevent trade in lost or stolen animals, regulated businesses are required to keep accurate records of acquisition and disposition and a description of the animals that come into their possession. Animal dealers and exhibitors also must hold the animals that they acquire from a pound or shelter for a period of 5 to 10 days to verify their origin and allow pet owners an opportunity to locate a missing pet.

### ■ Animal Fighting

The AWA prohibits staged dogfights, bear or raccoon baiting, cockfighting, and similar animal fighting ventures.

### ■ Licensing and Registration

The AWA requires that all individuals or businesses dealing with animals covered under the law must be licensed or registered with APHIS.

### ■ Research Facilities

Regulated research facilities include hospitals, colleges and universities, diagnostic laboratories, and many private firms in the pharmaceutical and biotechnology industries. In addition to providing basic standards of veterinary care and animal husbandry, regulated research facilities must provide dogs with the opportunity for exercise and promote the psychological well-being of nonhuman primates used in laboratories. Researchers must use methods to avoid or minimize discomfort, distress, and pain to the regulated animals unless withholding such methods is scientifically justified. The AWA also forbids the unnecessary duplication of previous experiments using regulated animals.

Research facilities must establish an Institutional Animal Care and Use Committee to oversee the use of animals in experiments. This committee is responsible for ensuring that the facility remains in compliance with the AWA and for providing documentation of all areas of compliance to APHIS. The committee must be composed of at least three members, including one veterinarian and one person who is not affiliated with the facility in any way.

The AWA does not permit APHIS to interrupt the conduct of actual research or experimentation.



[continued, reverse side]

### ■ AWA Enforcement

APHIS ensures that all regulated commercial animal breeders, dealers, brokers, transportation companies, exhibitors, and research facilities are licensed or registered. APHIS also searches for unlicensed or unregistered facilities.

Before APHIS will issue a license, the applicant must be in compliance with all standards and regulations under the AWA. To ensure that all licensed and registered facilities continue to comply with the Act, APHIS inspectors regularly make unannounced inspections.

If an inspection reveals deficiencies in meeting the AWA standards and regulations, the inspector documents the deficiencies and instructs the facility to correct the problems within a given timeframe. If deficiencies remain uncorrected at subsequent inspections, APHIS considers legal action.

APHIS also reviews and investigates alleged violations. Some cases are resolved with Official Notices of Warning or agency stipulation letters, which set civil penalties for the infractions. Civil penalties include cease-and-desist orders, fines, and license suspensions or revocations. If APHIS officials determine that an alleged AWA violation warrants additional action, APHIS submits all evidence to USDA's Office of the General Counsel for further legal review.

### ■ Cooperation

In addition to conducting regular inspections, APHIS will perform inspections in response to public input about the conditions of regulated facilities. Concerned individuals are also encouraged to inform APHIS about facilities that should be licensed or registered.

Many State and local governments have passed additional animal welfare legislation. The public is encouraged to work with Federal, State, and local officials as well as local humane organizations to help eliminate inhumane treatment of animals.

### ■ Additional Information

For more information about the Animal Welfare Act, contact:

Animal Care, APHIS-USDA

4700 River Road, Unit 84

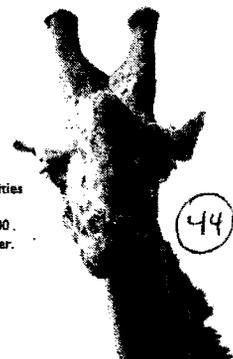
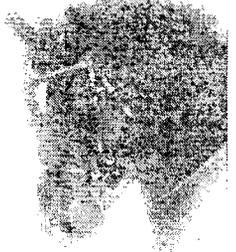
Riverdale, MD 20737-1234

Telephone: (301) 851-3751

Fax: (301) 734-4978

Email: [ace@usda.gov](mailto:ace@usda.gov)

Web page: [www.aphis.usda.gov/animal\\_welfare](http://www.aphis.usda.gov/animal_welfare)





U.S. Department of Agriculture

Office of Inspector General



**Animal and Plant Health Inspection Service  
Animal Care Program  
Inspections of Problematic Dealers**

Audit Report 33002-4-SF  
May 2010



U.S. Department of Agriculture  
Office of Inspector General  
Washington, D.C. 20250



DATE: May 14, 2010

REPLY TO  
ATTN OF: 33002-4-SF

TO: Cindy J. Smith  
Administrator  
Animal and Plant Health Inspection Service

ATTN: Joanne Munno  
Acting Deputy Administrator  
Marketing and Regulatory Programs Business Services

FROM: Gil H. Harden /s/  
Assistant Inspector General  
for Audit

SUBJECT: APHIS Animal Care Program – Inspections of Problematic Dealers

This report presents the results of the subject review. Your written response to the official draft report is included at the end of the report. Excerpts from the response and the Office of Inspector General's (OIG) position are incorporated into the relevant sections of the report. Based on the information in your written response, we have accepted your management decision on Recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 and 14. Please follow your internal agency procedures in forwarding final action correspondence to the Office of the Chief Financial Officer.

Based on your written response, management decision has not been reached on Recommendations 4 and 11. The information needed to reach management decision on these recommendations is set forth in the OIG Position section after each recommendation. In accordance with Departmental Regulation 1720-1, please furnish a reply within 60 days providing the information requested in the OIG Position section. Please note that the regulation requires a management decision to be reached on all findings and recommendations within a maximum of 6 months from report issuance, and final action to be taken within 1 year of each management decision.

We appreciate the courtesies and cooperation extended to us by members of your staff during the review.

## Table of Contents

<b>Executive Summary</b> .....	1
<b>Background &amp; Objectives</b> .....	4
<b>Background</b> .....	4
<b>Objectives</b> .....	7
<b>Section 1: Enforcement</b> .....	8
<b>Finding 1: AC's Enforcement Process Was Ineffective Against Problematic Dealers</b> .....	8
<b>Recommendation 1</b> .....	14
<b>Recommendation 2</b> .....	15
<b>Recommendation 3</b> .....	15
<b>Recommendation 4</b> .....	16
<b>Recommendation 5</b> .....	16
<b>Finding 2: AC Inspectors Did Not Cite or Document Violations Properly To Support Enforcement Actions</b> .....	17
<b>Recommendation 6</b> .....	23
<b>Recommendation 7</b> .....	24
<b>Section 2: Stipulations</b> .....	25
<b>Finding 3: APHIS' New Penalty Worksheet Calculated Minimal Penalties</b> .....	25
<b>Recommendation 8</b> .....	30
<b>Recommendation 9</b> .....	30
<b>Finding 4: APHIS Misused Guidelines to Lower Penalties for AWA Violators</b> .....	30
<b>Recommendation 10</b> .....	34
<b>Recommendation 11</b> .....	35
<b>Section 3: Internet</b> .....	36
<b>Finding 5: Some Large Breeders Circumvented AWA by Selling Animals Over the Internet</b> .....	36
<b>Recommendation 12</b> .....	38

<b>Section 4: Information System .....</b>	<b>39</b>
<b>Finding 6: Security Controls Need to Be Addressed for AC's New Information System .....</b>	<b>39</b>
<b>Recommendation 13.....</b>	<b>40</b>
<b>Section 5: Debt Management.....</b>	<b>41</b>
<b>Finding 7: IES Did Not Adequately Establish Payment Plans for Stipulations .....</b>	<b>41</b>
<b>Recommendation 14.....</b>	<b>42</b>
<b>Scope and Methodology.....</b>	<b>43</b>
<b>Abbreviations .....</b>	<b>46</b>
<b>Exhibit A: Summary of Monetary Results.....</b>	<b>47</b>
<b>Exhibit B: Audit Sites Visited.....</b>	<b>48</b>
<b>Exhibit C: Violations Cited at Dealer Facilities in FYs 2006-2008.....</b>	<b>51</b>
<b>Exhibit D: Additional Photos Taken During Site Reviews.....</b>	<b>52</b>
<b>Agency's Response.....</b>	<b>55</b>

## ***Animal Care Program – Inspections of Problematic Dealers***

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### **Executive Summary**

In the last 2 years, there has been significant media coverage concerning large-scale dog dealers (i.e., breeders and brokers)<sup>1</sup> that failed to provide humane treatment for the animals under their care. The breeders, negatively referred to as “puppy mills,” have stirred the interest of the public, Congress, animal rights groups, and others. Accordingly, we conducted an audit of the Animal and Plant Health Inspection Service’s (APHIS) Animal Care (AC) unit, which is responsible for enforcing the Animal Welfare Act (AWA). The audit focused on AC’s inspections of problematic dealers. It is the latest in a series of audits related to AWA.<sup>2</sup>

In our last audit on animals in research facilities,<sup>3</sup> we found that the agency was not aggressively pursuing enforcement actions against violators of AWA and that it assessed minimal monetary penalties against them.<sup>4</sup> APHIS agreed to take corrective action by incorporating more specific guidance in its operating manual to address deficiencies in enforcement actions. It also agreed to revise its penalty worksheet to generate higher and more appropriate penalties.

In this audit, one objective was to review AC’s enforcement process against dealers that violated AWA. Accordingly, we focused on dealers with a history of violations in the past 3 years.<sup>5</sup> Another objective was to review the impact of recent changes the agency made to the penalty assessment process. We identified the following major deficiencies with APHIS’ administration of AWA:

- ***AC’s Enforcement Process Was Ineffective Against Problematic Dealers.*** AC’s enforcement process was ineffective in achieving dealer compliance with AWA and regulations, which are intended to ensure the humane care and treatment of animals. The agency believed that compliance achieved through education<sup>6</sup> and cooperation would result in long-term dealer compliance and, accordingly, it chose to take little or no enforcement action against most violators.

However, the agency’s education efforts have not always been successful in deterring problematic dealers from violating AWA. During FYs 2006-2008, at the re-inspection of 4,250 violators, inspectors found that 2,416 repeatedly violated AWA, including some that ignored minimum care standards. Therefore, relying heavily on education for serious or repeat violators—without an appropriate level of enforcement—weakened the agency’s ability to protect the animals.

- ***AC Inspectors Did Not Cite or Document Violations Properly To Support Enforcement Actions.*** Many inspectors were highly committed, conducting timely and thorough

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<sup>1</sup> Breeders are those that breed and raise animals on the premises; brokers negotiate or arrange for the purchase, sale, or transport of animals in commerce.

<sup>2</sup> Refer to the Background section for more information on related prior audits.

<sup>3</sup> Audit No. 33002-3-SF, “APHIS Animal Care Program Inspection and Enforcement Activities” (September 2005).

<sup>4</sup> AWA refers to monetary penalties as civil penalties.

<sup>5</sup> APHIS synonymously used the terms violations, alleged violations, and noncompliant items in its documents. For simplicity, we used the term violations in this report.

<sup>6</sup> Education was generally provided through the inspectors’ interaction with dealers during routine inspections as well as periodic seminars.

inspections and making significant efforts to improve the humane treatment of covered animals. However, we noted that 6 of 19 inspectors<sup>7</sup> did not correctly report all repeat or direct violations (those that are generally more serious and affect the animals' health). Consequently, some problematic dealers were inspected less frequently.

In addition, some inspectors did not always adequately describe violations in their inspection reports or support violations with photos. Between 2000 and 2009, this lack of documentary evidence weakened AC's case in 7 of the 16 administrative hearings involving dealers.<sup>8</sup> In discussing these problems with regional management, they explained that some inspectors appeared to need additional training in identifying violations and collecting evidence.

- *APHIS' New Penalty Worksheet Calculated Minimal Penalties.* Although APHIS previously agreed to revise its penalty worksheet to produce "significantly higher" penalties for violators of AWA, the agency continued to assess minimal penalties that did not deter violators. This occurred because the new worksheet allowed reductions up to 145 percent of the maximum penalty. While we are not advocating that APHIS assess the maximum penalty, we found that at a time when Congress tripled the authorized maximum penalty to "strengthen fines for violations," the actual penalties were 20 percent less using the new worksheet as compared to the worksheet APHIS previously used.
- *APHIS Misused Guidelines to Lower Penalties for AWA Violators.* In completing penalty worksheets, APHIS misused its guidelines in 32 of the 94 cases we reviewed to lower the penalties for AWA violators. Specifically, it (1) inconsistently counted violations; (2) applied "good faith" reductions without merit; (3) allowed a "no history of violations" reduction when the violators had a prior history; and (4) arbitrarily changed the gravity of some violations and the business size. AC told us that it assessed lower penalties as an incentive to encourage violators to pay a stipulated amount rather than exercise their right to a hearing.
- *Some Large Breeders Circumvented AWA by Selling Animals Over the Internet.* Large breeders that sell AWA-covered animals over the Internet are exempt from AC's inspection and licensing requirements due to a loophole in AWA. As a result, an increasing number of these unlicensed breeders are not monitored for their animals' overall health and humane treatment.

## Recommendation Summary

To ensure dealer compliance with AWA, AC should modify its *Dealer Inspection Guide* (Guide) to require enforcement action for direct and serious violations. We also recommend that "no action" be deleted as an enforcement action in the Guide.

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<sup>7</sup> In 2008, AC employed 99 inspectors. We accompanied 19 on their inspections of dealer facilities.

<sup>8</sup> During this period, administrative law judges or the Department's Judicial Officer rendered decisions in 16 cases involving dealers. We reviewed all 16.

To increase the effectiveness of inspections, AC should provide more comprehensive training and detailed guidance to its inspectors and supervisors on direct and repeat violations, enforcement procedures, and evidentiary requirements (e.g., adequately describing violations).

To calculate more reasonable penalties, APHIS should limit total reductions on its penalty worksheet to less than 100 percent. We also recommend that the agency ensure its penalty guidelines are consistently followed and that it include instructions to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.

To prevent large breeders from circumventing AWA requirements, APHIS should propose that the Secretary seek legislative change to exclude these breeders from the definition of "retail pet store," and require that all applicable breeders that sell through the Internet be regulated under AWA.

### **Agency Response**

In its written response, dated April 23, 2010, APHIS concurred with the reported findings and recommendations. APHIS' response is included at the end of this report.

### **OIG Position**

We accept APHIS' management decision on Recommendations 1, 2, 3, 5, 6, 7, 8, 9, 10, 12, 13 and 14. The actions needed to reach management decision on Recommendations 4 and 11 are provided in the OIG Position section after these recommendations.

## MEMORANDUM

TO: Gil H. Harden  
Assistant Inspector General  
for Audit

FROM: Cindy J. Smith /S/  
Administrator

SUBJECT: APHIS Response on OIG Report, "Animal and Plant  
Health Inspection Service's - Animal Care Program  
Inspections of Problematic Dealers" (33002-04-SF)

The Animal and Plant Health Inspection Service (APHIS) appreciates the opportunity to comment on this report. We appreciate the Office of Inspector General's (OIG) interest in our programs. We have provided a response for each Recommendation.

**Recommendation 1: Modify the *Dealer Inspection Guide* to require an enforcement action for direct and serious violations. Also, define a serious violation in the Guide.**

**APHIS Response:** APHIS agrees with this Recommendation. We will provide Animal Care (AC) employees with guidance regarding all enforcement action options including direct and serious Non-Compliant Items (NCIs) drawn from OIG recommendations, Office of the General Counsel (OGC) guidance, and legal decisions. APHIS will incorporate the requirements in a new document entitled "Inspection Requirements." This document will be distributed to and discussed with AC employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the "Inspection Requirements" document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

**Recommendation 2: Remove "no action" as an enforcement action in the *Dealer Inspection Guide*.**

**APHIS Response:** APHIS agrees with this Recommendation. We changed the title of the "Enforcement Action Worksheet" to "Enforcement Action Option Worksheet" and changed the flow chart title to read "Enforcement Actions (EA) Guidance for Inspection Reports." We modified these to clarify that: (1) inspectors will forward

to AC management a recommended EA (they believe will be most effective in attaining compliance) for all repeats and directs and any facility with inspection results that cause it to go from a lower frequency to High Inspection Frequency; and (2) taking no immediate action requires Regional Director approval and a 90-day reinspection to determine if compliance was achieved or if EA is necessary. Copies of the modified worksheet and flow chart are attached. AC will retain copies of all EA sheets in the facility files in accordance with records retention guidelines. AC's supervisors verbally directed their employees to utilize the modified EA worksheet beginning on December 1, 2009. In addition, this will be reemphasized at the National Meeting.

**Recommendation 3: Incorporate instructions provided in the "Animal Care Enforcement Actions Guidance for Inspection Reports" into the *Dealer Inspection Guide* to ensure inspectors and their supervisors follow them in selecting the appropriate enforcement.**

**APHIS Response:** APHIS agrees with this Recommendation. We will provide AC employees with guidance regarding all EA options to recommend to AC management drawn from OIG recommendations, OGC guidance, and legal decisions. AC will incorporate the requirements in a new document entitled "Inspection Requirements." This document will be distributed and covered for AC employees during AC's National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the "Inspection Requirements" document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

**Recommendation 4: Modify regulations to allow immediate confiscation where animals are dying or seriously suffering.**

**APHIS Response:** APHIS agrees with the intent of this Recommendation, but believe that current regulations are sufficient to allow immediate confiscation. We believe that we can effect the intent of the Recommendation by reviewing and clarifying the confiscation processes so that confiscations can be accomplished with maximum speed and effectiveness. We will distribute the clarified guidance to employees during AC's National Meeting, April 19-22, 2010.

**Recommendation 5: Establish written procedures to refer animal cruelty cases to the States that have such felony laws.**

**APHIS Response:** APHIS agrees with this Recommendation. While the Animal Welfare Act (AWA) does not give APHIS the authority to determine if state or local animal cruelty laws have been violated, we do believe that we should work with state and local authorities in our shared goal of eliminating animal cruelty. APHIS will

refer issues of mutual interest to appropriate local authorities who enforce state laws and share inspection reports and EAs with several states that have state-level enforcement capability (e.g., Colorado, Iowa, Kansas, Missouri, and Pennsylvania). AC has modified the regional "Enforcement Action Option Worksheet" to include a check box for inspectors to indicate whether or not they contacted local or state authorities. A copy of the modified worksheet is attached. We will reemphasize with inspectors the need to notify appropriate authorities who enforce state humane laws during AC's National Meeting from April 19-22, 2010. APHIS will develop a Standard Operating Procedure to refer suspected animal cruelty incidents to appropriate authorities that have felony laws for animal cruelty. This document will be completed by September 30, 2010.

**Recommendation 6: Provide more comprehensive training and detailed guidance to the inspectors and supervisors on direct and repeat violations, enforcement procedures, evidentiary requirements (e.g., adequately describing violations), shelter medicine, and animal abuse.**

**APHIS Response:** APHIS agrees with this Recommendation. We have provided training for all inspectors on identifying direct and repeat NCIs and adequately describing NCIs, during fall 2009 meetings between supervisors and their inspector teams. We will provide additional training and guidance (i.e., the "Inspection Requirements" document) to inspectors and supervisors on identifying direct and repeat NCIs, adequately describing NCIs, enforcement procedures, and common medical conditions seen at commercial kennels during AC's National Meeting, April 19-22, 2010. In addition, we will provide a training session on shelter medicine at the National Meeting. We will develop a comprehensive technical training plan through the Center for Animal Welfare, by November 30, 2010.

**Recommendation 7: Revise the *Dealer Inspection Guide* to require photos for all violations that can be documented in this manner.**

**APHIS Response:** APHIS agrees with this Recommendation. Our current guidance calls for photographs of: direct NCIs; repeat NCIs; NCIs that may result in EA or an investigation; NCIs that are additional information for ongoing investigations; and transportation violations. In addition, our guidance states that inspectors may choose to take photographs in other circumstances. We will modify guidance to add NCIs documented on the third prelicense inspection and NCIs documented on inspections that may be appealed. We will reemphasize with inspectors when to take photographs. We will incorporate this information in the new "Inspection Requirements" document, and distribute it to employees during the AC National Meeting, April 19-22, 2010. APHIS will update the *Dealer Inspection Guide* to include the information in the "Inspection Requirements" document and consolidate it with the Research Facility Inspection and the Exhibitor Inspection Guides into one

comprehensive document. APHIS anticipates completing the document consolidation by September 30, 2010.

**Recommendation 8: Limit total penalty reductions on the new worksheet to less than 100 percent.**

**APHIS Response:** APHIS agrees with this Recommendation. We will develop and implement a new worksheet which limits total penalty reductions to less than 100 percent by September 30, 2010.

**Recommendation 9: Establish a methodology to determine a minimum stipulation amount and consistently apply that amount, when appropriate.**

**APHIS Response:** APHIS agrees with this Recommendation. We will formally document the "minimum stipulation amount" in the "Determining Penalties Under the Animal Welfare Act" document by September 30, 2010.

**Recommendation 10: Designate a responsible party to ensure that "Determining Penalties Under the Animal Welfare Act" (April 2006) is consistently followed by AC and IES and that penalties are properly calculated.**

**APHIS Response:** APHIS agrees with this Recommendation. We recently reorganized the enforcement component of our Investigative and Enforcement Services (IES) to establish two branches: the Animal Health and Welfare Enforcement Branch (AHWEB) and the Plant Health and Border Protection Enforcement Branch. A GS-14 Chief will supervise each branch with full supervisory authority for branch staff. The Chief of AHWEB and his/her subordinate staff are responsible for EAs involving only AC and the APHIS Veterinary Services programs, greatly increasing the level of staff specialization afforded to these programs when compared to that in place during the audit. The Chief of AHWEB will assume responsibility for ensuring that AWA penalty calculations are consistent and in accordance with the instructions included in "Determining Penalties Under the Animal Welfare Act." In an instance where the AHWEB Branch Chief is unavailable or the position is vacant, the IES Deputy Director will assume this responsibility.

**Recommendation 11: Include instructions in "Determining Penalties Under the Animal Welfare Act" to count each animal as a separate violation in cases involving animal deaths and unlicensed wholesale activities.**

**APHIS Response:** APHIS partially agrees with this Recommendation. The Recommendation is not always practical for unlicensed wholesale activities. We will request an opinion from OGC about a penalty structure for unlicensed wholesale activities by September 30, 2010. However, we will count each animal as a separate violation when an animal death results from NCIs. Specifically, AC will clarify the

penalty guidelines by September 30, 2010, to count each animal as a separate violation when an animal death resulting from NCIs is involved.

**Recommendation 12: Propose that the Secretary seek legislative change to exclude Internet breeders from the definition of “retail pet store,” and require that all applicable breeders or brokers who sell through the Internet be regulated under AWA.**

**APHIS Response:** APHIS agrees with this Recommendation. APHIS is currently providing information (including potential options) to Congress as requested regarding the proposed Puppy Uniform Protection and Safety Act (or PUPS). This bill would place dogs sold directly to the public via the Internet, telephone, and catalogue sales within the jurisdiction of the AWA. In addition, APHIS will concurrently draft a legislative proposal for the Secretary by May 31, 2010.

**Recommendation 13: Correct all security issues pertaining to ACIS that were identified by USDA’s Cyber Security Office during its concurrency review.**

**APHIS Response:** APHIS agrees with this Recommendation. We have already corrected all security issues pertaining to ACIS. Our corrective actions are documented in the attached memorandum entitled “Approval for Interim Authority to Operate for Animal and Plant Health Inspection Service Animal Care Information System (ACIS),” dated October 21, 2009.

**Recommendation 14: Require FMD to ensure that IES follows the payment plan process by conducting additional training and periodic reviews, or require FMD to reassume its responsibility for establishing payment plans for stipulations.**

**APHIS Response:** APHIS agrees with this Recommendation. IES will follow the applicable federal regulations and Financial Management Division’s (FMD) Guidelines for Establishing Payment Plans when establishing payment plans. Consistent with these authorities, in September 2009, IES and FMD developed the attached Memorandum of Agreement (MOA) for persons who request a payment. IES has implemented the MOA in its International Organization for Standardization (ISO) Payment Plan process. In addition, IES and FMD have developed a method to jointly review and reconcile payment plans, stipulations, and orders assessing penalties on a monthly basis. IES’ Chief, Document Control Branch, will train the IES personnel who handle payment plans, in accordance with FMD’s Guidelines for Establishing Payment Plans and IES’ ISO Payment Plan process.

Please note that OIG’s characterization of 31 C.F.R. § 901.8 and FMD’s Guidelines for Establishing Payment Plans differs from the plain language of those authorities. For example, OIG asserts that 31 C.F.R. § 901.8 states, “require that plans *must* be based on debtor’s inability to pay in a reasonable time, which should be supported by

financial information,” but the regulation actually states, “Agencies *should* obtain financial statements from debtors who represent that they are unable to pay in one lump sum and independently verify such representations whenever possible.” (emphasis added) Additionally, OIG states, “APHIS’ debt management polices *require* that the plans be signed by the debtor,” but FMD’s Guidelines for Establishing Payment Plans actually state, “Agencies *may* accept installment payments notwithstanding the refusal of the debtor to execute a written agreement or provide financial statements.” (emphasis added)

We hope that with this memorandum you are able to reach management decisions.

Attachments

Effective: October 1, 2012

West's Annotated Code of Maryland Currentness

Business Regulation (Refs & Annos)

▣ Title 19. Miscellaneous State Business Regulation

▣ Subtitle 7. Retail Pet Stores (Refs & Annos)

→ → § 19-703. Retail pet stores required to disclose records relating to dogs for sale

Scope of disclosure

(a) A retail pet store that sells dogs shall:

(1) post conspicuously on each dog's cage:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the state in which the breeder or dealer of the dog is located; and

(iii) the United States Department of Agriculture license number of the breeder or dealer, if required;

(2) maintain a written record that includes the following information about each dog in the possession of the retail pet store:

(i) the breed, age, and date of birth of the dog, if known;

(ii) the sex, color, and any identifying markings of the dog;

(iii) documentation of all inoculations, worming treatments, and other medical treatments, if known, including the date of the medical treatment, the diagnoses, and the name and title of the treatment provider;

(iv) the name and address of:

1. the breeder or dealer who supplied the dog;

2. the facility where the dog was born; and

58

3. the transporter or carrier of the dog, if any;

(v) the United States Department of Agriculture license number of the breeder or dealer, if required;

(vi) any identifier information, including a tag, tattoo, collar number, or microchip; and

(vii) if the dog is being sold as registered or registrable:

1. the names and registration numbers of the sire and dam; and

2. the litter number; and

(3) for each dog acquired by the retail pet store, maintain a written record of the health, status, and disposition of the dog, including any documents that are required at the time of sale.

#### Retention of records

(b) A retail pet store shall maintain a copy of the records required under subsection (a)(2) of this section for at least 1 year after the date of sale of the dog.

#### Records made available to Division of Consumer Protection and purchasers

(c) A retail pet store shall make the records required under subsection (a)(2) of this section available to:

(1) the Division of Consumer Protection of the Office of the Attorney General on reasonable notice;

(2) any bona fide prospective purchaser on request; and

(3) the purchaser at the time of a sale.

#### CREDIT(S)

Added by Acts 2012, c. 214, § 1, eff. Oct. 1, 2012; Acts 2012, c. 215, § 1, eff. Oct. 1, 2012.

MD Code, Business Regulation, § 19-703, MD BUS REG § 19-703

Current through chapters effective July 1, 2014, of the 2014 Regular Session of the General Assembly.

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**Effective: October 1, 2012**

West's Annotated Code of Maryland Currentness

Business Regulation (Refs & Annos)

▣ Title 19. Miscellaneous State Business Regulation

▣ Subtitle 7. Retail Pet Stores (Refs & Annos)

→ → **§ 19-704. Retail pet store required to provide health certificate at time of sale**

Contents of health certificate

(a) A retail pet store shall provide to a purchaser at the time of a sale of a dog:

(1) a health certificate from a veterinarian licensed in the State issued within 30 days before the date of sale certifying that the dog:

(i) has no known disease, illness, or congenital or hereditary condition which is diagnosable with reasonable accuracy; and

(ii) does not appear to be clinically ill from parasitic infection at the time of the examination;

(2) the written record about the dog maintained by the retail pet store under § 19-703(a)(2) of this subtitle; and

(3) a statement notifying the purchaser of the specific rights available to the purchaser under this subtitle.

False or misleading statements

(b) It is an unfair or deceptive trade practice within the meaning of Title 13 of the Commercial Law Article for a retail pet store to include any false or misleading statements in the health certificate or written record provided to a purchaser under subsection (a) of this section.

CREDIT(S)

Added by Acts 2012, c. 214, § 1, eff. Oct. 1, 2012; Acts 2012, c. 215, § 1, eff. Oct. 1, 2012.

MD Code, Business Regulation, § 19-704, MD BUS REG § 19-704

(60)

Effective: October 1, 2012

West's Annotated Code of Maryland Currentness

Business Regulation (Refs & Annos)

▣ Title 19. Miscellaneous State Business Regulation

▣ Subtitle 7. Retail Pet Stores (Refs & Annos)

→→ § 19-705. Remedies available to purchasers

Purchasers entitled to remedy

(a)(1) A person who purchased a dog from a retail pet store is entitled to a remedy under this section if:

(i) within 7 days after the date of the sale, the person had the dog examined by a veterinarian licensed in the State and, within 14 days after the date of the sale, the licensed veterinarian states in writing that the dog suffers from or has died of a disease or illness adversely affecting the health of the dog and that existed in the dog on or before the date of delivery to the purchaser; or

(ii) within 180 days after the date of the sale, a licensed veterinarian states in writing that the dog possesses or has died of a congenital or hereditary condition adversely affecting the health of the dog or that requires hospitalization or a nonelective surgical procedure.

(2) Intestinal or external parasites may not be considered to adversely affect the health of the dog unless the presence of the parasites makes the dog clinically ill.

Return or exchange of dog

(b)(1) A purchaser entitled to a remedy under subsection (a) of this section may:

(i) return the dog to the retail pet store for a full refund of the purchase price;

(ii) exchange the dog for another dog of comparable value chosen by the purchaser, if available; or

(iii) retain the dog and be reimbursed by the retail pet store for reasonable and documented veterinary fees for diagnosis and treatment of the dog, not exceeding the purchase price of the dog.

(2) Unless the owner or operator of the retail pet store contests a reimbursement required under paragraph (1)(iii) of this subsection, the reimbursement shall be made to the purchaser no later than 10 business days

(21)

after the retail pet store receives the veterinarian's statement under subsection (c) of this section.

Written statement from veterinarian required

(c) To obtain a remedy under this section, a purchaser shall provide to the owner or operator of the retail pet store, within 5 business days after receipt, a written statement from a licensed veterinarian that the dog suffers from or has died of a disease, illness, or congenital or hereditary condition adversely affecting the health of the dog and that existed in the dog on or before the date of delivery to the purchaser.

Purchasers not entitled to remedy

(d) A purchaser is not entitled to a remedy under this section if:

(1) the illness or death resulted from:

(i) maltreatment or neglect by the purchaser;

(ii) an injury sustained after the delivery of the dog to the purchaser; or

(iii) an illness or disease contracted after the delivery of the dog to the purchaser;

(2) the purchaser does not carry out the recommended treatment prescribed by the veterinarian who made the diagnosis; or

(3) the illness, disease, or congenital or hereditary condition was disclosed at the time of purchase.

CREDIT(S)

Added by Acts 2012, c. 214, § 1, eff. Oct. 1, 2012; Acts 2012, c. 215, § 1, eff. Oct. 1, 2012.

MD Code, Business Regulation, § 19-705, MD BUS REG § 19-705

Current through chapters effective July 1, 2014, of the 2014 Regular Session of the General Assembly.

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**Testimony on behalf of County Executive Isiah Leggett  
Bill 50-14, Animal Control- Retail Pet Stores  
January 27, 2015**

Good evening Council President Leventhal and Councilmembers. I am Donald Johnson, Director of Montgomery County Animal Services. I am here tonight to testify on behalf of County Executive Leggett in support of Bill 50-14, which would limit the retail sale of dogs and cats to those obtained from an animal care facility or a non-profit rescue organization. The County Executive supports this bill as it addresses pet overpopulation issues as well as the inhumane conditions often found in puppy and kitten mill facilities.

A significant number of puppies and kittens sold at retail pet stores are produced by large-scale, commercial breeding facilities, which operate solely for profit and without regard to the welfare of the animals in their custody. Animals raised in such environments are often not provided with sufficient veterinary care, adequate access to wholesome food or water, proper housing conditions, socialization or exercise. These abuses have repeatedly been found to be endemic in the industry. Such inhumane conditions can lead to significant health and behavioral issues. Many consumers are unaware of these issues when purchasing animals from retail pet stores and can easily find themselves emotionally and financially overwhelmed by the burden of caring for their new pet.

Current Federal, State and County regulations do not properly address the sale of puppy and kitten mill animals in Montgomery County retail pet stores. This bill would require that only puppies and kittens which are sourced from shelters or rescue organizations, be offered for sale in any Montgomery county pet store. This law will not affect a consumer's ability to obtain a dog or cat from a breed-specific rescue organization, shelter, or hobby breeder.

In addition to drawing attention to the often inhumane breeding conditions found in these mills, Bill 50-14 will also encourage adoption of animals from shelters and rescue organizations. In the State of Maryland, an average of 45,000 cats and dogs are euthanized at animal shelters on an annual basis, at an estimated cost of 8 million dollars each year. This bill is expected to support efforts to find every adoptable cat and dog a home.

Montgomery County is well known for its progressive state of animal welfare matters. This bill would greatly reduce inhumane breeding conditions for cats and dogs, promote community awareness of the issues regarding puppy and kitten mills, reduce costs to citizens of the county and promote a more humane environment in the County.

The County Executive believes that wherever possible, county law should prohibit retail pet stores from supporting the inhumane animal breeding practices of puppy and kitten mills and urges passage of this legislation.

Thank you for the opportunity to testify in support of the bill.

B 50-14

AM  
CC

**Delgado, Annette**

---

**From:** mg <mg@aprpets.org>  
**Sent:** Tuesday, January 27, 2015 4:30 PM  
**To:** County Council  
**Cc:** mer@aprpets.org; americaspetsregistry@gmail.com  
**Subject:** Opposed to Bill 5014

To: Montgomery County Council, Montgomery County Maryland  
Roger Berliner  
Marc Elrich  
Nancy Floreen  
Tom Hucker  
Sidney Katz  
George Leventhal  
Nancy Nararro  
Craig Rice  
Hans Riemer

From:  
Michael Glass America's Pet Registry, Inc Nat'l Field Rep  
Pottstown, Pennsylvania 484-880-7962 mg@aprpets.org

Rob Hurd America's Pet Registry, Inc Nat'l Field Rep  
Indianola, Iowa 515-962-7552 rh@aprpets.org

RE: Animal Control - Retail Pet Stores Bill 50-14

Dear Montgomery County Council Members,

We oppose Bill 50-14

America's Pet Registry, Inc (APRI) does not condone substandard kennels or Pet Stores which by their actions or inactions reflect poorly on the credibility and reputation of law-abiding, responsible dog breeders and Pet Stores that maintain or exceed all current local, state and federal animal welfare laws and regulations

Additionally, APRI does not condone any and all activities and legislation that infringes upon the individual rights to choice about their personal property which includes their pets.

We appreciate the Legislative intent and recognize the Council's goal to present a bill that will effectively meet the needs of the communities and families involved. Legislative intent ought to consider minimizing unintended consequences.

We have reviewed the prepared presentation by the proponents of the Bill and Bill 50-14 itself. Such documentations are complete with accusations that do not represent facts and data that would properly represent

64

those accused of poorly run business. The Bill is evident of a standard anti-breeding, and a biased anti-pet store agenda.

We oppose Bill 50-14

Respectfully,

Michael A Glass

mg@aprpets.org

484-880-7962

Pottstown, Pennsylvania

Michael A. Glass mg@aprpets.org 484-880-7962

America's Pet Registry, Inc 479-299-4418

(65)



**Best  
Friends  
Animal  
Society**

**SAVE THEM ALL™**

16 January 2014

Montgomery County Council  
100 Maryland Avenue, 5th Floor  
Rockville, MD 20850

**Re: Support for a Pet Sales Ordinance**

Dear Councilors,

On behalf of Best Friends Animal Society, a national animal welfare organization in its thirty-second year, and our 300,000 members, I would like to offer our support for an ordinance to restrict the retail sale of companion animals in Montgomery County pet stores. We urge you to join the seventy-four municipalities throughout North America that have made the change to no longer allow pet stores to sell commercially bred companion animals, unless the animals come from shelters or rescue groups.

Pet mills, particularly puppy mills, are a serious problem in the U.S. These facilities, which supply nearly 100% of retail pet stores and online retailers, are cruel and inhumane breeding factories in which profit and maximum productivity take priority over the welfare of the animals.

Although the USDA regulates these breeders, the minimum federal standards do not ensure a humane life for dogs. These types of kennels can legally have hundreds - often a thousand - dogs in one facility, and these dogs are allowed to be confined to very small cages for their entire lives, breeding continuously in order to produce as many puppies as possible for the pet trade. And USDA inspection reports show that many USDA-licensed breeders continue to sell animals to local pet stores even after being cited for serious violations at their facilities.

Because the goal is to make a profit, pet mill owners must cut corners to keep expenses low and profits high. For the unsuspecting consumer, this frequently results in the purchase of a pet facing an array of immediate veterinary problems or harboring genetic diseases that surface down the line. This creates a financial burden on the consumer and results in many of these animals being surrendered to overcrowded shelters.

It makes little sense to continue manufacturing dogs and cats when so many are being killed for lack of space. Public education has been effective, but until communities take the initiative to limit the supply of pets being imported from substandard commercial facilities, there can be no hope of preventing these unnecessary deaths.

**Best Friends Animal Society**  
5001 Angel Canyon Road  
Kanab, UT 84741  
bestfriends.org

Best Friends Animal Society – Los Angeles  
15321 Brand Blvd.  
Mission Hills, CA 91345  
bestfriends.org/la

Best Friends Animal Society –  
New York City  
contactnyc@bestfriends.org

Best Friends Animal Society – Utah  
2095 South 1100 East  
Salt Lake City, UT 84106  
bestfriends.org/utah





**Best  
Friends  
Animal  
Society**

**SAVE THEM ALL™**

Those who benefit most from companion animal sales in pet stores are the retailers themselves. While they may profit from the practice of buying these pets at a low price from commercial brokers and then selling them (typically without first spaying or neutering them) at a high price, it is the taxpaying public who pays for animal control to house and kill unwanted animals in the community.

Pet stores that sell commercially bred animals can be part of the solution rather than the problem, simply by either stopping pet sales altogether (and focusing on other profitable, ancillary components such as grooming, daycare or pet supplies), or by changing to a business model that offers products, services, and space for animal rescue organizations to adopt out animals from their stores.

Best Friends has partnered with several of the many pet stores that have transitioned from selling milled dogs and cats to offering rescued pets for adoption, and we have found this humane model to be both viable and embraced by the communities in which the stores are located. Thus, a restriction on the retail sale of pets would *not* preclude pet stores from staying in business, and could in fact alleviate a significant burden on the city by increasing pet adoptions.

Best Friends and our members thank you for taking a compassionate, common sense initiative to addressing the pet mill problem in our community and setting a positive example for the rest of the country to follow. We have been proud to work with the majority of municipalities throughout the U.S. that have enacted similar ordinances (including Los Angeles, Chicago and San Diego), and we support you in your efforts as well. I hope you will let us know if there is anything we can do to help further this critical reform.

Thank you for your consideration of this important proposal.

Respectfully,

*Elizabeth Oreck*

**Elizabeth Oreck**  
National Manager, Puppy Mill Initiatives  
Best Friends Animal Society  
[puppymills.bestfriends.org](http://puppymills.bestfriends.org)  
[elizabetho@bestfriends.org](mailto:elizabetho@bestfriends.org)

**Best Friends Animal Society**  
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2005 South 1100 East  
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# Executive Summary: Scientific studies of dogs and puppies from commercial dog-breeding establishments (puppy mills)

## BACKGROUND

Commercial breeding establishments, or puppy mills, are large-scale facilities where dogs are confined in small enclosures for their entire reproductive lives with little to no exercise or positive human contact. The sole purpose of such facilities is to mass-produce puppies to sell them for profit through retail pet stores and via the Internet.

## SYNOPSIS

In two large-scale studies of dogs from high-volume commercial breeding establishments (one study focusing on the adult breeding dogs and the other on the puppies sold through pet stores), the evidence showed conclusively that these breeding facilities are highly injurious to both groups of dogs, resulting in severe, extensive and long-term harm to the behavioral and psychological well-being of the dogs.

## Study 1: The adult breeding dogs

### WHAT THE STUDY LOOKED AT

This study compared a wide array of psychological and behavioral characteristics of 1,169 dogs formerly kept for breeding purposes in commercial breeding establishments with pet dogs owned by members of the general public.

### RESEARCHERS

Franklin D. McMillan, DVM, Best Friends Animal Society

Deborah L. Duffy, PhD, University of Pennsylvania School of Veterinary Medicine

James A. Serpell, PhD, University of Pennsylvania School of Veterinary Medicine

### THE PUBLISHED PAPER

Mental health of dogs formerly used as 'breeding stock' in commercial breeding establishments. FD McMillan, DL Duffy, JA Serpell. *Applied Animal Behaviour Science* 2011; 135: 86-94.

### WHAT THE STUDY FOUND

- The results showed a broad range of abnormal behavioral and psychological characteristics in the former breeding dogs from large-scale commercial breeding establishments, including significantly elevated levels of fears and phobias; pronounced compulsive and repetitive behaviors, such as spinning in tight circles and pacing; house soiling; and a heightened sensitivity to being touched and picked up.
- The psychological harm demonstrated in these dogs is severe and long-lasting. Much of the harm is irreparable and will remain a continued source of suffering for years after the dogs leave the breeding facility, in some cases for the entire lifetime of the dog.

## CONCLUSIONS

- Current laws at both the national and state levels are not based on current scientific knowledge of animal psychology, quality of life, suffering, and welfare, and are thus inadequate to protect dogs from the psychological harm resulting from living in commercial breeding establishments.
- Legislation to adequately protect the welfare of dogs in confinement needs to be updated to reflect current scientific knowledge.

To obtain a copy of the published study, contact Dr. Frank McMillan ([dr.frank@bestfriends.org](mailto:dr.frank@bestfriends.org)).

## Study 2: The puppies

### WHAT THE STUDY LOOKED AT

This study compared the psychological and behavioral characteristics of 431 adult dogs who were purchased as puppies from pet stores with adult dogs purchased as puppies from small-scale, private breeders.

### RESEARCHERS

Franklin D. McMillan, DVM, Best Friends Animal Society

James A. Serpell, PhD, University of Pennsylvania School of Veterinary Medicine

Deborah L. Duffy, PhD, University of Pennsylvania School of Veterinary Medicine

Elmabrok Masaoud, PhD, Atlantic Veterinary College, University of Prince Edward Island

Ian Dohoo, DVM, PhD, Atlantic Veterinary College, University of Prince Edward Island

### THE PUBLISHED PAPER

Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders. FD McMillan, JA Serpell, DL Duffy, E Masaoud, IR Dohoo. *Journal of the American Veterinary Medical Association* 2013; 242: 1359-1363.

### WHAT THE STUDY FOUND

- Dogs obtained as puppies from pet stores received significantly less favorable scores than breeder-obtained dogs on most behavioral variables measured. Compared with dogs obtained as puppies from noncommercial breeders, dogs from pet stores had significantly greater aggression toward human family members, unfamiliar people and other dogs; greater fear of other dogs and typical life events; and greater separation-related problems and house soiling.
- For no behavior evaluated in the study did pet store dogs score more favorably than noncommercial breeder dogs.
- The chances of a dog developing serious behavior problems is much higher for dogs purchased as puppies from pet stores, as compared to dogs obtained from small, noncommercial breeders.

## CONCLUSIONS

- On the basis of these findings, combined with findings from earlier small-scale studies of dogs obtained from pet stores, until the causes of the unfavorable differences detected in this group of dogs can be specifically identified and remedied, the authors of this study withhold any recommendation that puppies be obtained from pet stores.

(69)

- Dogs sold by pet stores are misrepresented to consumers as a high-quality product, because the data now shows that consumers are not receiving what they believe they are paying for. The increased risk of behavior problems that pet store customers face as their dog matures includes aggression issues, which pose a significant risk of human injury. Consumer protective legislation is urgently needed in this area.
- Legislation to improve the conditions in the large-scale commercial breeding facilities supplying puppies to pet stores is needed to assure that the puppies are not at any increased risk of maturing into adult dogs with serious behavior problems.

To obtain a copy of the published study, contact Dr. Frank McMillan ([dr.frank@bestfriends.org](mailto:dr.frank@bestfriends.org)).

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## **Overall Conclusions**

- Current laws provide inadequate protection against harm to breeding dogs and puppies associated with commercial breeding establishments.
- Consumers purchasing puppies from pet stores are unknowingly assuming a risk of difficult and serious behavior problems in their dogs, including dog behavior that can endanger their own safety.
- If dogs are to be bred to produce puppies for sale, all of the dogs and puppies should be assured a decent quality of life based on the most current scientific research.

## **For More Information**

For more about Best Friends Animal Society, go to [bestfriends.org](http://bestfriends.org). To learn about Best Friends' puppy mill initiatives and what you can do to help, visit [pupmills.bestfriends.org](http://pupmills.bestfriends.org).



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

14

TESTIMONY DELIVERED BY WAYNE PACELLE, PRESIDENT AND CEO OF THE HUMANE SOCIETY OF THE UNITED STATES TO THE MONTGOMERY COUNTY COUNCIL ON JANUARY 27, 2015

On behalf of the Humane Society of the United States (HSUS) and our members and supporters in Montgomery County, thank you for the opportunity to testify tonight in support of Council President Leventhal's proposed ordinance to prohibit the sale of puppy mill dogs in pet stores. It gives me great pleasure to testify, in particular, because of being a resident in Montgomery County.

**The HSUS opposes the sale of puppies bred in inhumane conditions everywhere that they are sold, including in Montgomery County pet shops.**

**Most pet stores sell puppies from inhumane sources**

The HSUS has conducted numerous hidden-camera investigations which consistently reveal that pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders known as puppy mills.

- All stores videotaped by HSUS investigators purchased their puppies from large-scale commercial breeding facilities, despite specific claims of "no puppy mills" or misleading statements implying that their sources were small "private breeders." When HSUS investigators filmed some of these breeding facilities they found hundreds of dogs confined to small cages.
- All of the stores visited by investigators were found to be buying puppies from suppliers with known Animal Welfare Act violations, including some with citations for filthy conditions, lack of adequate space, underweight breeding animals, dogs found in the freezing cold or high heat without adequate weather protection, or sick or injured dogs in need of veterinary care.

**The Montgomery County Pet store that would be affected by this ordinance has purchased dogs from some of the worst breeders in the country.**

For example, this particular pet store has been found to repeatedly purchase puppies from Edward Cannon in Novinger, MO. Despite this pet store's claims to consumers of only purchasing puppies from small private breeders, Cannon's February 2013 USDA inspection report documented more than 400 dogs and puppies. Additionally, the operation has been cited numerous times over the years, including citations for a dog with dental issues so severe that she could no longer keep her tongue in her mouth and the inspector could see the roots of her teeth; an ammonia (urine) odor so strong that federal inspectors noted a "burning sensation" in their noses; dirty conditions; and mold found in dog food.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

Cannon is just one of many problematic breeders found to be supplying this Montgomery County store with puppies.

**Pet store puppies frequently suffer from preventable illnesses and hereditary diseases**

Due to improper breeder and lack of care, puppies frequently suffer from diseases that are easily preventable if they receive proper care. As is so often the case in puppy mills, dogs are kept in inhumane conditions. This not only leads to needless illness, but also heartbreak for consumers who purchase these dogs based on store employees' assertions that the puppies came from "small, local breeders." In many of these cases the puppies suffer severely and cost puppy purchasers thousands of dollars in unexpected vet bills. Because of how delicate puppies are at such a young age, it is common for these puppies to die despite timely care by the consumer.

**Responsible breeders do not sell to pet shops, which means the only source of puppies pet stores have are substandard breeders**

The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC, and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores.

**It is possible for pet stores to operate successfully without selling puppies**

There are approximately 9,000 pet stores in the country and only about 3,000 of those stores sell puppies. The estimated remaining 6,000 stores range in size from large pet store chains to small, privately owned pet shops. These numbers demonstrate that selling puppies is not essential to the operation of a pet store, and if a pet store owner is willing to change his/her business model success without sales can reap a profit.

**Conclusion**

Montgomery County should no longer allow the continued sale of puppy mills dogs – dogs from an industry so intrinsically linked to unnecessary animal suffering and so seemingly unwilling to change. Montgomery County pet store customers should not be duped into unwittingly supporting the cruel puppy mill industry, and into buying puppies exposed to the unique set of physical and behavioral problems created by such a substandard upbringing. Montgomery County residents should no longer have to accept the importation of puppies from puppy mills into the county while their tax dollars are spent sheltering and euthanizing dogs for which there are no homes.

We thank the Committee for considering this important animal welfare and consumer protection ordinance and urge your support of Bill 50-14.

From Mitchell Thomson

Just Puppies Inc.

Dear Council,

My Parents owned a kennel when I was growing up, it was small but we had plenty to do on a daily basis. I remember the long nights whelping puppies and the long nights bottle feeding young litters. My Mother was great with the animals, she had a true understanding of how to treat and take care of them, and they in return loved my mother. This philosophy transpired into us, as we share her caring and compassion of the animals the same way today at our stores. Our staff members share this same philosophy about our puppies and their wellbeing. Clients are not viewed as profit centers, but as an avenue of future wellbeing for our animals. At Just Puppies we really care about our puppies, their origins, a short comfortable stay with at our facilities and their future wellbeing. We love to hear from our many happy clients, it never gets old. My Parents pet business also allowed me to get a Bachelors in Business Administration.

**My finding from visiting the Missouri Kennel Inspectors;**

Kennels are inspected from the USDA and the State on a regular basis

Veterinary care and teeth cleaning is mandatory on every animal yearly

Size of cages originally determined by the USDA are now 3 times larger by State Rules

No matted, one tooth dog exist in regulated Kennels

USDA and State Regulated Kennels must be clean and sanitary at all times

They both have the ability to terminate a Kennel on short notice if needed, rarely needed

2016 regulations our taking effect and will be enforced

800 Kennels are licensed both USDA and State licensed in Missouri, There is an average of 40 adult dogs per Kennel, and we buy from approximately 30 Kennels

**10 Reasons for Choosing a Pet Store Puppy**

There are several responsible options to choose from when looking for a new dog, including pet stores, Private breeders, shelters and animal rescues. The source you choose for a new pet will depend on your

Individual circumstances, such as the breed of dog you would like to own or your geographic location.

There are many reasons for choosing a puppy from a pet store, including:

**1. Pet stores provide healthy puppies.**

The preeminent study by Cornell University of Veterinary Medicine on the health of puppies

from various sources demonstrates, on average, **pet store puppies are as healthy as, or healthier than, those from any other source.**

2. **Pet stores and their sources for puppies are regulated at the state and federal level. Pet stores and breeders are the most regulated sources of pets.** Pet stores and their puppy suppliers must comply with federal, state or local laws including care standards, veterinary treatment, socialization and exercise requirements, among other things. Private breeders and internet sellers have no regulation or oversight at all.
3. **Pet stores provide consumer protection and satisfaction.** pet stores are an accountable, traceable source for pets. An overwhelming majority of pet stores provide warranties on the dogs they sell, often backed up by specific legal requirements. These laws frequently don't apply to other sources of animals, **so pet store customers enjoy greater protection.**
4. **Pet stores help owners find the best breed for their lifestyle.** Pet store visits ensure compatibility. Pet store customers have the convenience of easily visiting the store as many times as necessary to physically interact with their prospective pet, and ensure compatibility and a responsible choice .Do you have allergies and require a specific breed? Does your lifestyle mean you need a small or large dog, or that an active or less-active breed would suit you best? Pet stores typically offer a wide choice of breeds that may not be available from shelters, rescues or private breeders. **Due to this service a pet store may be the best choice for finding the breed you prefer.**
5. **Pet stores address declining pet populations. Many shelters are now importing dogs from foreign countries to fill the demand.** Without pets, there is no pet industry. With mandatory spay and neuter laws, shelter populations will continue to shrink. If consumers are limited to a shelter only population, where will pets come from in the future?
6. **Pet stores are not the source of unwanted pets in shelters.** The National Council on Pet Population Study and Policy report found that **96 percent of relinquished pets came from somewhere other than a pet store**, and 70 percent of the time the reasons owners relinquish a dog or cat to a shelter could have been prevented with consumer education. Most pets in shelters were acquired for less than \$300, most free.
7. **Pet stores add to the local economy. Reputable pet stores are established businesses in the community.** These legitimate businesses bring steady tax revenue and build the local economy with owners purchasing: supplies, veterinary services, grooming day care, etc.
8. **Pet store bans can open underground markets. Preventing responsible pet stores from selling pets opens the door to an underground, unregulated market.** While pet sale bans frequently begin with dogs and cats, other animals can and will be added to the list of banned pets.
9. **Pet store bans do not address animal welfare issues.** Those who truly care about the welfare of animals work to raise standards of care and eliminate pet providers who don't maintain acceptable standards. **Blanket pet sale bans do not advance the standards of care for pets.**
10. **Pet stores rely on customer satisfaction.** Customer satisfaction is paramount in any successful business. Pet stores facilitate the pet ownership experience, relying on repeat customer business and customer satisfaction. **Providing healthy, well socialized pets is not only the right thing to do, it is a good business decision.**

MONTGOMERY COUNTY COUNCIL  
BILL 50-14 ANIMAL CONTROL – RETAIL PET STORES

INTRODUCTION

My family and I have always been animal lovers and we have concentrated our affection on puppies. My parents owned a kennel when I was growing up and the entire family became involved in the caring and nurturing of the puppies. My mother had a deep understanding of how to take care of young puppies and they returned so much love to her. This was contagious and we all learned to share her compassion. This concept is how we operate our business. We require our staff members to espouse this philosophy and practice it every day. Our puppies have a short stay with us and we prepare them for future wellbeing. We love to hear from our clients/friends as to how much they love their dogs and vice versa.

JUST PUPPIES

We opened our store in Towson in 2001 and our store in Rockville in 2004. We have worked with most of our kennels for over 10 years. Our strength in the quality of our puppies and the kennels we work with. Our store and kennels are NOT puppy mills. We will not do business with a kennel which does not share our love for the animals. The kennels are licensed and highly scrutinized and regulated by the state and USDA. Our stores are regularly inspected with unannounced visits and we have never failed an inspection. We have never had a fine or violation of any inspection of our stores.

State and USDA regulations require that the living area of the puppies be clean and sanitary at all times. We try to make a good fit between a puppy and a loving owner. We have over 30,000 satisfied clients over the year. We do not sell pit bulls or other knowingly aggressive dogs. We have over 500 unsolicited emails over the past five years with very appreciative notes of how much they love their dog.

We extend an invitation to all, potential puppy lovers and government regulatory officials, to visit our operations at any time during normal operating hours. We will also extend this invitation after hours, but an appointment is necessary.

We support the efforts of animal and dog lovers to make sure the quality of care and love of animals is reflected in every puppy. We take all complaints seriously. There are a few disgruntled employees (all related and friends) who have complained. These are non-substantiated and result from the justifiable termination of the leader.

We do have some puppies in need of special care. We have a special relationship with veterinarians. They are accessible on a daily basis. In particular, Lindsey Anderson, DVM, Medical Director, VCA North Rockville Animal Hospital, will

confirm the love and care we give to our puppies. This is particularly true with our emphasis on preventive care where needed.

We believe that Office Steven Whitney of the Rockville City Police Department will explain the investigations of Just Puppies in a very positive fashion, based on his unannounced inspections.

#### 10 REASONS FOR CHOOSING A JUST PUPPIES PUPPY

1. We provide healthy puppies.
2. We have passed every regulation at city, state, and federal levels.
3. Our customers are satisfied and we have substantial repeat customers.
4. We help owners find the best breed for their lifestyle.
5. We have a history of our puppies which enhances their care.
6. The National Council on Pet Population Study and Policy reports that 96% of relinquished pets came from somewhere other than a pet store.
7. We help make people happy with loving dogs and the care and maintenance adds to the local economy.
8. Pet store bans have opened underground and unregulated markets.
9. We truly care about the welfare of our puppies and we want to eliminate those who do not maintain acceptable standards.
10. Most pet stores are not as selective and careful as we in maintaining the quality of the source of the puppies.

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Mitchell Thomson  
Just Puppies, Inc.  
2004 Viers Mills Road  
Rockville, Maryland 20851



19

**TESTIMONY BEFORE THE MONTGOMERY COUNTY COUNCIL  
TO SUPPORT BILL 50-14  
Tuesday, January 27, 2015**

Good evening Council President Leventhal and members of the County Council. My name is Cris Bombaugh, and I am president of the Montgomery County Humane Society. We are testifying this evening in support of Bill 50-14, which would prohibit the retail sale of animals from “puppy mills,” and support the work of public shelters and non-profit animal rescue organizations.

MCHS has operated, in the past, and currently operates a private rescue for cats and dogs. As such, we have taken in many animals who were seized from inhumane breeding facilities, so-called “puppy mills,” and have answered the call, along with many other rescue groups, to care for, rehabilitate and find homes for animals who are pulled from such places. It is alarming to see these poor animals, whose lives are dedicated simply to reproduction, and who suffered such inhumane conditions. We’ve seen, first-hand, the terrible state they are in when they first arrive – they’re shell-shocked, essentially. Dirty, matted, suffering from illness, terribly frightened, undernourished, over-bred, unsocialized, unfamiliar with walking on grass or solid surfaces, sometimes unable to walk at all. You can see their suffering in their eyes, which say, “Please save me.”

Then there are the offspring. Irresponsible breeding practices such as in-breeding, lack of socialization and premature weaning contributes to serious congenital health conditions and/or extreme behaviors. Unsuspecting buyers discover problems that they either cannot manage, cannot afford to treat, or both. Inevitably, these animals end up as statistics, homeless.

It’s all heartbreaking, cruel and completely unnecessary – especially when there are so many animals in public shelters and private rescue organizations who became homeless – for any number of reasons – and desperately need adoptive homes.

As you know, the Montgomery County Humane Society also operated the County’s public shelter for more than 50 years, where we took in nearly 8,000 animals per year. That’s *too many* homeless animals. Many wonderful local rescue groups and the public shelter are already working tirelessly to help the thousands of homeless animals who need loving care and new homes. As a larger community, we need to do everything in our power to end the madness.

We applaud you for taking this step to help stem the inhumane breeding of companion animals. We support this Bill, and we hope it will set an example for other communities. Thank you.



TESTIMONY OF THE PET INDUSTRY JOINT ADVISORY COUNCIL BEFORE  
THE MONTGOMERY COUNTY COUNCIL REGARDING PROPOSED  
ORDINANCE 50-14 REGARDING THE RETAIL SALE OF DOGS AND CATS  
January 27, 2015

The Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to offer the Montgomery County Council our views regarding the proposed ordinance to prohibit the retail sale of dogs and cats in Montgomery County. As the country's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its members national associations, organizations, corporations and individuals involved in the commercial pet trade. More specifically, PIJAC represents the interests of pet stores, distributors, pet supply manufacturers, breeders, retailers and pet owners throughout Maryland and across the United States.

Let me begin by saying that no one cares more about healthy and safe pets than do PIJAC and our members. We have for many years provided a well-respected animal care certification program that is widely utilized by persons in the commercial pet trade as well as in shelters and humane societies across the country. Our association has long been recognized as the voice for a responsible pet trade, and we routinely advocate legislative and regulatory proposals establishing governmental mandates where appropriate to advance the public interest and the welfare of pets. PIJAC works closely with USDA to ensure effective enforcement of the federal Animal Welfare Act, and has since its inception. We regularly work with federal and state agencies as well as local governments to advance animal welfare interests.

Even as we have worked to raise standards of care, PIJAC has battled misconceptions about the quality of pet store animals and the sources of such animals. The unsubstantiated assertion that pet store animals generally come from substandard breeding facilities is commonly used as a smoke screen to obscure the fact that the overwhelming majority of pet owners who choose to purchase from pet stores bring home a happy, healthy pet and remain highly satisfied with their pet store experience.

The reality is that almost all pet store puppies originate from USDA licensed breeders who are regularly inspected and found to comply with appropriate care standards. By contrast, many of the dogs and cats from other sources, including rogue Internet operators, private sales, shelters and rescues, did not come from licensed breeders.

What purpose does this proposed ban serve? It doesn't protect consumers, as there are currently no stores who sell dogs and cats within your jurisdiction. That being said, it should be noted that customers already enjoy far more protection in the law for the animals they get from Maryland pet stores than from any other source. They would merely be deprived of looking to a pet store as one of several alternatives for acquiring a pet, and in the process lose statutory protections that they currently enjoy. It doesn't protect the animals themselves. As already noted, pet store puppies are as healthy as any others and typically receive more frequent veterinary care than puppies from other sources. Additionally, consumers who buy their animals from pet stores enjoy extra protections in the event the animal purchased is sick or diseased. As well-intentioned as this proposal may be, the approach the ordinance takes is unsupported by all available facts.

**PET INDUSTRY JOINT  
ADVISORY COUNCIL**

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**PRESIDENT/CEO**  
Edwin Sayres

Further, a retail pet sales ban indiscriminately targets responsible pet stores, while exempting others who need not even comply with the standards under which pet stores already operate. Thus, in considering a countywide retail pet sale ban, the Council risks enacting a law that will not only fail to stop the bad actors who operate substandard breeding operations, but will actually exacerbate the very problem a retail sales prohibition seeks to address. Banning the sale of dogs and cats by pet stores that are subject to strict regulation and sourcing transparency will only drive prospective pet owners to unscrupulous sellers of pets who are not licensed and are unconcerned about compliance with animal care standards.

Animals delivered to pet stores in Maryland are highly regulated:

- In the state of their birth
- In the state of their distributor
- By the federal government
- By Maryland when the animals enter the state
- And animal cruelty is a criminal offense everywhere

Some make the claim that prohibiting the sale of commercially bred dogs and cats in pet stores will lead to more adoptions of shelter animals. No independently developed data supports this claim. PIJAC knows that animal control facilities and non-profits are often excellent sources for pets for some prospective pet owners, though not for everyone. Many shelter animals are relinquished because of socialization or health issues. Adoption may not be an appropriate option for families looking for a certain breed of animal for health considerations. There are varied reasons why families choose the animals they do. They should have a choice and not be denied the pet that best fits their family's requirements.

Furthermore, Maryland has strict pet warranty laws. People who purchase pets from pet stores in the state have ample opportunity to recover under alternative remedies if they purchase an unfit animal from a pet store. In obviating this consumer protection provided under state law, the proposal adversely impacts potential small businesses and pet owners alike within Montgomery County. Only pet stores provide this warranty – shelters and rescue groups do not offer a warranty.

We would also call your attention to the comments made by the Chicago Veterinary Medical Association in opposition to a similar ordinance that passed last year in Chicago: "The Chicago Veterinary Medical Association (CVMA) strongly believes that ongoing education is a much more effective method to increase pet owner awareness and bring about the desired positive change necessary to address valid concerns regarding unethical, unscrupulous breeders who are the ultimate problem." Their statement cites the several more stringent protections offered to consumers who buy from pet stores as a primary reason for their opposition.

It should also be noted that federal judges have granted preliminary injunctions against similar ban ordinances passed by the city of Phoenix, Arizona, and East Providence, Rhode Island, and Cook County, Illinois, has voluntarily stayed enforcement of their own ordinance pending the results of a legal challenge there, as well. In granting these injunctions, the courts found that the ordinances would be likely to cause "irreparable harm" to pet store owners. Until the legal challenges to these ordinances is seen through to their several conclusions, it would be irresponsible of the County Council to pass a materially similar ordinance that could subject the county to a similar legal challenge.

Hyperbole and emotionalism are poor substitutes for rational evaluation of objective information in establishing public policy. PIJAC recognizes that a few substandard facilities supplying pet stores do exist, as do substandard breeders providing dogs directly to the public and, in fact, substandard shelters as well. And, our efforts to ensure humane standards of care are met in all of these facilities will continue. However, singling out pet stores for specious generalizations based on anecdotal evidence will **NOT** eliminate the existence of substandard conditions. While this may be a "feel good" approach it only diverts attention away from efforts to really

accomplish effective solutions and we urge the County Council not to move forward with any proposed ordinance that targets pet stores in this way.

PIJAC is highly sympathetic to the concerns motivating this proposed ordinance, but an outright ban on retail pet sales is unjustified, harmful to the future of the local economy and ultimately will fail to better protect pets. We respectfully urge the County Council to reject the ban and not impose excessive restrictions on all pet owners by preemptively prohibiting legitimate local businesses that would be committed to the health, safety and well-being of the animals they could provide to Montgomery County families.

If the purpose of this proposal is to encourage tighter restrictions on the sources of animals coming into jurisdictions that DO have existing pet stores, PIJAC would welcome the opportunity to work with the County Council to raise the bar to ensure proper animal sourcing that protects dogs and cats. For instance, common sense solutions would require:

- Animals come from only USDA licensed sources
- Breeders sourcing animals in any future Montgomery County pet stores shall not have an entry on their last USDA inspection report that directly impacts animal health (these records are searchable online) – these inspection reports could travel with the animal and be made available to the customer

We would welcome the opportunity to work with Montgomery County to arrive at a meaningful solution to the public policy concerns related to the care of animals. By working together, we can make sure that the county's citizens continue to have access to healthy animals to love as pets now and in the future.

Thank you for your consideration of our views.

Respectfully submitted,

Mike Bober  
Executive Vice President  
Pet Industry Joint Advisory Council



*PIJAC comment RE: Montgomery County Bill 50-14, Pet Sale Ban*

We at the Pet Industry Joint Advisory Council (PIJAC) take issue with The Humane Society of the United States' (HSUS) inaccurate representation of pet stores and the pet industry at-large, which form the basis for the legislation being discussed this evening. We are here to present facts, to support the small business owners whose livelihood is threatened by this legislation, and to defend the right to 'pet choice' for the citizens of Montgomery County.

The current legislation before the Council and supplemental materials submitted by HSUS do not accurately represent the pet industry for several reasons:

- **Pet stores and their sources for puppies are regulated at the state and federal level.** Pet stores and breeders are more heavily regulated than other sources of pets. Pet stores and their puppy suppliers must comply with federal, state or local laws including care standards, veterinary treatment, and exercise requirements, among other things.
- **Pet stores provide healthy puppies.** The preeminent study by Cornell University on the health of puppies from various sources demonstrates, on average, pet store puppies are as healthy as, or healthier than, those from any other source, including shelter dogs.
- **Pet stores provide consumer protection and satisfaction.** Pet stores are an accountable, traceable source for pets. Maryland law requires pet stores to provide warranties on the dogs they sell, backed up by specific legal requirements. This law does not apply to other sources of animals, such as shelters and rescues, so pet store customers enjoy greater consumer protection. If pet stores are forced to obtain animals from shelters and rescues it raises questions as to whether the state's warranty law would still be applicable.
- **Pet stores are not the source of unwanted pets in shelters.** The National Council on Pet Population Study and Policy report found that 96% of relinquished pets came from somewhere other than a pet store and 70% of the time the reasons owners relinquish a dog or cat to a shelter could have been prevented with consumer education.
- **Pet store bans do not address animal welfare issues.** Those who truly care about the welfare of animals work to raise standards of care, and eliminate pet providers who don't maintain acceptable standards. Blanket pet sale bans do not advance the standards of care for pets.

**PET INDUSTRY JOINT  
ADVISORY COUNCIL**  
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Edwin Sayres

- **Pet stores help owners find the best breed for their lifestyle.** Do you have allergies and require a specific breed? Does your lifestyle mean you need a small or large dog, or that an active or less-active breed would suit you best? Pet stores typically offer a wide choice of breeds that may not be available from shelters, rescues or local private breeders. A pet store may be the best choice for finding the breed of dog you prefer.

We at PIJAC would like to work together with President Leventhal and the Council to draft legislation that accurately represents breeders and safeguards the health and well-being of dogs and cats in Montgomery County in a harmonious manner. That is why we are urging the Council to veto this bill or make necessary revisions. At PIJAC, we want to protect animals and the loving families that bring these pets into their homes in safe and responsible ways.

Sincerely,

Mike Bober  
Executive Vice President  
Pet Industry Joint Advisory Council

## Bill 50-14 Retail Pet Stores

My name is Lindsey Anderson, DVM and I have been working as a general practice small animal (dogs & cats) veterinarian in this area for 5.5 years. For the whole of that time and several years prior, my clinic has worked closely with a pet store within Montgomery County. I do not support a ban on pet stores in Montgomery County. I think if "puppy mills" are something you want to stop then attacking that issue at the regulatory end (USDA, state authorities) is the answer, rather than blocking the sale of any puppies from certified commercial breeders in a retail setting.

During my time in practice, I have seen no more or less issues with congenital defects or serious health issues than dogs from any other source, with the exception of respiratory infections due to the "preschool" effect of a communal setting of juveniles. For example, since 2012 my clinic's average percent of cryptorchid (retained testicle) procedures to neuters performed is less than 3.5% which is below what one published study found to be the average incidence at 6.8%. I have seen parasites at the same frequency as dogs from backyard breeders, reputable breeders, and rescues. The main difference I can comment on between my pet store-originating patients and those from private breeders and rescues is that the store takes financial responsibility for any illnesses contracted at the store and has a congenital defect policy comparable to responsible breeders (allowing a refund or return of the puppy). This results in the client getting more coverage and aid from the store than from any rescue or breeder as none of them compensate owners for kennel cough or parasites in my experience despite it being a very common occurrence.

As far as surrendering the puppy to shelters later, I cannot claim to know about all of them, but I can only recall signing off on records or hearing about it maybe a dozen times in 5 years. We retain a majority of the patients we see after their adoption (roughly 70%) so I generally get to see the long term story on a large number of them. They live a normal life, some with health problems, some without, about the same as any dog acquired from a rescue or breeder.

My concern with banning any store is that while the stores have verifiable records, vaccination history, multiple veterinary examinations prior to sale, and a record of parentage for tracking heritable defects, most dogs from the "back-yard" or black market breeders do not. The general public cannot be expected to intuitively know what makes the difference between a "good" breeder and someone who is doing the bare minimum for their pups either from ignorance or to maximize profit. It is those poor puppies who more frequently present with deadly parvovirus, horribly infested with internal and external parasites, and there is no checking on what the conditions the puppies or parents were kept. I am happy to say I have only rarely had to treat parvovirus from the store puppies. There is no full proof system but they do much better than you may have been led to believe. I also rarely confirm via PCR testing actual

Bordetella or Parainfluenza as the causes of kennel cough. I have fortunately never seen Distemper or Canine Influenza from them. That is evidence of the vaccinations at work. Typically, the test results yield Mycoplasma which has no vaccine and can live in the nasal passages of healthy animals as well as sick.

Not everyone who is worthy of having a pet is prepared for the great unknown that is adopting a dog with a blank history. Some people are truly heroic with what they do for a newly adopted pet who has a dozen health problems that were overlooked. It is a beautiful testament to mankind and the human-animal bond, but not everyone is capable of the expense or the roller coaster that can include.

There is also nothing wrong with wanting a specific breed or age group. I would far prefer that clients who specifically want a puppy, purchase one rather than breeding their adult dogs. That can lead to the "leftover" pups being abandoned or novice breeders potentially overlooking life threatening complications before, during, or after birth. People also don't account for the expense they are at risk for in breeding, both from just doing the routine procedures involved (vaccinations, preparatory radiographs and ultrasounds) and the unexpected emergencies.

In conclusion, I think a blanket ban on all pet stores is oversimplifying a very complicated issue, and possibly creating new ones. It stems from the desire to make sure that puppies and their parents are not mistreated. To me that goal is best achieved from the regulatory end of things, with the USDA and state inspectors who oversee commercial breeders, and with local authorities who are responsible for finding operations that are going unchecked. These are US-based businesses so we have the power to work from the bottom up on the problem which usually yields the best results.

**From:** Leventhal's Office, Councilmember  
**Sent:** Monday, February 02, 2015 8:58:29 PM  
**To:** County Council  
**Subject:** Fwd: Proposal 50-14

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Sent from my iPad

Begin forwarded message:

**From:** Lindsey Anderson <[Lindsey.Anderson@vca.com](mailto:Lindsey.Anderson@vca.com)>  
**Date:** February 2, 2015 at 4:56:47 PM EST  
**To:** "[Councilmember.berliner@montgomerycountymd.gov](mailto:Councilmember.berliner@montgomerycountymd.gov)" <[Councilmember.berliner@montgomerycountymd.gov](mailto:Councilmember.berliner@montgomerycountymd.gov)>, "[Councilmember.elrich@montgomerycountymd.gov](mailto:Councilmember.elrich@montgomerycountymd.gov)" <[Councilmember.elrich@montgomerycountymd.gov](mailto:Councilmember.elrich@montgomerycountymd.gov)>, "[Councilmember.floreen@montgomerycountymd.gov](mailto:Councilmember.floreen@montgomerycountymd.gov)" <[Councilmember.floreen@montgomerycountymd.gov](mailto:Councilmember.floreen@montgomerycountymd.gov)>, "[Councilmember.Hucker@montgomerycountymd.gov](mailto:Councilmember.Hucker@montgomerycountymd.gov)" <[Councilmember.Hucker@montgomerycountymd.gov](mailto:Councilmember.Hucker@montgomerycountymd.gov)>, "[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)" <[Councilmember.Katz@montgomerycountymd.gov](mailto:Councilmember.Katz@montgomerycountymd.gov)>, "[Councilmember.Leventhal@montgomerycountymd.gov](mailto:Councilmember.Leventhal@montgomerycountymd.gov)" <[Councilmember.Leventhal@montgomerycountymd.gov](mailto:Councilmember.Leventhal@montgomerycountymd.gov)>, "[Councilmember.Navarro@montgomerycountymd.gov](mailto:Councilmember.Navarro@montgomerycountymd.gov)" <[Councilmember.Navarro@montgomerycountymd.gov](mailto:Councilmember.Navarro@montgomerycountymd.gov)>, "[Councilmember.Rice@montgomerycountymd.gov](mailto:Councilmember.Rice@montgomerycountymd.gov)" <[Councilmember.Rice@montgomerycountymd.gov](mailto:Councilmember.Rice@montgomerycountymd.gov)>, "[Councilmember.Riemer@montgomerycountymd.gov](mailto:Councilmember.Riemer@montgomerycountymd.gov)" <[Councilmember.Riemer@montgomerycountymd.gov](mailto:Councilmember.Riemer@montgomerycountymd.gov)>  
**Cc:** Megan Mazzola <[Megan.Mazzola@vca.com](mailto:Megan.Mazzola@vca.com)>, Animal Exchange <[animalexchange@rcn.com](mailto:animalexchange@rcn.com)>  
**Subject:** Proposal 50-14

**Proposal 50-14 – ban on dog/cat sales not sourced from rescues**

As you already have my written testimony from last week I wanted to summarize my experience and some facts in reference to puppies purchased from Just Puppies as well as from Potomac Kennels, Dreamy Puppy, and various breeders. I also want to point out some discrepancies with some of the testimony I heard versus what I have seen.

- Just Puppies stores have verifiable records, vaccination history, multiple veterinary examinations prior to sale, and a record of parentage for tracking heritable defects. I know that vaccinations have truly been given because I rarely if ever can diagnose a condition they have been reported to be vaccinated for such as Bordetella, Parainfluenza, or Parvovirus. The

incidence of Distemper and Canine Influenza is zero. This is using the Antech Laboratories Respiratory PCR test. I consistently find Mycoplasma, which has no vaccine, as the cause of respiratory infections.

- Congenital defects: most common are underbites, overbites, cryptorchid (retained testicle), medial patellar luxation, and prolapsed nictitating membrane ("cherry eye"). Any medical treatment that is needed to correct the conditions that can be done in a general practitioner setting is entirely paid for by the store (cherry eye, cryptorchid, dental extractions). Those that require specialist care receive a full refund for their cost as per their purchase agreement.
- Parasites: I performed a random sample of puppy store puppies we have tested for parasites and the store puppies do exhibit a higher percentage at about 75% - all of those with Giardia, 12% of puppies were positive for Coccidia, 0% of my sample of 50 were positive for other parasites such as hookworms, whipworms, and roundworms. A sampling of puppies from other sources found 52% positive for parasites, mostly giardia at 28%, coccidia at 12%, and other parasites at 12%. This increase is explained by the higher population at the store versus at breeder. We have never had a single puppy pass away or suffer lasting harm. There has been 100% resolution within 6 months or less of all parasites at no expense to the client so long as the client followed up with us.
- Respiratory infections: due to the "preschool" effect of a communal setting of juveniles. Not so different from the frequent colds and illnesses human children suffer, but we do not necessarily declare them "sickly." Their infections resolve, some in a week or two, the most chronic in a couple months, and we move on to their vaccinations, and months to years later they are indistinguishable from any other healthy dog. The treatment for these infections both brief and prolonged is covered by the store/discounted at the clinic so long as the client follows up.
- About "Alfie": There have been no puppies who belonged to a client pass away from any respiratory infection. There has been one, JUST ONE, puppy lost due to complications from a respiratory infection - the story about "Alfie". The rest of that story is this. When he was diagnosed with pneumonia the store staff was given instructions for dosing medication and nebulization. After significant improvement he suffered a sudden, severe, and rare complication from pneumonia called acute lung injury. I have never seen such before and hope to never again. The decision to euthanize him was anything but cold, it was the only humane choice for a dog so severely suffering and unable to breathe. Additionally, every former Just Puppies staff member who gave testimony had been either reprimanded or dismissed for refusing to medicate the sick puppies. The young lady who told Alfie's story was among the staff members who were neither giving meds to sick dogs nor informing the management that these treatments were being missed. There are far fewer sick puppies in the store at this time only a month or so after their dismissal.
- It is an unreasonable expectation when speaking of thousands of juvenile patients under

9/10

stress (which would be involved in any situation where a juvenile leaves its mother be it from/to a shelter/rescue or leaving the breeder), that none of those individuals would be ill, carrying some defects, or even pass away given an unfortunate combination of circumstances. We don't like to think of this in reference to our companion animal species but if you know a farmer who raises livestock, they will tell you it is the nature of working with populations of animals rather than individuals at home. It does not require poor breeding or poor care for this to happen. Statistically it is inevitable. It is easy to remember the relatively few cases that went terribly wrong over the hundreds to thousands that went just fine. That is why we make evidence-based decisions over those based on anecdotal evidence.

I hope the council makes their decision on facts rather than emotional anecdotes and conjecture about where their puppies come from. The fact is the vast majority of situations with buying puppies in a retail setting are not even close to the horror stories that are being told. The assumption that all puppies in stores come from "puppy mills" is false unless you extend this term to encompass all breeders who do not breed "for the improvement of the breed." There are a large number of great breeders who would by that definition be a "puppy mill." There are indeed many places that meet the horror stories and they should be closed forever. Those places were found on raids by law enforcement, not inspected by our government and allowed to continue. Please do not mistake my opposition to this proposal as support for "puppy mills." I simply do not think retail puppy and kitten stores are the real problem.

There will always be people who want puppies with a known lineage and history. I see hundreds every year who want this. Even some of the people who gave testimony against puppy stores have purchased a puppy at some point and been happy with their new dog. Please allow all residents of Montgomery County the choice of a retail setting where the consumer is protected rather than Craig's List, direct from a real puppy mill, or some other similar venue.

I am happy to speak further on this issue and will answer any questions openly and honestly.

Thank you,

Lindsey Anderson, DVM

Resident of Montgomery County

301-340-9292 W

662-312-5793 H

## Hearing Testimony

25  
PH  
1-28-15  
7:30 P.M.

My name is David Beye and worked at Just Puppies from 2011 to 2014 as a seasonal employee. I was good at my job, I got along with my co-workers and I loved working with the dogs and the customers. I supported the pet store I worked in and I thought pet stores could sell healthy dogs from commercial breeders. Working at Just Puppies changed my mind. I now think that commercial breeding encourages both breeders and store owners to behave irresponsibly and that it encourages customers to buy unhealthy dogs at inflated and unaffordable prices.

These problems exist even if the managers and employees of puppy stores are good responsible people. They start with the breeders. Now it isn't true that all commercial breeders are puppy mills, but a quick google search of the breeders at Just Puppies alone will reveal that many of them have been fined for animal cruelty violations as well as health and safety violations. While I was working at Just Puppies we would get many dogs from these breeders that had clearly not had proper medical care, many had underlying genetic conditions that quickly killed them. Others were so dangerously underweight that they had to be force fed every hour in order to keep their blood sugar at healthy levels. Others had not been socialized and were afraid of humans. Several times breeders told us that the puppies had been vaccinated against diseases that they had never been vaccinated against. The result was several parvovirus outbreaks that killed many dogs and kept many more in isolation.

Store owners can do little to nothing about the conditions at these breeders. Most of them are in Missouri, Iowa, or Illinois and even if store owners do their best to keep breeders responsible, it is still very easy for store owners to be deceived by breeders the way Just Puppies was deceived.

Once the dogs were at the store we were pressured to sell them as quickly as possible. The store's expenses were enormous and these expenses were passed on to the customers with most of the dogs selling between \$600 and \$1200. We were discouraged from asking about whether customers were prepared to have a dog or whether they could afford one. When we tried to recommend adoption or inform the customers about what they were getting into, we were told that we couldn't do that. The results of this policy were predictable, puppies ended up in shelters, were abandoned, or got sick and died because their new owners were uninformed and unprepared.

To contrast, it's very easy to make insure the quality of our local shelters and local breeders. Unlike the commercial breeders that sell to pet stores, shelters are accountable to local regulations and health codes and are much more transparent. They also work hard to educate their clients and the community at large about dog care so that these animals are not abandoned again. The same is true of local non-commercial breeders. And neither one encourages people to buy dogs they can't afford in order to line commercial breeders' pockets. I support this bill because puppy stores that sell commercially bred puppies are bad for dogs, bad for their customers, and bad for our communities. We can do much better.

**From:** Leventhal's Office, Councilmember  
**Sent:** Friday, January 23, 2015 10:11:25 AM  
**To:** County Council  
**Subject:** RE: Just puppies puppies are from mills. It is TRUE!

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—Original Message—

From: Veronica Bred <c4364030@trbvm.com>  
Sent: Thursday, January 22, 2015 9:23 PM  
To: Leventhal's Office, Councilmember  
Subject: Just puppies puppies are from mills. It is TRUE!

Jan 22, 2015

Mr. George Leventhal  
100 Maryland Avenue  
Rockville, MD 20850-2322

Dear Mr. Leventhal,

As your constituent, I urge you to support Bill 50-14 to stop the sale of puppy mill puppies at pet stores in Montgomery County.

hi,

As a former employee of Just Puppies in Rockville md on veirs mill road, I have seen the horror first hand of the puppies from the puppy mills in the Midwest that come in on wednesday mornings.

The puppies are driven here to Rockville, MD by 2 dirty men. They have the puppies in big crates, one on top of another. They bring them in super fast too, like excuse me there are living, breathing, tiny puppies in there! They all are shaken terrible when they are finally settled into their crates. It's horrible.

Also, it is so dirty there. My fellow employee, Billie Castro, would take photographs of the dirty and horrible conditions these puppies would stay in.

There is a room in the back where "sick puppies" are kept so people do not touch them in the cages. People aren't supposed to touch them in the cafes anyway but of course that is the first human instinct and pretty hard to stop people from doing completely.

They give the dogs meds right when they arrive. And that means we were told to give meds to all the puppies, sick or not. In my experience, when you give a healthy puppy medicine they do not need it destroys their immune system.

Also, there was once a time a puppy was stolen when I was working. They never caught the lady who stole the puppy or the puppy.

Also, one time in the morning I was cleaning and there was a DEAD puppy. Like, a dead puppy I mean what. And of course I freaked out cus the poor cutie had died basically in my arms. I called Jeanea, my one-time manager. Since it was at 7am, and I didn't drive, she told me to call my ex-boyfriend to drive me and the puppy to VCA. And she never reimbursed me or him. That puppy died from parvo, a very serious disease that is know more commonly as the "puppy killer".

And I have taken sick dogs home before and never been compensated for it. I had 3 sick puppies at my house in all the time I worked there. I also have 2 dogs, a pure breed & a mix, both rescues. I always kept them completely, 100% away from the sick puppies of course, but it still is a liability. Had those puppies fallen ill or given my dogs the sickness they had, I would've sued.

The biggest, most horrific problem I've had with just puppies in Rockville, MD is that they always told us, as employees, to tell customers the puppies are from breeders. I could never do that. These puppies are PURELY from puppy mills, and it's obvious. They all come with kennel cough and worms, no matter what we did to fix it because Just Puppies always had more than 50 dogs at one time. 2 or 3 or 4 dogs in a cage at the same time is crazy. esp if they are big dogs, but either way these are small crates. Even the bigger ones are small for 3 dogs. There just isn't enough space to properly care for these needy animals. :( it's very sad.

I have always been a huge rescue advocate. I always gave those puppies all my love before and during and after each of my shifts when I worked there. I would even tell customers about petfinder.com, bark buddy (an app for rescuing/fostering dogs that works via your location) and a few would use them! Of course not everyone would but the good few people who saved a dogs life did!

Anyways, I don't hate the people here. The decisions they make are just very poor. Having puppies from a puppy mill is horrible. How many loopholes in the law are there for this bull crap to continue?! Excuse my language, but I am so involved in animals and the well being of them, esp if they can be changed. These puppies are left alone ALL night. And their puppies :( it's so sad. Sometimes I would come by overnight to check on them because I live close.

Lastly, please, pleaseeeee help these puppies! Justice needs to be served for our voice to be heard.

Please remember, dogs have real feelings. They see and hear and feel pain just like we can. If those puppies can talk, they probably could tell us horror stories about the puppy mills they were born in. Please, Montgomery county, help these voiceless animals have a chance at life.

People would just buy them and just puppies never did a home check or even a background check. Fake IDs were used even. It made me livid.

I had to wait 4 months to adopt my old dog at the Humane society in NC.

We were 4th on the list and adopting her via the humane society we went through a home check, fingerprinting & many interviews with the whole family and some solo interviews. She was a dachshund, long haired and standard size! She was the most loving dog I've ever had. Looking into her eyes helped me understand animals, esp the animals who have been hurt and given a chance at life with a good family and new home.

Thank you for reading all this. I hope you do the right thing in banning puppy mill dogs to be sold here in Maryland. We need to ban puppy mills completely next!!! Thanks!!! Let's make this right once and for all, no more loopholes!

Sincerely,

Ms. Veronica Bred  
12804 Leahy Dr  
Rockville, MD 20851-1924

Geneva Brooks  
Testimony in support of Bill 50-14  
January 27, 2015

In December of 2010, I walked into Just Puppies on Veirs Mill Road in Rockville thinking a room full of puppies would be an adorable way to spend my lunch break. Instead, what I found was a room full of anxious puppies in crowded cages, covered in their own feces, begging for attention. The one that stuck out the most to me was a sad, small Cocker Spaniel puppy with blue eyes who was cowering in the back corner of his cage. He wasn't trying to get attention; he looked like he was trying to disappear. My heart broke. I asked the store employee about him. She gave me a verbal, empty assurance of "USDA-licensed," which I soon learned did not ensure safe, healthy conditions for dogs and that many puppy mills are in fact USDA-licensed. The store gave me no record of where Monster had come from other than a bill of sale for the store and a supposed city and state for his breeder.

After I brought him home and we named him Monster, thinking it was ironic and cute that such a small puppy could get such a big name, Monster immediately displayed signs of fear aggression. He would have raging outbursts of aggression and attack family members over resource-guarding, and attack our friends upon meeting them for the first time. I began doing research – not only on how to correct and adjust these behaviors for all of our safety, but on why a 3 month old puppy would already have these kinds of problems. From so many sources I learned that puppy stores often source from puppy mills, where puppies are often in-bred, malnourished, and lack early socialization, and that all of this can often cause neurological and psychological damage that manifests in irreversible aggression. All signs were pointing to my beloved dog's dangerous issues stemming from puppy mill breeding.

I soon began working at my local animal shelter, the Montgomery County Humane Society, in July 2011, where I found that when shelters and rescues adopt animals out, they make sure the families the dogs are going to are safe and experienced for the specific dog they are taking home, and they do behavioral assessments on the animals first to make sure they are safe to go into the community. They prepare the families for what is needed to make adding a dog to the family is as safe and successful as possible. Responsible breeders do the same. I got none of that from Just Puppies.

I had to put Monster to sleep two years ago yesterday. I had tried, for 2 years, multiple trainers, vet behaviorists, medicine, Thundershirts, Rescue Remedy, T-Touch – you name it, I had tried it to teach Monster to be a calm, well-adjusted family pet. After he put me in the emergency room, I knew what I had poured all my time, money, heart, and soul into was a futile endeavor – Monster was irreversibly damaged. His trainer's professional recommendation was to euthanize him, because he was too unpredictable. One second he could be the sweetest dog in the world; the very next he was sinking his teeth into my thigh. January 26, 2013 was the worst day of my life. I hope that today, January 27, 2015, will be the day that Monster's troubled life and untimely death will not be in vain. Please take this step toward ending puppy-mill breeding – for the safety of people, and for what is right for man's best friend.

Proposed Bill: 50-14, Animal Control—Retail Pet Stores

Dear Montgomery County Council Representatives,

I am writing to you to express my concern regarding your proposed bill to ban the sale of dogs and cats in retail establishments in Montgomery County, unless the animals were obtained from shelters or rescue organizations. The stated purposes of this bill are to protect Montgomery County residents from sub-standard pets and to put “puppy mills” out of business. I do not believe that the proposed bill will accomplish either of those goals; in fact, I think it adds to both of these problems. The bill as written is an overly simplistic response to a highly complex problem that goes way beyond the borders of Montgomery County. The easy thing is of course to adopt this bill and provide everyone with a feel-good moment; but that would be a disservice to all who love dogs (and cats).

Short of delving into legislation regarding human reproductive rights, it is hard to imagine a more emotionally charged issue than “puppy mills.” We’ve all seen the pictures on TV, the sad faces, and the deplorable conditions. We’ve all heard the admonishments to adopt and not shop. However, there are points that should be considered here, points that go beyond the emotional appeal of this bill.

Have you gone looking for a dog or puppy in Montgomery County lately? I have. Here is what I found:

1. I first visited the Montgomery County Animal Shelter. The adoptable dogs were all pit bulls, pit bull mixes, or large dogs that were called something else but looked remarkably like the pit bull mixes. I heard that other dogs do come in, but unless you are right there when they arrive, you have no chance at adopting them.
2. Over the course of about three months, I continued to monitor the Animal Shelter web site to no avail. Pit bulls a-plenty. No thank you. My neighbors say no thank you too; we’ve had pit bulls in the neighborhood before—the last one attacked a mom and her toddler out for a walk.
3. Next, I discovered that there are a number of rescue groups in the area that set up open houses at local pet stores. They have smaller dogs that would be more appropriate for my lifestyle. I asked these kind people where their dogs come from. Turns out, they are importing dogs from other states, **dogs that had their origins in puppy mills**. Apparently, we have a very high demand for smaller breeds of dogs in this county, a demand that isn’t being met by our local population of homeless dogs. Hence, they must be imported from puppy mills in other states.
4. I monitored the PetFinder website; small dogs are available in far away places like Florida.
5. I looked at some breed specific rescues up and down the East Coast. Oddly, their demands for potential owners seemed quite stringent...fenced back yard, no children, and someone must be home for most of the day. Why all of these requirements? I think I know why now; these dogs are far from ideal pets (see the stories from my friends, below).

6. While contemplating how I was going to get a dog, I interviewed numerous friends who have adopted dogs from shelters or rescue groups in this area. The stories are not so happy. This is the dark side of pet adoption, one that people don't share because they will be harshly judged. Here are some brief descriptions of their experiences from my interviews:
- a. Friend 1—adopted a cute little Chihuahua mix from a local shelter. She loves the dog dearly but she came with SERIOUS health issues. She required immediate surgery (>\$1000).
  - b. Friend 2—adopted a dog from a local rescue. The dog bit her several times. Extensive veterinary tests revealed a non-treatable neurological disorder that caused the dog to lash out unpredictably. After a couple of years of trying behavioral modification and thousands of dollars in veterinary services, my friend finally had to say good-bye to this dog and have him euthanized. The vet encouraged this decision because he felt that it was not safe for her to keep the dog in her home (or anyone else's home). My friend was heartbroken.
  - c. Friend 3—adopted a dog from a local rescue. My friend and her husband spent hours reading the required books and articles and passed their home visit inspection. Once they were approved, they visited several dogs that were in foster homes. They met the dog of their dreams and brought him home. First stop, the vet. Major parasite infestation requiring repeated treatment at the vet hospital, major dental problems, etc. They spent thousands of dollars at the vet. Then they discovered that the poor dog could not be left alone. He had separation anxiety so severe that in the end, someone had to be with him at all times. My friend and her husband were prisoners in their own home. In the end, they had to return him to the rescue organization that admitted that they had not properly screened the dog prior to his adoption; otherwise they would have discovered the separation anxiety issue. My friend struggled with this decision but she just couldn't keep that dog. Of course, the rescue organization does not have the funds to reimburse her for the veterinary expenses, so she is out the thousands of dollars.
  - d. Friend 4—adopted a little dog from a local rescue. After she got the dog home, she discovered that the dog had obsessive-compulsive disorder. The dog would not stop chasing and biting its tale. My friend attempted to return the dog to the rescue, but was told that if she brought the dog back, it would almost certainly be put down and it would be my friend's fault. (I've heard that this "guilt trip" is a tactic used by many rescue organizations.) Ultimately, in tears, my friend took the dog back. She couldn't stand to watch the poor thing and she couldn't help the dog.
7. Reflecting on the experiences of my friends, I reconsidered the idea of adopting. I have existing pets (cats and a bird) and I could not subject them to the unpredictable nature of an adopted dog. I decided that a purchased puppy would be the best fit for me. I did find a puppy to buy, a perfect little puppy that was just the healthy, well-adjusted friend that I was looking for. I'm not going to tell you

where I got her, because you might try and regulate that source too! I took her to puppy kindergarten at a wonderful organization called Your Dog's Friend in Rockville. Their mission is to keep dogs out of shelters through proper training of people and their dogs. What I found at the Puppy Kindergarten class was that there were lots of Montgomery County people just like me; people who had spent months to years looking at shelter and rescue dogs and not finding a dog who would fit their household. We all had to find other sources for our puppies. We all felt guilty for not adopting. The trainers told us to forget about that guilt; the most important thing was that we were training our dogs and our dogs were loved and cared for and would not end up in the shelter. I also heard from the people who had children that they were repeatedly turned down by rescue organizations and never told why until one of them finally admitted that **they don't adopt dogs to families with children!**

So, I'm left wondering, what will this proposed bill accomplish?

- **Will the bill affect any current local business? No.** My understanding is that there are currently no such retail establishments in Montgomery County. The one store that does sell puppies is in Rockville, so this law will not affect them. This law will prevent the establishment of any future business that could lawfully supply quality pets to county residents.
- **Will the bill protect consumers from obtaining sickly pets? No.** For the unfortunate consumers/adopters who turn to the local rescue organizations they most likely will not get a healthy pet--these animals have suffered physically and emotionally. They might get a pet that has its immunizations and is neutered/spayed but these expenses are trivial. As I recounted above, most adopters are confronted with major vet bills as well as significant behavioral problems and they have no recourse as they would if they had purchased the pet from a regulated retail establishment. **Stores are regulated; rescue organizations are NOT regulated.**
- **Will the bill put "puppy mills" out of business? No. To the contrary.** We are still fostering a supply chain for puppy mills by adopting dogs from other states. If an unscrupulous "puppy mill" breeder in South Carolina knows that they can dump their unwanted dogs (the dogs that weren't good enough for retail stores) onto a rescue organization, then what incentive do they have to curb their production of puppies? Does it matter if a family obtains the same puppy mill dog from a store or a rescue organization? At least the store is regulated.
- **Aren't there already laws to restrict puppy mills? Yes.** There is a national law (The Animal Welfare Act) that addresses this issue. I see that in one of your presentations that it was argued that this national law isn't working and an Audit report of the U.S. Department of Agriculture's Office of Inspector General was cited as proof. What was left out of the presentation was that the inspected agency (Animal and Plant Health Inspection Service, APHIS) charged with enforcing the

law, immediately agreed with 12 of the 14 recommendations and APHIS is implementing them. Why are we trying to solve a national issue in our county?

**In summary—**

There are not enough dogs/puppies in the local shelter to meet demand.

To meet the demand for dogs and puppies, local rescues are getting dogs/puppies from puppy mills in other states.

There is no protection for adopters of these rescued dogs—they will end up with heartache, guilt, and bills without any recourse.

There is room for a legitimate retail outlet to sell quality pets. Let's not shut them out!

**Recommendations—**

Please, do not pass this bill as drafted. I think that this issue deserves a more thorough understanding of the local dog/puppy supply chain. It is a false assumption to say that Montgomery County residents will be able to find plenty of puppies and dogs in the local shelter or through local rescues or maybe in a pinch a backyard breeder. I think that there is a need for a legitimate, regulated, well-run puppy/dog retail establishment in this county. Simply dismissing the entire idea is not fair to county residents looking for family dogs. Also, the quality of the supply of dogs/puppies is important, but you cannot assume that the healthiest animals will come from rescues, to the contrary. Instead of passing this law, I suggest that you consider getting more information about local rescue organizations including:

1. An accounting of all of the rescue organizations (especially the dog/puppy organizations) that are operating in this county.
2. What controls are in place to protect the potential adopters?
3. What are their adoption practices...do they adopt to families?
4. What about problem animals...what is the rescue organization's return policy? Do they accept returned animals and if yes, how many are returned?
5. What are their financial and physical resources? Are they able to pay for the veterinary bills for their animals while they are under their care? How are they housing them? What kind of financial pressure are they under to "unload" their animals to adopters?
6. Where do their animals come from? Are they contributing to the "puppy mill" supply chain?
7. How many animals are being imported into Montgomery County to meet the demand for puppies/dogs?
8. Why are there so many homeless pit bulls and pit bull mixes in Montgomery County? Shouldn't we be looking into preventing this growing population of difficult-to-adopt dogs?

Other considerations:

1. Please understand, for many families, getting a specific breed of dog is the only option. This is the case for allergy sufferers who are advised by their physicians to only consider certain dog breeds. For these people, rescue and shelter dogs are not a wise choice.
2. Best Practices: Find examples of legitimate, respected puppy/dog retail establishments and look to see what local laws govern them. I understand that we did have one such establishment, Potomac Kennels, but they went out of business. Why not ask them what the challenges were to operating their business and what local regulations might have helped them stay in business.
3. Finally, why the hurry to pass this law now? Wouldn't it be better to consider legislation when there is a demonstrated problem and fit the law to the REAL problem rather than a hypothetical future one?

Thank you for your attention to this matter. I think I'll go hug my (*purchased*) dog now!

Susan Carlson  
Rockville

Note: I restricted my observations to dogs even though the draft legislation also provides for cats. In my experience, there is a much more plentiful supply of adoptable cats and kittens in Montgomery County than there is for dogs.

**From:** Leventhal's Office, Councilmember  
**Sent:** Friday, January 09, 2015 3:37:44 PM  
**To:** Montgomery County Council  
**Subject:** RE: Please support Bill 50-14 to protect puppies and consumers. Animal welfare does reflect back on humanities welfare, because t...

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Juan Jovel  
Legislative Senior Aide to  
Council President George Leventhal  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-7811  
Juan.Jovel@montgomerycountymd.gov

-----Original Message-----

**From:** Billie Castro <billie024@gmail.com>  
**Sent:** Friday, January 09, 2015 1:32 PM  
**To:** Leventhal's Office, Councilmember  
**Subject:** Please support Bill 50-14 to protect puppies and consumers. Animal welfare does reflect back on humanities welfare, because t...

Jan 9, 2015

Mr. George Leventhal  
100 Maryland Avenue  
Rockville, MD 20850-2322

Dear Mr. Leventhal,

As your constituent, I urge you to support Bill 50-14 to stop the sale of puppy mill puppies at pet stores in Montgomery County.

Almost all puppies sold at pet stores come from puppy mills -- responsible breeders don't sell their puppies at pet stores. Puppy mills are inhumane, commercial dog-breeding facilities that mass-produce puppies for the pet trade. The dogs are typically kept in small wire cages for their entire lives, given very little food and water and little or no veterinary care. They are bred continuously and are discarded or killed when they can no longer breed any more. The puppies are often shipped to pet stores at a very young age when they are susceptible to preventable infections and diseases and very sensitive to stress. Oftentimes puppies sold at pet stores appear healthy, but later show signs of severe illness, costing the new owner thousands of dollars in veterinary bills.

Most pet stores do not disclose the true origins of their puppies, instead using deceptive sales pitches about "USDA licensed" or "professional" breeders. One pet store in Montgomery County sells puppies from all over the country; many come from breeders with one or more Animal Welfare Act violations.

I am grateful to Councilmember Leventhal for sponsoring Bill 50-14.

Please support this important bill when it comes before you for your consideration. Please support Bill 50-14 to protect puppies and consumers.

Animal welfare does reflect back on humanities welfare, because the way we treat innocent animals is a good indicator of what we are capable of doing to one another. I worked for Just Puppies in Rockville for 5yrs. (97)

I've been apart of volunteer work with numerous shelters for the past 3years. I can whole heartedly state that these institutions

that Support puppy mills and breeding in general are toxic for the community. Even those who are employees by these institutions are affected negatively. The public doesn't see all the behind the scenes like the employees do. Puppies were constantly dying throughout the 5yrs I was employees. Many died from the Parvo virus, others do to hypoglycemia which was mainly caused from the stressful environment these dogs had been exposed to and were being taken away from their mothers very young. There was a constant misdiagnosis of the animals so some were either isolated for months at a time, or they were shipped back to breeders and displayed as sold on the website. Please have mercy on these animals give this bill a chance it will only cause a positive domino effect. This business even lied on medical records, and were self medicating the animals to save on veterinary costs.

Regardless of how these institutions are run they are unethical and really do feed dogs directly to shelters which than government and tax payers have to subsidize for all these expenses. I am a certified Master Pet groomer. I volunteer my grooming services at the new Montgonery County Animal shelter in Derwood,MD, I can honestly say that I have recognized dogs that came straight from Just Puppies. Adding any pet but especially a dog is a life-changing commitment. These institutions don't even take the time to train the employees to inform them on what a suitable puppy home should possess; more over they don't inform the public of what expenses and energy commitment owning a puppy is. Management is only concerned if they have full payment and they are granted a purchase. I felt compelled to stay until facilities like this were shut down. Over the past 5 yrs I have countless videos of puppies in chronically ill conditions being held in a facility without adequate care. I will be speaking at the hearing. There are more humane ways to obtaining a pet. If there was simply a requirement that any who were interested in breeding need to obtain a certificate to breed I feel that many problems would be solved. All breeders would once again be known as reputable. To obtain the certificate the public could attend a two hour course that simply summarizes proper breeding habits and how to home puppies into forever homes. Thank you for taking the time to read this please consider passing this law, and modifying breeding requirements in general. This is the movement that the world is heading towards, why not be a part of the first to join the movement. Maryland will be A role model state for others to follow because there are enough people here that care.

Sincerely,

Miss Billie Castro  
5630 Pier Dr  
Rockville, MD 20851-2461  
(614) 354-2212

Chairman Leventhal and distinguished members of the Montgomery County Council:

My name is Ruth Hanessian. I reside at 303 Highland Ave in Rockville and operate a retail pet store at 605 Hungerford Drive where for the last 35 years we have provided locally raised companion animals.

I am opposed to Bill 5014.

Montgomery County deserves choices. We are a county filled with intelligent animal lovers. We have always encouraged adoption of dogs from shelters and if you cannot find an animal there, many of our customers went to Potomac Kennels or other retail sources where various breeds of puppies were offered and comparisons could be made. If legitimate retail options, which are licensed, inspected, and collect sales tax, are eliminated, citizens wanting a puppy will increasingly move to unregulated sources (backyard breeders, unidentified lineage (shelters), and older animals with uncertain history (rescues). While these all have many potentially successful dogs, they are not right for everyone.

A "NO PETS ALLOWED" 6<sup>th</sup> floor apartment in the Bronx meant a very late start for this pet lover when dogs were concerned, but let me share my dogs with you:

My first dog, when I was 23, came from a "rescue"—a home with dogs and cats in every corner & on every surface. "Hoarder" would have been a better description of the lady. I was thrilled to have "saved" Cinder when in reality I simply condemned more animals to a life of misery. Cinder came with tapeworms, among other things.

Skipper, my Yorkie, belonged to a neighbor and when she gave him to me at one year it became clear he was not house broken! He came from the same model house as mine. With the same corners to pee on, one year of house breaking followed!

Jodi, a beautiful Irish Setter came from the Montgomery County Humane Society. When she joined the family we had a large fenced yard in Gaithersburg. With a divorce impending, a fenced yard in Rockville with a very tiny house with unusually low ceilings was my only option for a new home for the two of us.

Foxie was the best! A Poodle, Chihuahua, Terrier, he was the first puppy I ever had. He and his litter mates were offered to me for sale by a Potomac lady who had been surprised by their arrival. Jodi had recently died of bloat so while I did not sell puppies, they came by the store on the way to the Montgomery County Animal Shelter and Foxie stayed with me for 15 wonderful years. He was my first puppy albeit probably not yet eight weeks old.

Because of all the dogs that visited my store while they were shopping, many breeds proved unappealing to me but a Schipperke was fascinating. My vet gave me the name of a local breeder but visiting her house did not impress me. So I talked to an excellent puppy store that many of my customers did business with—Potomac Kennels. Sueanne called me when she had a Schipperke puppy come in and Spot, the most beautiful black bundle of energy, came to live with me. A minor medical issue was handled by Potomac Kennels and Spot's AKC paperwork arrived as promised.

So one of my four dogs benefitted the County with sales tax, three did not! One supported a family owned small business of excellence because by the time Spot came to live with me, my small business was providing enough income for me to pay up front for the dog that in the long run cost me the least.

Too many animals today are being purchased on the internet from distant sources that have great web pages. My experience has been that a visit to these locations confirms it is not what it appeared to be. My College classmate was entranced by one Cockapoo breeder until she visited. Her puppy ultimately came from Virginia, two hours south of here.

Shelters are actually importing (300,000 one year) puppies from Taiwan, Puerto Rico, and recently a group destined for the meat market in Korea. It's hard to believe these are appropriate sources for families with expectations on size and behavior for their new family member.

Montgomery County euthanizes very few adoptable animals. About 25 years ago I reviewed all 12,000 animals passing through the shelter in one year. There were less than 150 dogs that were euthanized that year that might possibly have been adoptable. The last time I checked figures, we were DOWN to 7,000 a year.

Today Potomac Kennels is gone, victim to the high cost of doing business in Montgomery County and the huge amount of effort necessary to operate a facility with live animals properly. Let me also point out that a retail store PAYS for their inventory and then has the same expenses for veterinary care as anyone with live animals. Our veterinary relationship and our business are crucial for the wellbeing of our pets. Sueanne's vet checked each one of the puppies she purchased from Legal Commercial Breeding Facilities that were also licensed, inspected, and had their own veterinary relationships prior to providing puppies after eight weeks of age—the legal age for sale here. Many were the nights she was not home with her three daughters because puppies were arriving. Thank goodness for her outstanding and supportive husband!

Bill 5014 is an example of legislation that sounds kind and helpful while the result will be to decrease responsible choosing of what everyone wants to be a successful family experience for both pet and people.

Please vote **NO** on Bill 5014.

**TESTIMONY**  
**Montgomery County Council**  
**Bill 50-14**  
**January 27, 2015**  
**Kathryn Kenney McGriff**

Thank you council members for the opportunity to be heard on Bill 50-14. My name is Kathryn Kennedy McGriff. I am a resident of Montgomery County, Maryland and an AKC Breeder of Merit who raises Clumber Spaniels. I am also a proud founding member of the Breeders Advisory and Resource Council with the Humane Society of the United States.

While I am here at the invitation of the Humane Society, I speak for the thousands of responsible so-called Hobby breeders around the nation who believe the retailing of puppies in pet stores is a broken and inhumane business model that harms animals and consumers alike.

To illustrate, I would like to contrast the process of large scale commercial producers against the processes of reputable, small-scale breeders like me.

As you've heard, the pet industry commonly raises puppies in high volume commercial kennels which raise them as a commodity. Breeding decisions are not based on scrutinizing pedigrees for generations to mitigate health risk. **Mine are.** The parents of industry-produced puppies are not evaluated for breed-specific genetic risk – such as disorders of the hips, eyes, heart and lungs. **Mine are.** Soon after industry-produced puppies are weaned, they are loaded into tractor-trailers and distributed around the country to stores – out of sight and out of mind forever for the industry that produced them. My puppies are raised in my home, where prospective owners are welcomed to see with their own eyes how the puppies are raised. My puppies are fully vaccinated; they get a thorough veterinary exam, and a separate eye exam by a board certified veterinary ophthalmologist. They are raised on premium foods and supplements. They constantly interact with my family

because they are raised in my home and they have a large fenced yard for exercise. My puppies are micro-chipped and I require that my owners list me as a second point of contact with their service, so I can jump in if the dog is ever lost and the owner can't be reached.

At the point of sale for industry-raised puppies, retailers will sell to anyone who walks in, makes an impulse decision and plunks down their credit card. I screen my prospective owners ... extensively.... with frequent communications over months while they wait on my wait list... I call their veterinarians and their neighborhood shelters searching for any red flag.

When industry-raised puppies leave the pet store, their owners walk out with a receipt and a document that gives them a couple of days to change their minds and return the puppy. There is no one at the pet store with breed specific expertise for service before or after the sale. There is no breeder available for consultation.

When my puppies leave my home, their owners are given not only breed-specific care guides – they are given *pedigree* specific care guides. They also are given copies of health certifications on the parents, five generation pedigrees (which I will review with them one dog at a time if they wish), a letter to their veterinarian that not only offers specific genetic and developmental detail on their puppies – it very importantly clears my veterinarians to open the health records of my puppies and their parents for full transparency with the owner and their vet. The owner and their vet have all of my contact detail to contact me at any hour of the day or night throughout the life of that dog.

None of the practices I've just outlined are routine for the large commercial kennels which supply the nation's pet stores. **They are common among reputable, small-scale breeders.** But there is still another distinction which is arguably the most critical animal and consumer protection: small-scale reputable breeders sell *only*

with contracts that *require* the owners to return their dogs to the breeder if the owners can no longer continue care.

That is lifetime refuge for the dog and it is specifically engineered to ensure that the dogs raised by hobby breeders will never be surrendered to a shelter or rescue group. That's a social contract that provides for consumer protection and most especially for animal welfare and it is one commercial producers will never make, because the industry motivation is fundamentally different from motivation of small-scale breeders. Commercial kennels, which commonly produce dozens of breeds at a time, are motivated by profit. Reputable breeders make their livings in other professions; they typically raise one or perhaps two breeds. They do not profit from the sale of their puppies, and sometimes actually sell at a loss, because they are motivated by love a breed. Instead of profit, their goal is to improve the overall health and well-being of the breed, supported by their national breed clubs.

I hope my testimony has helped you gain insight into a more considered source for purebred pets. Shelters and rescue groups, too, are filled with animals who need urgent love and care. Many of the jurisdictions which have passed legislation similar to 50-14 have seen pet retailers welcome shelter and rescue for adoption. Certainly the large national pet retailers like Petco and PetSmart do not retail puppies and kittens. They have long-standing relationships with shelters and rescue groups.

I thank you for your time and consideration and urge you to approve bill 50-14 and thereby block retail sales of puppies and kittens in pet stores.

Thank you.

Johanie Parra  
8602 Watershed Ct  
Gaithersburg, MD 20877

Good Evening,

My name is Johanie Parra and I've been a Montgomery County Resident for 24 years. Two and a half years ago I worked at VCA North Rockville Animal Hospital, one of the local animal hospitals that have a contract with Just Puppies. On a daily basis VCA see's about 10 or more Just Puppies clients a day. There contract with Just Puppies stated that when you purchase a puppy, you have 5 days to set up an appointment with one of the contracted veterinary clinics for a health guarantee. 99% of these puppies all tested positive parasites and kennel cough, an upper respiratory infection. In some cases, puppies from Just Puppies also had pneumonia, a lung infection and for tinier puppies, hypoglycemia, with puppies arriving at the hospital nearly dead. I had clients who would tell me they researched the breeder's information and found that they were from puppy mills, who then told Just Puppies, but they continued to purchase from them. The amounts of complaints and heartbroken clients I dealt with on a weekly basis because they worried that their brand new puppy was not going to make it was unreal. Imagine spending 6-800 dollars on a puppy (sometimes even more!) and then having to spend a thousand dollars plus at the emergency hospital because the puppy is sick. I can't tell you the number of the times I was taking puppies home to care for them throughout the night because they had pneumonia; they needed steam therapy or had to be fed every 3 hours because the hospital didn't have 24 hr. care. I don't expect anyone who currently works at VCA North Rockville Animal Hospital to be for this bill, as I know that 80% of their revenue comes from Just Puppies clients, it's a business, and someone's job, but this is one of the main reasons why I personally left, due to this inhumane act of animal cruelty with pet stores. I'm asking you to please pass this bill. Why buy a pure bred puppy from a pet store when there are so many beautiful, great, loving dogs and puppies that need a home or second chance at shelters? And if you're looking for a pure bred dog, you can go through a specific breed rescue. If Just Puppies would take in dogs and puppies from shelters to get adopted instead of selling puppies from puppy mills, we would not only be giving these animals a second chance, but hope on giving them the love, care and attention that they deserve. Thank you.

Hello, my name is Raul and I've been an employee and a client of Just Puppies for five years, I recently bought an energetic healthy boxer pup from Just Puppies and she's a great addition to my family, we love her tremendously! As an employee at Just Puppies, I have first hand knowledge and experience about what goes on and what the process is from the second a puppy arrives to the second they leave with their new families. As an employee, I personally sanitize each and every cage so that the puppies do not get sick. Every puppy is bathed and cleaned even if it is not needed just so that the puppies stay clean. Each puppy is given a blanket and 1-2 toys so that they are comfortable and entertained. Every puppy is given a full bottle of water (that we inspect on a constant basis and refill). The puppies also get a bowl of Royal Canine mixed with A&D to make sure they all eat a healthy meal about 2-3 times a day. Throughout the day, we clean the cages to make sure the puppies are in a clean environment. If a customer is interested in a puppy, we converse with the customer and explain the responsibilities that will be added when owning a puppy. The customers also are read and sign a guarantee ensuring us employees that they understand what responsibilities may be added, ensuring us that the puppy will be taken care of. We are allowed to and have refused a sale due to customers not being able to complete the requirements to take care of a puppy.

Sue-Anne Slonin  
2438 Henslowe Drive  
Potomac, MD 20854

January 26, 2015

Opposed to Montgomery County Council Bill 50-14, Animal Control – Retail Pet Stores

My name is Sue-Anne Slonin. I have been a Montgomery County resident for 40 years. I owned Potomac Kennels, which was located in Gaithersburg, for 25 years.

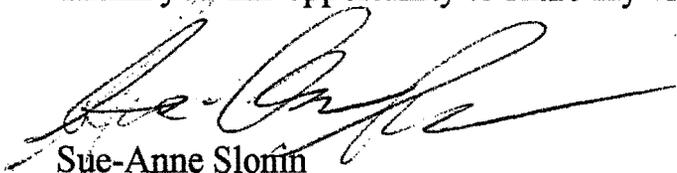
Potomac Kennels would not have been able to exist if this bill was in effect. Potomac Kennels purchased most of the puppies from USDA licensed and inspected breeders. We also purchased puppies from small private breeders such as myself. We provided health guarantees (which our breeders provided for us) with all of the puppies we sold. We were also able to educate our clients about the different breeds of puppies, their different needs, the care each breed would require, and how to properly care for and train their new puppy. We also educated clients that would acquire their puppy elsewhere, because it was important to us to make sure puppies were being handled and raised properly.

Being a legal business, we were able to provide jobs, pay payroll taxes and collect sales tax. None of these will be provided by adoptions or purchases from breeders.

Although I am not against adoptions or private breeder purchases, I am against limiting what types of businesses are going to be allowed in the county. I am against puppy mills, but this bill is not the way to keep puppy mill puppies out of our county. Putting "lemon" laws into effect for any provider of puppies would be a more effective way to protect the residents of Montgomery County.

Please consider allowing the public to make their own decisions, assisting them to make wise purchasing decisions. Disallowing pet stores to sell puppies or kittens would be a disservice to our county residents.

Thank you this opportunity to share my views.

  
Sue-Anne Slonin