

PS COMMITTEE #4  
October 16, 2014

## MEMORANDUM

October 14, 2014

TO: Public Safety Committee

FROM: Susan J. Farag, Legislative Analyst *SJF*

SUBJECT: Briefing: Puppy and Kitten Mills

Today, the Committee will be briefed on puppy and kitten mills, and their impact in the County. The following are expected to brief the Committee:

Melanie Kahn, The Humane Society of the United States (HSUS)  
Dr. Peter Eeg, DVM  
Dr. Laura Portnoy, DVM  
Kathryn McGriff, pet breeder

### **Background**

Council Vice President Leventhal has requested that the Public Safety Committee hold a briefing on County pet stores selling puppies and kittens bred from puppy and kitten mills (see memo at ©1-3). Specifically, he requested that the Committee be provided with information on:

- HSUS assertion on County pet stores selling puppies from puppy mills;
- Commercial breeding regulations;
- Common health problems in pets bred in puppy or kitten mills;
- Behavioral problems in pets bred in puppy or kitten mills;
- Treatment and care of pets bred in puppy and kitten mills;
- The conditions of puppy and kitten mills;
- The process of pet stores buying from puppy or kitten mills;
- The effects a ban would have on a pet store business; and
- Relevant laws already in place in Maryland.

HSUS sent a letter to all Councilmembers in April providing background on pet stores selling puppies supplied by puppy mills. HSUS requested that the Council consider legislation that prohibits these types of sales (attached at ©4-9). Information provided today will be helpful if the Council considers any legislation in the future that addresses the identified problems.

The panel of speakers will provide an overview of puppy mill concerns, the process by which pets are sold to pet stores, the impact of focusing on quantity of pets sold rather than quality, the impact on both the physical and behavioral health of the pets, and other issues associated with large-scale sales of pets. A summary of current local regulation is provided below.

## **Current Regulatory Framework Regarding Puppy Mills**

Puppy mills are defined by the American Society for the Prevention of Cruelty to Animals (ASPCA) as a “large-scale commercial dog breeding operations where profit is given priority over the well-being of the dogs.” Commercial dog breeding is regulated both at the federal and state level, although these laws generally provide very minimal standards of care. The ASPCA indicates these standards are “merely survival standards for dogs” (see attachment ©10-12). The regulation of puppy mills addresses both commercial kennel environments as well as sales to and by pet stores.

### **Maryland and County Regulation of Animal Kennels:**

In Maryland, an individual who owns 15 or more unspayed dogs, and who breeds six or more litters per year, must apply for a kennel license (attached at ©13-15). Montgomery County also has minimum standards for the housing and care of animals by pet shops and commercial kennels, which address bedding, cages, food, water, sanitation, disease, and general treatment (attached at ©28-31).

### **Maryland Regulation of Sales from Puppy Mills:**

Maryland passed a law in 2012 that requires retail pet stores to display the name and address of the breeder or dealer who supplied the pet to the store (attached at ©16-27).

Some states also have pet purchase protection laws that provide consumers with various remedies if they purchase a pet with health problems, including disease and congenital defects. Remedies range from reimbursement of sales price, reimbursement of veterinary costs (usually up to the price of the pet), and replacement of the pet. A list of states with these types of laws is attached at © 32-37). None currently exists in Maryland.

## Discussion Issues

1. How many retail pet stores in Montgomery County are selling puppies or kittens supplied by puppy or kitten mills?
2. Are there any identified puppy or kitten mills in Montgomery County?
3. What are some of the health and behavioral impacts seen in pets bred in puppy or kitten mills? How do these impact the new owner?
4. Has regulation in other jurisdictions been successful in addressing the identified problems? If so, what are the most effective types of regulations?
5. Are online pet sales a concern in Montgomery County? Have any other jurisdictions addressed online sales? If so, how?
6. How well is the current regulatory framework being enforced?
7. What is the commercial impact of increased regulation on pet stores that sell pets from puppy or kitten mills? While most pet stores sell a variety of pet-related items for a large range of pet species, some specialize in just selling specific pets. These types of stores would likely be most affected by regulation. Is there any information available on regulatory impact of these types of specialty stores?

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“Laws that Protect Dogs in Puppy Mills,” ASPCA	10-12
Chapter 297 of 2011 – Kennel Licenses - Requirements for Breeders	13-15
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Montgomery County Regulations – Minimum Standards for Pet Shops and Commercial Kennels	28-31
“Pet Purchase Protection Laws” American Veterinary Medical Association (June 2014)	32-37
“Veterinary Report on Puppy Mills” Humane Society Veterinary Medical Association (May 2013)	38-50
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MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

GEORGE LEVENTHAL  
COUNCILMEMBER  
AT-LARGE

MEMORANDUM

September 8, 2014

To: Phil Andrews, Chair, Public Safety Committee  
From: George Leventhal, Council Vice President *George Leventhal*  
Subject: Briefing on Pet Stores Selling Pets from Puppy and Kitten Mills.

I am writing to request that the Public Safety Committee hold a meeting this fall to get a briefing on Montgomery County pet stores selling puppies and kittens bred from puppy and kitten mills.

**Concerns about puppy mills**

About 70 percent of people in the United States own a dog and about 46 percent own a cat. Only about 30 percent of pets in homes come from shelters or rescues.<sup>1</sup>

Responsible breeders do not sell their puppies to pet stores because they want to meet their puppy buyers in person—and a majority of national breeds clubs' Code of Ethics prohibit or discourage their members from selling their dogs to pet stores. Pet store puppies are largely from "puppy mills," commercial facilities that mass-produce puppies for sale. The Humane Society of the United States (HSUS) asserts that some puppies sold in Montgomery County come from two of the largest puppy mill states, Arkansas and Missouri.

According to both the HSUS and the ASPCA, a puppy mill is a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs. Breeding at puppy mills is performed without consideration of genetic quality. This results in generations of dogs with unchecked hereditary defects. Illness and disease are common in dogs from puppy mills. Because puppy mill operators often fail to apply proper husbandry practices that would remove sick dogs from their breeding pools, puppies from puppy mills are prone to congenital

<sup>1</sup> Pets by the Numbers. (2014, January 30). U.S. Pet Ownership and Shelter Population Estimates: The Humane Society of the United States. Retrieved August 27, 2014, from [http://www.humanesociety.org/issues/pet\\_overpopulation/facts/pet\\_ownership\\_statistics.html#](http://www.humanesociety.org/issues/pet_overpopulation/facts/pet_ownership_statistics.html#)

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When they are physically depleted to the point that they can no longer reproduce, breeding females are often killed.<sup>2</sup>

### **Laws/Legislation in Maryland and Other Jurisdictions**

According to our legislative attorney, Amanda Mihill, Maryland law does not prohibit the sale of puppies and kittens bred in puppy/kitten mills. State law does prohibit selling puppies and kittens that are less than 8 weeks old. State law also requires pet stores to provide certain information about a puppy's origins conspicuously on the cage.

Legislation banning pet stores from selling animals from puppy mills has been enacted in several jurisdictions, including Phoenix, Chicago, Los Angeles, and San Diego.

Other jurisdictions have taken a fairly different approach and would require 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.

These types of proposals have been backed by the Humane Society in Illinois where a bill was amended to reflect this approach but has not yet been enacted. A bill incorporating this approach was enacted in Connecticut. This approach was intended to reduce the likelihood that pet stores would get their puppies from puppy mills, but also address concerns of retail pet stores going out of business.

Legislation banning pet stores from selling animals from puppy mills was enacted in Phoenix and has been challenged in court. The plaintiffs in that case argued that the Phoenix law violated the dormant Commerce Clause, equal protection, and violated other state law and state constitutional provisions. The court enjoined Phoenix from enforcing the law until the case is resolved.

### **Discussion**

I feel that a discussion by the Public Safety Committee is important before the Council considers any type of legislation.

To the extent possible, I would like the committee to hear from experts in the field of animal welfare on the following topics:

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<sup>2</sup> Puppy Mill FAQ. (n.d.). ASPCA. Retrieved August 27, 2014, from <http://www.asPCA.org/fight-cruelty/puppy-mills/puppy-mill-faq>

- HSUS assertion on Montgomery County pet stores selling puppies from puppy mills;
- Commercial breeding regulations;
- Common health problems in pets bred in puppy or kitten mills;
- Behavioral problems in pets bred in puppy or kitten mills;
- Treatment and care of pets bred in puppy and kitten mills;
- The conditions of puppy and kitten mills;
- The process of pet stores buying from puppy or kitten mills;
- The effects a ban would have on a pet store business;
- Relevant laws already in place in Maryland.

Thank you considering my request. If you have any questions or comments regarding this request, please call my office at 240-777-7811.



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Montgomery County Council  
100 Maryland Avenue  
Rockville MD 20850

April 28, 2014

Honorable Council Members:

As a resident of Montgomery County, Maryland and on behalf of the Humane Society of the United States (HSUS) I am writing to encourage your support of an ordinance to prohibit the sale of puppy mill dogs in pet stores.

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 Humane Society of the United States has conducted numerous hidden-camera investigations<sup>123</sup> which consistently reveal that pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders known as puppy mills. The investigations have revealed:

- 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.

• **Problems associated with pet shop puppy sales**

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled “Little

<sup>1</sup> Can be found at:

[http://www.humanesociety.org/news/news/2011/11/ny\\_puppy\\_mill\\_110911.html#.UvkvXWJdWAg](http://www.humanesociety.org/news/news/2011/11/ny_puppy_mill_110911.html#.UvkvXWJdWAg)

<sup>2</sup> Can be found at: [http://www.humanesociety.org/news/press\\_releases/2012/12/puppy-mill-investigation-chicago-121012.html](http://www.humanesociety.org/news/press_releases/2012/12/puppy-mill-investigation-chicago-121012.html)

<sup>3</sup> Can be found at: [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/investigation-report-texas.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/investigation-report-texas.pdf)

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Shop of Sorrows”<sup>4</sup> was produced: 44% of the locations visited had sick and neglected animals, 32% of the animals were confined in unhealthy, cramped, or crowded conditions and 25% of the animals didn’t even have adequate food or water.

A landmark 2011 study appearing in *Applied Animal Behavior Science* analyzed behavioral characteristics of 1,100 dogs rescued from puppy mills who had been in their new homes an average of 2 years, and found that the dogs had significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched<sup>5</sup>.

Most recently, a 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”<sup>6</sup> concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

• **Federal laws and regulations are insufficient to prevent the proliferation of dogs sourced from inhumane origins**

The federal Animal Welfare Act provides survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements and can be built upon by the states (See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.). Indeed, the agency’s own Animal Welfare Act Fact Sheet<sup>7</sup> states “*Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards.*”

The Act ignores veterinary science regarding dogs’ needs. To cite just two examples:

- The American College of Theriogenologists (ACT) and Society for Theriogenology (SFT) recommend that breeding females should not be bred on consecutive estrous cycles unless they have regained appropriate body condition and “are deemed healthy on the basis of veterinarian examination prior to the onset of the next proestrus,”<sup>8</sup> and that dogs not be bred more than 5 times in a lifetime.<sup>9</sup> <sup>10</sup>Similarly, the American Kennel Club says “One month before breeding, the bitch should have a thorough pre-breeding physical examination by a veterinarian.” Yet the AWA offers no restriction on litter frequency or limitation.

<sup>4</sup> Animal Welfare Institute, “*Little Shop of Sorrows: An Undercover Investigation into California Pet Shops,*” [http://www.bornfreeusa.org/downloads/pdf/PetShops\\_Report.pdf](http://www.bornfreeusa.org/downloads/pdf/PetShops_Report.pdf), (accessed 5 Dec. 2013).

<sup>5</sup> McMillan FD, Duffy DL, Serpell JA. Mental health of dogs formerly used as ‘breeding stock’ in commercial breeding establishments. *Applied Animal Behaviour Science*. 2011;135(1-2):86-94.

<sup>6</sup> McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

<sup>7</sup> U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” In <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

<sup>8</sup> Society for Theriogenology, “Position Statement: Welfare of Breeding Dogs,” <http://www.therio.org/?page=PositionStatement#Breeding> (accessed 5 Dec, 2013).

<sup>9</sup> Olson, Patricia N., DVM, PhD, DACT, “Breeding Protocol Review and Recommendations,” email from author, July 2012.

<sup>10</sup> American Kennel Club, “A Guide to Breeding Your Dog,” [http://images.akc.org/pdf/breeders/resources/guide\\_to\\_breeding\\_your\\_dog.pdf](http://images.akc.org/pdf/breeders/resources/guide_to_breeding_your_dog.pdf) (accessed 5 Dec, 2013).

- Science clearly indicates that solid flooring is the most appropriate for terrestrial species<sup>11</sup> such as canids. One study demonstrated that foxes were willing to work to gain access from a wire mesh floor to a solid one. On the solid floor, they performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting (exploring with their muzzles) and jumping<sup>12</sup>. In severe cases, including at a facility that sold puppies to Danbury-based Puppy Love, puppies have been found with paws so damaged that their bones protrude through the skin, with exposed muscle and flesh<sup>13</sup> -- dogs' limbs may slip through wire mesh flooring, causing severe lacerations or even unintentional amputation of the limb.<sup>14</sup> The American Veterinary Medical Association specifically recommends that "dogs should be provided with an area of solid flooring. A dog's welfare needs for comfortable housing are better met by a kennel with solid flooring."<sup>15</sup> A review of housing needs for dogs kept for research purposes found, in part, that "the majority of experts recommended solid or at least only partially gridded floors and agreed that dogs preferred solid flooring. Whatever the flooring type, a safe, solid area of sufficient size for all dogs to comfortably and simultaneously lie down should be provided."<sup>16</sup> Yet even though USDA inspection reports routinely document injuries caused by wire mesh flooring, the agency in 1999 actually removed a regulatory requirement that breeders provide a solid resting platform for dogs housed on wire,<sup>17</sup> stating that the requirement had been "erroneously added" and was an "unnecessary and unintended requirement."

Research indicates a systemic problem with the mass production of dogs in commercial facilities, in that continuous confinement frequently causes animals to suffer from chronic anxiety, social isolation, inadequate stimulation, and lack of physical exercise.<sup>18,19,20,21,22,23</sup>

This is an important consideration because it underscores the notion that even if a commercial breeding facility was properly inspected and was fully compliant with all federal laws and regulatory requirements, that facility could, and typically is, keeping dogs in constant

<sup>11</sup> Hardy A, Windle CP, Baker HF, et al. Assessment of preference for grid-flooring and sawdust-flooring by captive-bred marmosets in free-standing cages. Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386. *Appl Anim Behav Sci* Jan 2004, 85(1-2) 167-172.

<sup>12</sup> Koistinen, T, Mononen, J. Blue foxes' motivation to gain access to solid floors and the effect of the floor material on their behaviour. *Appl Anim Behav Sci* Sept 2008, 113(1-3) 236-246.

<sup>13</sup> 12 Aug, 2012 USDA Inspection report for Joseph & Rhoda Graber of Odon, Indiana (#32A0350), <http://acissearch.aphis.usda.gov/LPA/Search/faces/CustomSearch.jspx> (accessed 6 Dec, 2013).

<sup>14</sup> United States Department of Agriculture, Office of Inspector General, "p.11, 53, "Animal and Plant Health Inspection Service Animal Care Program: Inspections of Problematic Dealers," Audit Report 33002-4-SF, May 2010, pp11, 53.

<sup>15</sup> American Veterinary Medical Association, "Model Bill and Regulations to Assure Appropriate Care for Dogs Intended as Pets," April 9, 2010.

<sup>16</sup> Moore, Graham, "Assessment of Animal Housing Needs in the Research Setting Using Peer Reviewed Literature Approach: Cats and Dogs," The Development of Science-Based Guidelines for Laboratory Animal Care: Proceedings of the November 2003 International Workshop. (The National Academies Press, 2004)

<sup>17</sup> "Animal Welfare: Solid Resting Surfaces for Dogs, Final Rule." *Federal Register* 64 (April 20, 1999): 19251-19254. Print

<sup>18</sup> Griffin B, Hume KR. Recognition and management of stress in housed cats. In: August JR, ed. *Consultations in Feline Internal Medicine*. 5th ed. St. Louis, MO: Elsevier Saunders; 2006:717-734.

<sup>19</sup> 2 Hennessy MB, Davis HN, Williams MT, Mellott C, Douglas CW. Plasma cortisol levels of dogs at a county animal shelter. *Physiology & Behavior*. 1997;62(3):485-490.

<sup>20</sup> Patronek GJ, Sperry E. Quality of life in long term confinement. In: August JR, ed. *Consultations in Feline Internal Medicine, Current Therapy 4*. Philadelphia, PA: WB Saunders; 2001:621-634.

<sup>21</sup> Stephen JM, Ledger RA. An audit of behavioral indicators of poor welfare in kennelled dogs in the UK. *Journal of Applied Animal Welfare Science*. 2005;8:79-95.

<sup>22</sup> Tuber DS, Miller DD, Caris KA, et al. Dogs in animal shelters: problems, suggestions and needed expertise. *Psychological Science*. 1999;10:379-386.

<sup>23</sup> Wemelsfelder F. Animal boredom: Understanding the tedium of confined lives. In: McMillan FD, ed. *Mental Health and Wellbeing in Animals*. Ames, IA: Blackwell Publishing; 2005: 79-91.

confinement, on wire flooring, and in a perpetual cycle of breeding, nursing, and weaning until the animal is no longer capable of turning out sufficient litters to be profitable.

- **The USDA fails to adequately enforce the Animal Welfare Act**

- The USDA's Inspector General issued a report in 2010<sup>24</sup> stating, in part, that USDA inspectors misused guidelines to lower penalties for violators. Specifically, OIG found that APHIS inconsistently counted violations, applied "good faith" reductions without merit, allowed a "no history of violations" reduction when the violators did have a history and arbitrarily changed the gravity of some violations and the business size.
- A 2005 USDA/OIG report mirrored those findings. The Detroit Free Press reported in 2006<sup>25</sup> that "the USDA in 2004 opted not to fine Heartland Kennels [a puppy mill in southwestern Minnesota] — which sent at least 123 pups to local pet shops in 2005 — after citing the facility for repeated violations that included confining dogs to cramped, dirty cages that offer no protection from the wind, rain, and snow. In a letter to the facility, the USDA said its run of violations used to result in fines or closure, but current policy 'is to encourage compliance through education and cooperation rather than legal action'.... The USDA's Office of Inspector General has criticized the agency since the 1990s for failing to adequately crack down on violators. And in a blistering September 2005 report, the inspector general found an ineffective monitoring and inspection system and concluded the USDA failed to take action against 'violators who compromised... animal health.'"
- Facilities find ways to skirt the rules. The Animal Welfare Act requires, in part, that operators who keep dogs outdoors must receive certification from a veterinarian stating that the dogs are acclimated to prevailing temperatures. The HSUS is in possession of a letter from a Kansas Veterinarian to that state's Animal Health Department stating that "The short-haired breeds of dogs, including pugs, beagles, *chihuahuas*, and dachshunds owned by Keith Ratzlaff are acclimated to the outside environmental temperatures in Kansas. As long as adequate shelter, bed material, food and water are provided, these animals are *acclimated to temperatures from zero to one hundred ten degrees Fahrenheit.*"<sup>26</sup> (emphasis added).

- **The commercial pet industry fails to provide pet stores with humanely raised dogs**

From Amy Cirincione, 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. The only option for pet stores wishing to make a profit selling puppies are puppy mills. I do not sell animals in my store because it is impossible to do so without contributing to this barbaric trade."*<sup>27</sup>

- **Responsible breeders do not sell to pet shops**

<sup>24</sup> United States Department of Agriculture, Office of Inspector General, *ibid*.

<sup>25</sup> Neavling, Steve. "Agency Faulted for Not Cracking Down on Violators," *Detroit Free Press*, 12 Jul 2006. <http://www.freep.com/article/20060712/NEWS05/60712002> (accessed 6 Dec 2013).

<sup>26</sup> Handlin, Mark DVM. Heartland Veterinary Clinic, McPherson, Kansas. Letter to State of Kansas Animal Health Department, date obscured. Copies available to Task Force members upon request.

<sup>27</sup> Cirincione, Amy, "Opinion: Feed Bag Owner Says She Will Not Sell Animals in Her Store," *North Fork Patch*, 29 Jun. 2011, <http://northfork.patch.com/groups/politics-and-elections/p/opinion-feed-bag-owner-says-she-will-not-sell-animalscbb9519ddc> (accessed 6 Dec. 2013)

The Task Force has heard substantial evidence that reputable breeders do not sell their puppies to pet stores. 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. A copy of our data is available upon request.

- **The HSUS proudly supports responsible dog breeders**

The humane community has rallied around responsible dog breeders, and seeks only to disallow the sale in Florida pet shops of dogs acquired from puppy mills. The HSUS helped establish a Breeder Advisory and Resource Council (BARC)<sup>28</sup>, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. On our website, we encourage those families and individuals seeking a purebred puppy to seek a responsible breeder, and even offer advice on how to locate a breeder.<sup>29</sup>

- **The HSUS proudly supports humane pet shops**

We have worked directly with pet shops that have stopped selling dogs from inhumane sources and have found customers more than willing to purchase older rescued dogs.

Similarly, we have found that pet shops who switch to a humane business model, refusing to sell dogs acquired from inhumane sources, have been very successful and are proud to have rejected the unnecessary cruelty of puppy mills.

From Cynthia Socha, owner of H3 Pet Supply 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. The fact that over 85% of the pet stores that operate in Connecticut do not sell puppies or kittens should be proof enough... This [humane] model has helped us become successful as it generates a tremendous amount of goodwill in the community".* Ms. Socha urges the Connecticut legislature to *"look past the baseless claims of large scale job loss... and do what is correct in the name of humanity."*

From Rene Karapedian, owner of Pet Rush in Los Angeles, CA: *"Dogs sold in pet stores come from puppy mills. We should not support puppy mills.... 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."*

From Joe Sheneshale, owner of Pet Depot in Gillette and Rock Springs, WY: *"With millions of dogs and cats being euthanized each year due to a lack of homes, I realized that this decision was the right thing to do for the animals and for our community in addressing the pet overpopulation problem."*

In fact, initial successes have led us to create specifically designed programs to assist pet store owners seeking transition to the humane model.<sup>30</sup>

<sup>28</sup> [http://www.humanesociety.org/issues/puppy\\_mills/facts/breeders\\_advisory\\_resource\\_council.html#UqI9lBXTrVQ](http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9lBXTrVQ) (accessed 6 Dec. 2013).

<sup>29</sup> [http://www.humanesociety.org/issues/puppy\\_mills/tips/finding\\_responsible\\_dog\\_breeder.html](http://www.humanesociety.org/issues/puppy_mills/tips/finding_responsible_dog_breeder.html)

<sup>30</sup> [http://www.humanesociety.org/issues/puppy\\_mills/facts/puppy\\_friendly\\_pet\\_stores.html#UqI-ZxXTnVQ](http://www.humanesociety.org/issues/puppy_mills/facts/puppy_friendly_pet_stores.html#UqI-ZxXTnVQ)

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•Conclusion

The morals and values of Montgomery County cannot be represented by allowing the continued sale of puppy mills dogs – 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 importing of puppies from puppy mills while their tax dollars are spent sheltering and euthanizing dogs for which there are no homes.

We thank the Council for considering this important animal welfare and consumer protection ordinance, and remain willing and eager to assist should you decide to move forward.

Sincerely,



**Melanie Kahn**  
Senior Director, Puppy Mills Campaign  
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## Fight Cruelty

### Laws that Protect Dogs in Puppy Mills

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- [Tumblr \(http://www.tumblr.com/share/link?url=https%3A%2F%2Fwww.aspc.org%2Ffight-cruelty%2Fpuppy-mills%2Flaws-protect-dogs-puppy-mills%2F\)](http://www.tumblr.com/share/link?url=https%3A%2F%2Fwww.aspc.org%2Ffight-cruelty%2Fpuppy-mills%2Flaws-protect-dogs-puppy-mills%2F)
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The ASPCA defines a puppy mill as "a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs." There is no legal definition of "puppy mill," and puppy mills aren't necessarily illegal. It is difficult to create laws that effectively crack down on puppy mills, but commercial breeding of dogs is regulated on the federal level and on the state level—but only in some states ([see U.S. map of state dog breeding laws \(http://www.aspc.org/sites/default/files/interactives-us-map-of-state-dog-breeding-laws.pdf\)](#) [PDF]).



The laws discussed below, which concern puppy mill-related standards and rules, are administrative laws—they are distinct from animal cruelty laws, which are criminal laws. (Commercial kennels that violate these kennel standards can be cited, similar to how restaurants that violate health codes can be cited.)

Typically, commercial kennel owners that violate the cruelty laws of a state are subject to criminal charges, but law enforcement cannot always obtain probable cause to enter a kennel to identify cruelty violations.

#### Federal Laws

##### The Animal Welfare Act

The Animal Welfare Act (AWA), a federal law passed in 1966, regulates certain animal activities, including commercial dog and cat breeding. The AWA defines the minimum standards of care for dogs, cats and certain other species of animals bred for commercial resale, research, and exhibition. It also requires that certain commercial breeders be licensed and routinely inspected by the United States Department of Agriculture (USDA). However, the standards are far from what most people would consider to be humane (<http://nopestorepuppies.com/buy-a-puppy/>). They are merely survival standards for dogs. For example, dogs in federally licensed breeding facilities can legally be kept in cages that are only six inches wider than the dog in each direction for their entire lives. Violations often go unpunished. Lack of enforcement by the USDA overall means thousands of dogs are left to suffer in inadequate and inhumane conditions year after year, even in federally licensed facilities.

There is good news, though: Until recently, only animal-breeding businesses considered "wholesale" operations—those that sell animals to brokers or pet stores for resale—were subject to oversight by the USDA. The AWA did not apply to facilities that sell directly to the public, including the thousands that now do so via the Internet. The result was that in many cases, **no one** regulated or inspected these facilities. Thanks to pressure from the animal welfare community and the public, in September 2013 the USDA issued a change to AWA regulations to close this loophole once and for all—for the first time, so-called "Internet puppy mills" will now be subject to USDA inspections. The rule went into effect on November 18, 2013.

On August 15, 2014, the USDA issued a new federal rule regulating the importation of puppies from overseas, taking significant steps towards ensuring the United States is not importing sick puppies and supporting animal cruelty in puppy mills abroad. Instead, the new law will now require non-U.S. breeders to provide certification that each dog is in good health, has received all necessary vaccinations and is at least six months of age.

Even though the Animal Welfare Act (and the USDA's enforcement of it) leaves a lot to be desired, authorizing federal inspectors to go behind previously closed kennel doors for the first time will go a long way in improving the lives of tens of thousands of breeding dogs in puppy mills throughout the United States.

##### The 2008 Farm Bill

With the evolution of Internet commerce, puppy mills have sprouted up all over the world to provide poorly bred puppies of every imaginable breed and "designer mixed breed" directly to the consumer. As a result, the U.S. market has seen an increase in imported dogs in bad health and/or possibly carrying diseases that could harm people and other animals. Because foreign puppy mills are not subject to U.S. regulations—such as the standards set forth in the Animal Welfare Act—it is likely that many of these dogs are bred and raised in extremely inhumane conditions.

The ASPCA and other animal welfare groups successfully fought for an amendment to the 2008 Farm Bill that prohibits the importation of puppies under six months of age for the purpose of resale. While this was a major victory, five years later the measure still hasn't gone into effect because the USDA has yet to adopt regulations implementing the law.

#### State Laws

### In this Section

- [Report Animal Cruelty](#)
- [Dog Fighting](#)
- [ASPCA Field Investigations and Response Team](#)
- [Equine Cruelty](#)
- [ASPCA Forensic Services](#)
- [Farm Animal Cruelty](#)
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States have the power to legislate higher standards of care for commercially bred animals beyond the bare minimums required by the federal Animal Welfare Act, and more than half of U.S. states have chosen to do so. Unfortunately, 22 states have no laws on the books regulating commercial dog breeders—and a number of states, including Kansas and Texas, that do require breeders to be licensed and inspected by the state only require commercial breeders to meet USDA standards of care.

Among the states that do regulate, each government defines various terms (such as "pet store," "breeder," "kennel" and "dealer") differently. To fully understand how producers and sellers of puppies are regulated in each state, careful attention must be paid to each law's precise wording.

Pennsylvania currently has the most stringent standards of care in the country for commercial breeders, requiring them to provide dogs with twice the USDA-regulated cage space, constant access to an outdoor exercise run and annual veterinary exams. The Pennsylvania law also prohibits the use of wire flooring and stacking cages on top of one another, both of which are legally permissible under the federal law.

In addition to laws that set forth standards of care and require breeders to be licensed and inspected, three states (Virginia, Oregon and Washington) have enacted laws that limit the number of dogs a breeder may keep. Approximately 20 states have laws dictating how old a puppy must be before he or she may be offered for sale or adoption. To learn how your state stacks up, see our [guide to state laws concerning breeders, kennels and puppy mills](http://www.aspca.org/sites/default/files/state-puppy-mill-laws-concerning-breeders-kennels-and-puppy-mills) (<http://www.aspca.org/sites/default/files/state-puppy-mill-laws-concerning-breeders-kennels-and-puppy-mills>). [PDF].

While there has been a dramatic increase in the number of states considering and enacting bills to regulate the commercial breeding industry, it is important to remember that these laws hinge on enforcement. Strong standards of care are meaningless if inspections are never conducted and violations go unpunished. Therefore, in addition to pushing for stronger state laws, it's important to work with enforcing agencies to make sure laws are being enforced.

### Laws to Protect Consumers

If you buy a puppy from a pet shop, you are not only supporting the cruel puppy mill industry, but you also run the risk of taking home a sick animal. Puppies sold in pet stores may suffer from a range of illnesses and conditions, ranging from respiratory infections including pneumonia, to hereditary defects like hip dysplasia and severe allergies. Through our [No Pet Store Puppies](http://no.petstore.puppies.com/) (<http://no.petstore.puppies.com/>) campaign, the ASPCA urges people to pledge not to purchase anything, including pet supplies, in pet stores that sell puppies.

If you have purchased a pet store puppy who turned out to be sick, please [tell us about your experience here](http://no.petstore.puppies.com/about-us-a-puppy/) (<http://no.petstore.puppies.com/about-us-a-puppy/>). You also may have some legal recourse—as of August 2013, 21 states have enacted laws, commonly called "pet lemon laws," that make pet stores financially responsible for sick animals purchased from them. [See a state-by-state list of pet lemon laws](http://www.avm.org/Advocacy/StateAndLocal/Pages/pet-lemon-laws.aspx) (<http://www.avm.org/Advocacy/StateAndLocal/Pages/pet-lemon-laws.aspx>) and know your rights.



### Join the ASPCA Advocacy Brigade!

By joining the ASPCA Advocacy Brigade, you will receive important alerts from us when we need your help to fight for laws against animal cruelty.

Your Email Address:

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Yes, I would like to receive emails from the ASPCA!

### Related Links

[USA: Protect Puppies: Tell the USDA to Enforce Puppy Import Law!](http://www.aspca.org/fight-cruelty/advocacy-center/usa-protect-puppies-tell-usda-enforce-puppy-import-law) (<http://www.aspca.org/fight-cruelty/advocacy-center/usa-protect-puppies-tell-usda-enforce-puppy-import-law>)

Great news, advocates! The USDA finalized the federal puppy importation rule. With this new rule, the USDA has taken significant steps towards ensuring the United States is not importing sick puppies and supporting animal cruelty in puppy mills overseas.

[Puppy Mill FAQ](http://www.aspca.org/fight-cruelty/puppy-mills/puppy-mill-faq) (<http://www.aspca.org/fight-cruelty/puppy-mills/puppy-mill-faq>)  
Answers to your questions about what constitutes a puppy mill, what it's like inside a mill, and more.

[Puppy Mills: Your Stories](http://www.aspca.org/fight-cruelty/puppy-mills/puppy-mills-your-stories) (<http://www.aspca.org/fight-cruelty/puppy-mills/puppy-mills-your-stories>)  
Did you adopt a puppy mill dog? Read real stories of puppy mill dogs and share your own.

[Why You Should Never Buy a Puppy Online](http://www.aspca.org/fight-cruelty/puppy-mills/why-you-should-never-buy-puppy-online) (<http://www.aspca.org/fight-cruelty/puppy-mills/why-you-should-never-buy-puppy-online>)  
Truly responsible breeders do not sell their puppies over the Internet and ship them to buyers they've never met. Learn how mills bamboozle potential pet parents online.

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### Related Blog posts

[Local Puppy Mill Laws on the Rise in NY, but Are Using USDA's Weak Standards](#)  
Tuesday, August 12, 2014

[From Rehab to Recovery: A Puppy Mill Survivor's Incredible Journey \(Part 2 of 2\)](#)  
Monday, July 21, 2014

[July 21 Is No Pet Store Puppies Day](#)  
Friday, July 18, 2014

[From Rescue to Rehab: A Puppy Mill Survivor's Incredible Journey \(Part 1 of 2\)](#)  
Thursday, July 17, 2014

[43 Saved - Thousands to Go](#)  
Wednesday, July 16, 2014

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## Chapter 297

(Senate Bill 839)

AN ACT concerning

### Counties – Kennel Licenses – Requirements for Breeders

FOR the purpose of requiring a certain person to obtain a kennel license under certain circumstances; requiring each county to collect and maintain certain information for each kennel license issued; requiring each county to report certain information to the Department of Labor, Licensing, and Regulation on or before a certain date each year; authorizing a county to establish additional kennel license fees to cover certain costs; providing for the construction of this Act; and generally relating to kennel license requirements.

BY repealing and reenacting, with amendments,  
Article 24 – Political Subdivisions – Miscellaneous Provisions  
Section 11–501(a)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

BY adding to  
Article 24 – Political Subdivisions – Miscellaneous Provisions  
Section 11–501(a–1)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### Article 24 – Political Subdivisions – Miscellaneous Provisions

11–501.

(a) Except in Calvert County, Carroll County, Cecil County, Montgomery County, Howard County, Talbot County, and Washington County, on or before the first day of July of each year, the owner of any dog, six months old or over, shall apply either orally or in writing, to the county treasurer or to the tax collecting officer in said county for a license for each such dog owned or kept by him, and such application shall be accompanied by a fee of one dollar (\$1.00) for each male dog or each spayed female dog, and a fee of two dollars (\$2.00) for each unspayed female dog, and provided that kennel license shall be issued for ten dollars (\$10.00) to persons owning or keeping not in excess of twenty–five dogs and that a kennel license fee of twenty dollars (\$20.00) shall be issued to persons keeping more than twenty–five dogs. [The] EXCEPT AS

**PROVIDED IN SUBSECTION (A-1) OF THIS SECTION, THE** said license or fee shall be the only license or tax required for the ownership or keeping of said dog or dogs. Such license shall be issued on a form prepared and supplied by the county commissioners. Such license shall be dated and numbered, and shall contain a description of the dog licensed. Except in Calvert County, Carroll County, Cecil County, Montgomery County, Howard County, Talbot County, and Washington County, all licenses shall be void upon the first day of July of the following year. The county commissioners shall also furnish, and the county treasurer, or tax collecting officer issuing the license, shall issue, with each license, a metal tag. Such tag shall be affixed to a substantial collar. The collar shall be furnished by the owner, and with the tag attached shall at all times be kept on the dog for which the license is issued, except when confined in the kennel or when hunting in charge of an attendant.

**(A-1) (1) THIS SUBSECTION APPLIES IN ALL COUNTIES.**

**(2) NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS SECTION, A PERSON SHALL OBTAIN A KENNEL LICENSE FROM THE LOCAL LICENSING AGENCY IF THE PERSON:**

**(I) OWNS OR HAS CUSTODY OF ~~10~~ 15 OR MORE UNSPAID FEMALE DOGS OVER THE AGE OF 6 MONTHS KEPT FOR THE PURPOSE OF BREEDING THE DOGS AND SELLING THEIR OFFSPRING; AND**

**(II) ~~INTENDS TO BREED ANY OF THE DOGS AND SELL ANY OFFSPRING~~ SELLS DOGS FROM SIX OR MORE LITTERS IN A YEAR.**

**(3) EACH COUNTY SHALL COLLECT AND MAINTAIN A RECORD OF THE FOLLOWING INFORMATION FOR EACH KENNEL LICENSE ISSUED IN THE COUNTY:**

**(I) NAME OF THE LICENSEE;**

**(II) ADDRESS OF THE LICENSEE;**

**(III) NUMBER OF DOGS MAINTAINED BY THE LICENSEE; AND**

**(IV) NUMBER OF PUPPIES SOLD BY THE LICENSEE IN THE PRECEDING YEAR; ~~AND~~**

**~~(V) SALES TAX IDENTIFICATION NUMBER OF THE LICENSEE, IF APPLICABLE.~~**

**(4) ON OR BEFORE JANUARY 15 OF EACH YEAR, EACH COUNTY SHALL REPORT TO THE DEPARTMENT OF LABOR, LICENSING, AND**

**REGULATION THE INFORMATION COLLECTED UNDER PARAGRAPH (3) OF THIS SUBSECTION FOR THE PRECEDING YEAR.**

**(5) A COUNTY MAY ESTABLISH ADDITIONAL KENNEL LICENSE FEES TO COVER THE COST OF COLLECTING, MAINTAINING, AND SUBMITTING THE RECORDS AND REPORTS REQUIRED BY PARAGRAPHS (3) AND (4) OF THIS SUBSECTION.**

**(6) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY FROM ENACTING MORE STRINGENT KENNEL LICENSING ORDINANCES.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

**Approved by the Governor, May 10, 2011.**

## Chapter 215

(House Bill 131)

AN ACT concerning

### Retail Pet Stores – Sales of Dogs – Required Records, Health Disclosures, and Purchaser Remedies

FOR the purpose of requiring a retail pet store that sells dogs to post conspicuously on each dog's cage certain information about the dog; requiring a retail pet store to maintain a written record that contains certain information about each dog in the possession of the retail pet store; requiring a retail pet store to maintain a certain record for a certain period of time after the date of sale of a dog; requiring a retail pet store to make certain records available to certain persons and the ~~Department of Labor, Licensing, and Regulation~~ Division of Consumer Protection of the Office of the Attorney General under certain circumstances; requiring a retail pet store to provide a certain written ~~health disclosure information~~ information to a purchaser; providing that it is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act for a retail pet store to include any false or misleading statements in a certain certificate or record; authorizing a purchaser of a dog to seek certain remedies for certain health problems under certain circumstances; requiring a purchaser seeking a remedy under this Act to provide ~~certain notice and information to a~~ certain written statement to the owner or operator of the retail pet store ~~and to take the dog for certain examinations on request; requiring a certain statement by a veterinarian to contain certain information; establishing criteria for certain veterinary fees to be considered reasonable; requiring the owner or operator of a retail pet store to make a certain reimbursement within a certain period of time; providing that a purchaser is not entitled to a remedy under this Act under certain circumstances; authorizing a retail pet store to contest a remedy under this Act in a certain manner; authorizing a contested remedy to be resolved in a certain manner; authorizing a court or arbiter to require a party acting in bad faith to pay reasonable attorney's fees and court costs of the adverse party; requiring a retail pet store to conspicuously post a certain notice of purchaser's rights under this Act; requiring a retail pet store to provide a written notice of purchaser's rights under this Act at a certain time in a certain manner; requiring a retail pet store that makes a certain representation related to a dog's registration to provide a certain notice to a purchaser at the time of the sale in a certain manner; prohibiting a retail pet store from making certain statements, promises, or representations related to a dog's registration unless the retail pet store provides certain documents to the purchaser within a certain period of time; authorizing a purchaser to seek a certain remedy if a retail pet store does not provide certain documents under certain circumstances; establishing ~~civil penalties for a first or subsequent~~ that a violation of this Act is~~

an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; establishing that this Act does not limit certain rights or remedies, the ability to agree to certain additional terms and conditions, or the ability of the State or a local government to prosecute a retail pet store for any other violation of laws; making certain conforming changes; providing for the application of this Act; defining certain terms; and generally relating to required records, health disclosures, and purchase remedies related to dog sales by retail pet stores.

BY adding to

Article – Business Regulation

Section 19-701 through ~~19-708~~ ~~19-709~~ 19-707 to be under the new subtitle  
“Subtitle 7. Retail Pet Stores”

Annotated Code of Maryland

(2010 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, with amendments,

Article – Commercial Law

Section 13-301(14)(xxvii)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY repealing and reenacting, without amendments,

Article – Commercial Law

Section 13-301(14)(xxviii)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

BY adding to

Article – Commercial Law

Section 13-301(14)(xxix)

Annotated Code of Maryland

(2005 Replacement Volume and 2011 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article – Business Regulation**

**SUBTITLE 7. RETAIL PET STORES.**

**19-701.**

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BREEDER" MEANS A PERSON WHO BREEDS OR RAISES DOGS TO SELL, EXCHANGE, OR OTHERWISE TRANSFER TO THE PUBLIC.

(C) "CLINICALLY ILL" MEANS AN ILLNESS THAT IS APPARENT TO A LICENSED VETERINARIAN BASED ON OBSERVATION, EXAMINATION, OR TESTING OF THE DOG.

(D) (1) "DEALER" MEANS A PERSON WHO, FOR COMPENSATION:

(I) BUYS, SELLS, OR NEGOTIATES THE PURCHASE OF A DOG; OR

(II) DELIVERS FOR TRANSPORT OR TRANSPORTS A DOG.

(2) "DEALER" DOES NOT INCLUDE A PERSON WHO TRANSPORTS A DOG AS A CARRIER ONLY.

(E) "NONELECTIVE SURGICAL PROCEDURE" MEANS A SURGICAL PROCEDURE THAT IS NECESSARY TO PRESERVE OR RESTORE THE HEALTH OF AN ANIMAL OR TO CORRECT A CONDITION THAT WOULD:

(1) INTERFERE WITH THE ANIMAL'S ABILITY TO WALK, RUN, JUMP, OR OTHERWISE FUNCTION IN A NORMAL MANNER; OR

(2) CAUSE PAIN AND SUFFERING TO THE ANIMAL.

(F) "PURCHASER" MEANS ANY PERSON WHO PURCHASES A DOG FROM A RETAIL PET STORE.

(G) "RETAIL PET STORE" MEANS A FOR-PROFIT ESTABLISHMENT OPEN TO THE PUBLIC THAT SELLS OR OFFERS FOR SALE DOMESTIC ANIMALS TO BE KEPT AS HOUSEHOLD PETS.

19-702.

THIS SUBTITLE DOES NOT APPLY TO A BONA FIDE NONPROFIT ORGANIZATION OPERATING WITHIN A RETAIL PET STORE.

19-703.

(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; AND

2. THE FACILITY WHERE THE DOG WAS BORN; AND

~~2.~~ 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.

(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.

(C) A RETAIL PET STORE SHALL MAKE THE RECORDS REQUIRED UNDER SUBSECTION (A)(2) OF THIS SECTION AVAILABLE TO:

(1) ~~THE DEPARTMENT~~ 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.

~~19-703.~~ 19-704.

~~A RETAIL PET STORE SHALL PROVIDE TO A PURCHASER AT THE TIME OF A SALE OF A DOG A WRITTEN DISCLOSURE THAT:~~

~~(1) IS SIGNED AND DATED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER;~~

~~(2) INCLUDES A STATEMENT BY THE RETAIL PET STORE:~~

~~(i) STATING THAT, AT THE TIME OF THE SALE, THE DOG HAS NO KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT ADVERSELY AFFECTS THE HEALTH OF THE DOG OR IS LIKELY TO ADVERSELY AFFECT THE HEALTH OF THE DOG IN THE FUTURE; OR~~

~~(ii) IDENTIFYING ANY KNOWN DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT ADVERSELY AFFECTS THE HEALTH OF THE DOG OR IS LIKELY TO ADVERSELY AFFECT THE HEALTH OF THE DOG IN THE FUTURE; AND~~

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~~(3) IF THE DOG HAS NOT RECEIVED A VETERINARY EXAMINATION, INCLUDES A STATEMENT THAT THE DOG HAS NOT RECEIVED A VETERINARY EXAMINATION BEFORE THE SALE.~~

(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.

(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.

~~19-704.~~ 19-705.

(A) (1) A PERSON WHO PURCHASED A DOG FROM A RETAIL PET STORE IS ENTITLED TO A REMEDY UNDER THIS SECTION IF:

(I) WITHIN ~~21~~ 7 DAYS AFTER THE DATE OF THE SALE, ~~THE~~ THE PERSON HAD THE DOG EXAMINED BY A ~~LICENSED~~ LICENSED 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

(21)

(II) WITHIN ~~1 YEAR~~ 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.

(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 ~~THREE~~ TWO TIMES THE PURCHASE PRICE OF THE DOG.

(2) ~~VETERINARY FEES UNDER PARAGRAPH (1)(III) OF THIS SUBSECTION SHALL BE CONSIDERED REASONABLE IF:~~

~~(I) THE SERVICES PROVIDED ARE APPROPRIATE FOR THE DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION; AND~~

~~(II) THE COST OF THE SERVICES IS COMPARABLE TO THAT CHARGED FOR SIMILAR SERVICES BY OTHER LICENSED VETERINARIANS LOCATED IN CLOSE PROXIMITY TO THE TREATING VETERINARIAN.~~

~~(3)~~ 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 AFTER THE RETAIL PET STORE RECEIVES THE VETERINARIAN'S STATEMENT UNDER SUBSECTION ~~(C)(1)~~ (C) OF THIS SECTION.

(C) ~~(1)~~ TO OBTAIN A REMEDY UNDER THIS SECTION, A PURCHASER SHALL:

~~(I) NOTIFY THE OWNER OR OPERATOR OF THE RETAIL PET STORE WITHIN 3 BUSINESS DAYS AFTER A DIAGNOSIS BY A LICENSED VETERINARIAN OF A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING A REMEDY;~~

~~(H) PROVIDE TO THE OWNER OR OPERATOR OF THE RETAIL PET STORE, WITHIN 5 BUSINESS DAYS AFTER RECEIPT, A WRITTEN STATEMENT FROM A LICENSED VETERINARIAN WITHIN 5 BUSINESS DAYS AFTER A DIAGNOSIS BY THE 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;~~

~~(HI) ON REQUEST OF THE OWNER OR OPERATOR OF THE RETAIL PET STORE, PROMPTLY TAKE THE DOG FOR AN EXAMINATION BY A LICENSED VETERINARIAN CHOSEN BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET STORE;~~

~~(IV) IF THE DOG HAS DIED, ON REQUEST OF THE OWNER OR OPERATOR OF THE RETAIL PET STORE, TAKE THE DECEASED DOG FOR A NECROPSY BY A LICENSED VETERINARIAN CHOSEN BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE, AT THE EXPENSE OF THE RETAIL PET STORE; AND~~

~~(V) IF THE PURCHASER REQUESTS A REIMBURSEMENT OF REASONABLE VETERINARY FEES UNDER SUBSECTION (B)(1)(HI) OF THIS SECTION, PROVIDE TO THE RETAIL PET STORE AN ITEMIZED BILL FOR THE DIAGNOSIS AND TREATMENT OF THE DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION OF THE DOG FOR WHICH THE PURCHASER IS SEEKING A REMEDY.~~

~~(2) A VETERINARIAN'S STATEMENT UNDER PARAGRAPH (1)(H) OF THIS SUBSECTION SHALL INCLUDE:~~

- ~~(I) THE PURCHASER'S NAME AND ADDRESS;~~
- ~~(II) A STATEMENT THAT THE VETERINARIAN EXAMINED THE DOG;~~
- ~~(III) THE DATE OR DATES ON WHICH THE DOG WAS EXAMINED;~~

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~~(IV) THE BREED AND AGE OF THE DOG, IF KNOWN;~~

~~(V) A STATEMENT THAT THE DOG HAS OR HAD A DISEASE, ILLNESS, OR CONGENITAL OR HEREDITARY CONDITION THAT IS SUBJECT TO A REMEDY; AND~~

~~(VI) THE FINDINGS OF THE EXAMINATION OR NECROPSY, INCLUDING LABORATORY RESULTS OR COPIES OF THE RESULTS.~~

(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; ~~OR~~

~~(4) THE PURCHASER DOES NOT RETURN TO THE RETAIL PET STORE ALL DOCUMENTS PROVIDED TO THE PURCHASER TO REGISTER THE DOG.~~

~~(E) (1) A RETAIL PET STORE MAY CONTEST A REMEDY UNDER THIS SECTION BY HAVING THE DOG EXAMINED BY A LICENSED VETERINARIAN AT THE EXPENSE OF THE RETAIL PET STORE.~~

~~(2) IF THE PURCHASER AND THE RETAIL PET STORE HAVE NOT REACHED AN AGREEMENT WITHIN 10 BUSINESS DAYS AFTER THE EXAMINATION OF THE DOG BY THE VETERINARIAN CHOSEN BY THE RETAIL PET STORE;~~

~~(I) THE PURCHASER MAY BRING SUIT IN A COURT OF COMPETENT JURISDICTION TO RESOLVE THE DISPUTE; OR~~

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~~(H) IF THE PARTIES AGREE IN WRITING, THE PARTIES MAY SUBMIT THE DISPUTE TO BINDING ARBITRATION.~~

~~(3) IF THE COURT OR ARBITER FINDS THAT EITHER PARTY ACTED IN BAD FAITH IN SEEKING OR DENYING THE REQUESTED REMEDY, THE OFFENDING PARTY MAY BE REQUIRED TO PAY REASONABLE ATTORNEY'S FEES AND COURT COSTS OF THE ADVERSE PARTY.~~

~~19-705.19-706.~~

~~(A) A RETAIL PET STORE THAT SELLS DOGS SHALL CONSPICUOUSLY POST A NOTICE STATING THAT PURCHASERS OF DOGS HAVE SPECIFIC RIGHTS UNDER THE LAW AND THAT A WRITTEN STATEMENT OF THOSE RIGHTS IS AVAILABLE ON REQUEST.~~

~~(B) (1) AT THE TIME OF A SALE OF A DOG OR ON REQUEST OF A PROSPECTIVE PURCHASER, A RETAIL PET STORE SHALL PROVIDE A WRITTEN NOTICE OF PURCHASER'S RIGHTS UNDER THIS SUBTITLE.~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~19-706.19-707.~~

~~(A) (1) A RETAIL PET STORE THAT REPRESENTS THAT A DOG SOLD BY THE RETAIL PET STORE IS REGISTERED OR REGISTRABLE SHALL PROVIDE THE PURCHASER WITH A WRITTEN NOTICE AT THE TIME OF THE SALE THAT STATES: "A PEDIGREE OR REGISTRATION DOES NOT ASSURE PROPER BREEDING CONDITION, HEALTH, QUALITY, OR CLAIMS TO LINEAGE."~~

~~(2) AT THE TIME A WRITTEN NOTICE IS PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE NOTICE SHALL BE SIGNED BY THE OWNER OR OPERATOR OF THE RETAIL PET STORE AND THE PURCHASER.~~

~~(B) (1) A RETAIL PET STORE MAY NOT STATE, PROMISE, OR REPRESENT TO A PURCHASER, DIRECTLY OR INDIRECTLY, THAT A DOG IS REGISTERED OR REGISTRABLE UNLESS THE RETAIL PET STORE PROVIDES THE PURCHASER WITH THE DOCUMENTS NECESSARY FOR REGISTRATION WITHIN 120 DAYS AFTER THE DATE OF SALE.~~

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~~(2) IF THE RETAIL PET STORE DOES NOT PROVIDE THE DOCUMENTS AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE PURCHASER MAY:~~

~~(I) PROVIDE WRITTEN NOTICE TO THE RETAIL PET STORE OF THE PURCHASER'S INTENT TO SEEK A REMEDY AUTHORIZED IN ITEM (H) OF THIS PARAGRAPH; AND~~

~~(H) 1. RETURN THE DOG AND ALL ACCOMPANYING DOCUMENTATION TO THE RETAIL PET STORE FOR A FULL REFUND OF THE PURCHASE PRICE; OR~~

~~2. RETAIN THE DOG AND BE REIMBURSED BY THE RETAIL PET STORE FOR 50% OF THE PURCHASE PRICE.~~

~~19-707. 19-708. 19-706.~~

~~AN OWNER OR OPERATOR OF A RETAIL PET STORE THAT VIOLATES THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY NOT EXCEEDING:~~

~~(1) \$500 FOR A FIRST OFFENSE; OR~~

~~(2) \$1,000 FOR EACH SUBSEQUENT OFFENSE.~~

A VIOLATION OF THIS SUBTITLE:

(1) IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE WITHIN THE MEANING OF TITLE 13 OF THE COMMERCIAL LAW ARTICLE; AND

(2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS CONTAINED IN TITLE 13 OF THE COMMERCIAL LAW ARTICLE.

~~19-708. 19-709. 19-707.~~

NOTHING IN THIS SUBTITLE LIMITS:

(1) THE RIGHTS OR REMEDIES OTHERWISE AVAILABLE TO A PURCHASER;

(2) THE ABILITY OF THE OWNER OR OPERATOR OF A RETAIL PET STORE AND PURCHASER TO AGREE TO ADDITIONAL TERMS AND CONDITIONS THAT DO NOT IMPAIR THE RIGHTS GRANTED TO A PURCHASER UNDER THIS SUBTITLE; OR

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(3) THE ABILITY OF THE STATE OR A LOCAL GOVERNMENT TO PROSECUTE THE OWNER OR OPERATOR OF A RETAIL PET STORE FOR ANY OTHER VIOLATION OF LAW.

Article - Commercial Law

13-301.

Unfair or deceptive trade practices include any:

(14) Violation of a provision of:

(xxvii) Section 7-405(e)(2)(ii) of the Health Occupations  
Article; [or]

(xxviii) Title 12, Subtitle 10 of the Financial Institutions  
Article; or

(XXIX) TITLE 19, SUBTITLE 7 OF THE BUSINESS  
REGULATION ARTICLE; OR

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 2, 2012.

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[Print](#)

## COMCOR - Code of Montgomery County Regulations

### COMCOR 05.404.01 Standards for Animal Business Licenses

#### 05.404.01.01 Pet Shops, Commercial Kennels.

The following standards for Pet Shops and Commercial Kennels are adopted under Section 5-404 (a)(1 and 2); Animal Business Licensing; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended.

##### A. License Requirements:

1. A person, association or corporation must not provide services for a fee without an annual license from the Division.
2. A license issued shall expire on June 30 of each year unless earlier suspended or revoked. A license issued shall be prominently displayed at all times in the establishment for which it is issued.
3. The holder of any expiring license desiring a new annual license to be effective on the expiration of the existing license must, not less than 30 days nor more than 60 days before the expiration of the existing license, file a written application for renewal with the animal control officer. The applicant must complete the form provided and pay the annual renewal fee. The animal control officer must notify the license holder at least 60 days before a license expires. Before a license is issued, the applicant must be inspected and approved for the following:

##### B. Minimum Standards for the Housing and Care of Animals Generally.

1. *Bedding.* There shall be sufficient clean, dry bedding to meet the needs of each individual animal.
2. *Cages.* All cages are to be constructed of a non-absorbent, nonporous material. All cages, except bird cages, shall have floors of either solid construction or woven wire mesh construction or any combination thereof. Cages having woven or wire mesh floors may be used to confine or display animals, provided that the spaces between the wire mesh or weave are smaller than the pads of the feet of the animals confined therein. Cages having wire construction shall be constructed of wire which is of sufficient height to permit every animal confined therein to stand normally to its full height and to turn.
3. *Death Records.* Every licensed facility shall keep a permanent record of the deaths of any warm blooded animals, excluding rodents, under its control. Such record shall state the species of the deceased animal, the date and cause of death, if known (this standard does not apply to Commercial Kennels).
4. *Disease or illness.* Any animal which exhibits symptoms of disease or illness shall be separated to the greatest extent possible from other healthy animals. Any animal

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confined for either diagnostic observation or treatment of disease or illness shall likewise be separated from healthy animals. No animal which is known to have or may reasonably be suspected of having a disease contagious or communicable to humans may be offered for sale by any duly licensed pet shop or kennel.

5. *Drinking water.* Fresh water shall be available to all animals and replaced whenever necessary during each day, including Sundays and holidays.

6. *Feeding.* All animals requiring the daily intake of food shall be fed at least once each twenty-four hour period, including Sundays and holidays. The type of food provided shall be appropriate for each particular species and shall be of sufficient nutritive content for the health and well-being of the species.

7. *Hot water.* There shall be available for cleaning and sanitation, at pet shops and commercial kennels, a sufficient supply of hot running water at a minimum temperature of one hundred sixty (160) degrees Fahrenheit.

8. *Sanitation.* All areas of confinement, display areas, storage areas and sales areas shall be maintained in a rodent-proof and sanitary condition. These areas shall be cleaned and disinfected regularly as conditions warrant it. All cages shall be cleaned and disinfected daily. Feed and water dishes shall be emptied and sanitized at least once daily, including Sundays and holidays.

9. *Separation of animals by species.* Animals except fish of different species may not be confined or displayed in the same cage.

10. *Surgery.* No employee or keeper or other person who is not a licensed veterinarian may crop ears, dock tails or perform any type of animal surgery.

11. *Temperature control.* Room temperature shall be maintained at a level which is appropriate and healthful for each particular species of animal contained therein. It shall be unlawful for any establishment to harbor any animal, bird, or other creature requiring for its health special atmospheric conditions or air temperature unless the appropriate conditions or temperature is maintained in the room in which the animal, bird or other creature is confined.

12. *Treatment.* All animals exhibiting symptoms of illness or disease shall be examined and appropriately treated by a licensed veterinarian. If required, diseased animals shall be humanely destroyed under the supervision of a licensed veterinarian.

13. *Ventilation.* All rooms in which animals are displayed or confined shall either be connected to an outside ventilating system or some other appropriate means of ventilation and air filtration shall be provided.

C. Special provisions as to dogs and cats.

1. No more than two (2) adult dogs or cats may be confined or displayed in the same cage.

2. Infant animals may not be confined or displayed in the same cage with adult animals other than their dam.

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3. Pugnacious or vicious animals shall be isolated from other animals.
4. Dogs which have been weaned shall be taken from cages and allowed to exercise at least twice daily, including Sundays and holidays.
5. Dogs and cats under four (4) months old shall be fed at least twice each twenty-four hour period, including Sundays and holidays.
6. Dogs and cats under the age of eight (8) weeks may not be displayed or offered for sale.
7. Unaltered animals of different sex shall not be housed in the same cage.

D. Pet Shops — Special provisions as to simians, birds, fish and turtles.

1. *Simians*. All cages in which simians are confined or displayed shall be at least twice the height of the simians confined therein.

2. *Birds*.

a. Each bird cage shall contain at least two (2) horizontal perches and provide sufficient perch space for every bird confined therein. Perches shall not be aligned vertically.

b. In addition to birdseed and water, each bird cage shall contain an amount of fresh gravel needed for digestion sufficient for the number of birds contained therein.

c. Parrots and other large birds shall not be confined or displayed in a cage with smaller birds.

3. *Fish*. The water temperature in a fish tank shall be maintained at a constant level appropriate for the fish confined therein. If necessary, for purposes of health or sanitation, fish tanks shall be equipped with an efficient circulating pump and filter.

4. *Turtles*.

a. Cages or tanks in which turtles of the amphibious type are confined must contain an amount of water sufficient for each turtle to eat and moisten itself.

b. The floor area of tanks in which turtles are confined must contain a dry area sufficient for each turtle contained therein.

c. The shells of turtles shall not be painted or carved nor shall decals be affixed thereto.

**05.404.01.02 Dog and Cat Fanciers.**

The following standards for Dog and Cat Fanciers are adopted under Section 5-404(a) (3); Animal Business Licensing; Chapter 5, Animal Control; Montgomery County Code, 1999, as amended.

Requirements:

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E. A license for a Benevolent Organization will not be issued or renewed by the animal control officer until an inspection is completed by the Division of the areas animals are housed. For purposes of this subsection, the Division may accept the results of an inspection conducted by a County contractor applying the Division's inspection standards if the Benevolent Organization is a subcontractor to the County contractor. The Division may inspect a licensed organization at any time and should inspect each organization at least once every three years.

F. If an organization can be defined as both benevolent and one or more other licensing categories, then the organization must meet the requirements for both licenses.

(Administrative History: Reg. No. 18-99AM (Method 2); Orig. Dept.: Police; Supersedes: Regulation No. 40-93)

**COMCOR 05.404.03 Commercial Kennel License Fees**

**05.404.03.01**

The following annual Commercial Kennel License fees are adopted under Section 5-67(b); Required, fee, issuance; Article VII; Pet Shops, Kennels and Riding Facilities; Chapter 5, Animal Control; Montgomery County Code, 1992, as amended:

Kennels owning or keeping 25 or fewer animals     \$ 75.00

Kennels owning or keeping 26 or more animals     \$125.00

(Administrative History: Reg. No. 33-93 (Method 2); Orig. Dept.: Police; Supersedes: Reg. No. 39- 92)

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National Issues

State & Local Issues

- Animal Welfare
- Dog Bite Prevention
- Euthanasia
- Non-economic Damages
- Ownership vs. Guardianship
- Pharmacy and Vaccination
- Practice & Business
- Scope of Practice
- Resources
- State VMAs
- State Legislative Updates
- State Animal Health Officials

AVMAPAC

AVMA Congressional Advocacy Network

Advocacy Tools

State Advocacy Issue

## Pet Purchase Protection Laws

Last updated June 2014

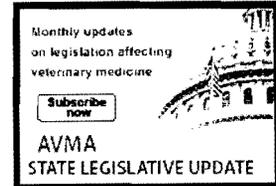
AVMA is aware of 21 states that have lemon laws that provide legal recourse to people who purchase animals from pet dealers, later found to have a disease or defect. The following chart lists key provisions of these so-called "lemon laws."

The amount of time that a purchaser has to make a claim ranges anywhere from 7 to 21 days for illness and disease and 10 days to 2 years for congenital or hereditary conditions.

Common remedies include replacement of the animal, a refund of the purchase price, and/or reimbursement of veterinary expenses, generally up to the purchase price of the animal.

Note that state consumer protection and law enforcement agencies have the authority to interpret and enforce provisions of state pet purchase protection laws. If you have a question about how a particular state pet purchase protection law applies to individual circumstances, please contact that state agency.

STATE	AMOUNT OF TIME REMEDY IS AVAILABLE	REMEDIES
Arizona	15 days for illness, injury or defect  60 days for congenital or hereditary conditions	1. Return for reimbursement of purchase price  2. Replacement and reimbursement for reasonable veterinary fees not to exceed the original purchase price of the animal  3. Retain the animal and receive reimbursement for veterinary bills not to exceed the purchase price
Arkansas	10 days for illness, congenital malformation, contagious, or infectious disease	1. Reimbursement of veterinary expenses to treat the dog up to the purchase price of the dog
California	15 days for illness or disease  1 year for congenital or hereditary defects	1. Replacement plus reimbursement for veterinary expenses related to diagnosis and treatment, up to the purchase price of the dog  2. Refund of purchase price plus reimbursement for veterinary expenses up to the purchase price of the dog  3. Reimbursement of veterinary expenses up to 150% of the purchase price of the dog



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Connecticut	<p>20 days for illness existing at the time of sale</p> <p>6 months for congenital defects</p>	<p>1. Reimbursement of the value of the actual services and medications provided to such dog or cat by a veterinarian for the treatment of such illness or congenital defect. Reimbursement shall not exceed (i) the full purchase price of such dog or cat for any dog or cat purchased for five hundred dollars or more, and (ii) five hundred dollars for any dog or cat purchased for less than five hundred dollars.</p> <p>2. Replacement</p> <p>3. Refund of full purchase price</p>
Delaware	<p>20 days for illness, disease or defect</p> <p>2 years for congenital or hereditary conditions</p>	<p>1. Return and refund of purchase price plus reasonable veterinary fees not to exceed the purchase price</p> <p>2. Exchange and reimbursement for reasonable veterinary fees not to exceed the purchase price</p> <p>3. Retain the animal and receive reimbursement for reasonable veterinary fees not to exceed the purchase price</p>
Florida	<p>14 days for illness, contagious or infectious disease</p> <p>1 year for congenital or hereditary defects</p> <p>1 year for misrepresentation of breed, sex, or health of animal</p>	<p>1. Replacement plus reimbursement for veterinary expenses (directly related to examination and certification) up to the purchase price</p> <p>2. Refund plus reimbursement for veterinary expenses (directly related to examination and certification) up to the purchase price</p> <p>3. Reimbursement of veterinary expenses to treat the dog up to the purchase price of the dog</p>
Illinois	<p>21 days due to:</p> <p>(A) illness or disease, the presence of symptoms of a contagious or infectious disease, or obvious signs of severe parasitism that are extreme enough to influence the general health of the animal, excluding fleas or ticks</p> <p>(B) the dog or cat has died from a disease that existed in the dog or cat on or before the date of delivery to the customer</p> <p>One year due to:</p> <p>congenital or hereditary condition that adversely affects the health of the dog or cat or requires either hospitalization or a non-elective surgical</p>	<p>1. Return the dog or cat to the pet shop for a full refund of the purchase price;</p> <p>2. Exchange the dog or cat for another dog or cat of comparable value chosen by the customer;</p> <p>3. Retain the dog or cat and be reimbursed for reasonable veterinary fees for diagnosis and treatment of the dog or cat, not to exceed the purchase price of the dog or cat; or</p> <p>4. If the dog or cat is deceased, be reimbursed for the full purchase price of the dog or cat plus reasonable veterinary fees associated with the diagnosis and treatment of the dog or cat, not to exceed 2 times the purchase price of the dog or cat</p>

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	<p>procedure or has died of a congenital or hereditary condition. Internal or external parasites may not be considered to adversely affect the health of the dog unless the presence of the parasites makes the dog or cat clinically ill</p>	<p><b><i>***Please note this law applies only to purchases from pet shops***</i></b></p>
Maine	<p>10 days for health problems existing before purchase</p> <p>1 year for hereditary or congenital defects</p>	<p>If death occurs:</p> <ol style="list-style-type: none"> <li>1. replacement</li> <li>2. refund of purchase price</li> </ol> <p>If the animal does not die:</p> <ol style="list-style-type: none"> <li>1. return for full refund of purchase price</li> <li>2. exchange</li> <li>3. retain and reimbursement for ½ of reasonable veterinary fees not to exceed ½ of the original purchase price</li> </ol>
Massachusetts	<p>14 days for disease or congenital disorder</p>	<ol style="list-style-type: none"> <li>1. Replacement</li> <li>2. Refund</li> </ol>
Minnesota	<p>10 days for health problem</p> <p>1 year for congenital or hereditary defects or misrepresentation of breed</p>	<p>If death occurs:</p> <ol style="list-style-type: none"> <li>1. Replacement and reimbursement for reasonable veterinary fees up to the purchase price</li> <li>2. Refund of full purchase price</li> </ol> <p>If the animal does not die:</p> <ol style="list-style-type: none"> <li>1. Replacement</li> <li>2. Refund of full purchase price</li> <li>3. Reimbursement for reasonable veterinary fees up to the purchase price of the animal</li> </ol>
Nebraska	<p>The law requires a purchaser to have the pet examined by a licensed veterinarian within 7 business days after delivery of the animal</p> <p>Remedy is available for:</p> <p>7 days for serious health problems that the veterinarian believes existed at the time of delivery of the pet</p> <p>15 months after the date of birth of the pet for serious health problems or if the animal has died from a serious health problem that existed at the time of delivery to the purchaser</p>	<ol style="list-style-type: none"> <li>1. A refund of the full purchase price upon return of the animal to the seller</li> <li>2. an exchange for a pet animal of purchaser's choice of equivalent value <i>or</i></li> <li>3. Reimbursement for reasonable veterinary fees, not to exceed the full purchase price</li> </ol> <p>If the animal does not die:</p> <ol style="list-style-type: none"> <li>1. refund of the full purchase price <i>or</i></li> <li>2. a pet of the purchaser's choice of equivalent value and reimbursement for reasonable veterinary fees not to exceed one-</li> </ol>

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	Serious health problem means a congenital or hereditary defect or contagious disease that causes severe illness or death but does not include parvovirus if the diagnosis is made after the seven business day requirement or any other contagious disease that causes severe illness or death ten calendar days after delivery of the pet animal to the purchaser.	half of the full purchase price of the pet animal
Nevada	10 days for illness, disease, terminal condition, or condition requiring immediate hospitalization or surgery	<ol style="list-style-type: none"> <li>1. Refund of purchase price</li> <li>2. Exchange</li> <li>3. Retain the animal and receive reimbursement in an amount not to exceed the purchase price of the pet, for expenses incurred for veterinary fees</li> </ol>
New Hampshire	14 days for disease	<ol style="list-style-type: none"> <li>1. Replacement within 2 business days of veterinary examination</li> <li>2. Refund of full purchase price within 2 business days of veterinary examination</li> </ol>
New Jersey	<p>14 days if animal becomes sick or dies of a non-congenital condition</p> <p>6 months for congenital or hereditary defects</p>	<p>If death occurs:</p> <ol style="list-style-type: none"> <li>1. Refund of purchase price of animal</li> <li>2. Replacement plus the cost of veterinary fees</li> </ol> <p>If the animal does not die:</p> <ol style="list-style-type: none"> <li>1. Replacement plus the cost of veterinary fees</li> <li>2. Refund of purchase price plus the cost of veterinary fees</li> <li>3. Reimbursement of veterinary fees incurred and future veterinary fees to be incurred in attempting to cure the animal</li> </ol>
New York	<p>14 days for illness, contagious or infectious disease</p> <p>180 days if a licensed veterinarian certifies such animal to be unfit for purchase due to a congenital malformation which adversely affects the health of the animal</p>	<ol style="list-style-type: none"> <li>1. Replacement plus the cost of veterinary fees directly related to certification that animal is unfit for purchase</li> <li>2. Right to return the animal and receive an exchange animal of the consumer's choice of equivalent value and reasonable veterinary costs directly related to the veterinarian's certification that the animal is unfit for purchase</li> <li>3. Reimbursement of veterinary fees for curing or attempting to cure the animal, up to the purchase price</li> </ol>
Oregon	15 days if the purchaser has the dog examined by	<ol style="list-style-type: none"> <li>1. Refund</li> </ol>

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	<p>a veterinarian and the examination reveals that the dog is diseased</p> <p>One year if the purchaser has the dog examined by a veterinarian and the examination reveals that the dog has a congenital disorder that significantly limits the dog's quality of life.</p> <p>In order to receive a remedy, the purchaser must notify the dealer within 4 days of the veterinary examination</p>	<p>2. Replacement; or</p> <p>3. Reimbursement of veterinary costs up to the purchase price of the animal</p>
Pennsylvania	<p>10 days if the dog is clinically ill or dies from contagious or infectious disease or parasitic illness</p> <p>30 days for congenital or hereditary defects</p>	<p>1. Replacement</p> <p>2. Refund of purchase price</p> <p>3. Reimbursement of reasonable veterinary fees incurred in curing or attempting to cure the dog, up to the purchase price</p>
Rhode Island	<p>20 days for illness, disease or other defect</p> <p>2 years for congenital or hereditary condition</p>	<p>1. Return for purchase price plus veterinary fees up to the purchase price</p> <p>2. Exchange plus reimbursement of veterinary fees up to the purchase price</p> <p>3. Retain the animal and receive reimbursement of veterinary fees up to the original purchase price</p>
South Carolina	<p>14 days if certified unfit for purchase due to non-congenital cause or condition</p> <p>6 months for congenital or hereditary disease</p>	<p>If death occurs within 14 days of possession by purchaser:</p> <ol style="list-style-type: none"> <li>1. Refund</li> <li>2. Replacement plus reimbursement of veterinary fees incurred before death</li> </ol> <p>If the animal does not die:</p> <ol style="list-style-type: none"> <li>1. Replacement plus the cost of veterinary fees up to 50% of the purchase price</li> <li>2. Refund plus the cost of veterinary fees up to 50% of the purchase price</li> <li>3. Reimbursement of veterinary fees up to 50% of the purchase price</li> </ol>
Vermont	<p>7 days for illness or contagious or infectious disease</p> <p>1 year for congenital malformation or hereditary disease</p>	<p>1. Return with a full refund including tax and reasonable veterinary fees.</p> <p>2. Return and exchange for an animal of equivalent value and reimbursement of reasonable veterinary costs</p> <p>3. Reimbursement of veterinary fees related to</p>

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		curing or attempting to cure the animal, up to the purchase price
Virginia	<p>10 days for contagious or infectious disease</p> <p>10 days for congenital or hereditary disease</p> <p>14 days for parvovirus</p>	<p>1. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and receive a refund of the purchase price including sales tax; or</p> <p>2. The right to return the animal or, in the case of an animal that has died, to present the veterinary certification, within three business days of certification and to receive an exchange animal of equivalent value from the dealer, subject to the choice of the consumer; or</p> <p>3. In the case of an animal purchased from a pet shop or a USDA licensed dealer, the right to retain the animal and to receive the reimbursement of veterinary fees in an amount up to the purchase price of the animal, including sales tax and the cost of the veterinary certification, incurred up to the time the consumer notifies the pet dealer of the intent to keep the animal. Such notification shall occur within three business days of certification. Veterinary costs incurred by the consumer after such notification shall be the responsibility of the consumer.</p>

Source: Staff research, AVMA State Legislative and Regulatory Department  
 Contact: State Policy Analyst, AVMA State Legislative and Regulatory Department



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Puppy mills are large-scale canine commercial breeding establishments (CBEs) where puppies are produced in large numbers and dogs are kept in inhumane conditions for commercial sale. That is, the dog breeding facility keeps so many dogs that the needs of the breeding dogs and puppies are not met sufficiently to provide a reasonably decent quality of life for all of the animals. Although the conditions in CBEs vary widely in quality, puppy mills are typically operated with an emphasis on profits over animal welfare and the dogs often live in substandard conditions, housed for their entire reproductive lives in cages or runs, provided little to no positive human interaction or other forms of environmental enrichment, and minimal to no veterinary care.

This report reviews the following:

- What Makes a Breeding Facility a “Puppy Mill”?
- How are Puppies from Puppy Mills Sold?
- How Many Puppies Come from Puppy Mills?
- Mill Environment Impact on Dog Health
- Common Ailments of Puppies from Puppy Mills
- Impact of Resale Process on Puppy Health
- How Puppy Buyers are Affected
- Impact on Animal Shelters and Other Organizations
- Conclusion
- References

### **What Makes a Breeding Facility a “Puppy Mill”?**

#### **Emphasis on Quantity not Quality**

Puppy mills focus on quantity rather than quality. That is, they concentrate on producing as many puppies as possible to maximize profits, impacting the quality of the puppies that are produced. This leads to extreme overcrowding, with some CBEs housing 1,000+ dogs (often referred to as “mega mills”). When dogs live in overcrowded conditions, diseases spread easily.

#### **Indiscriminate Breeding**

In puppy mills, dogs are bred early and often. Females are typically bred every cycle, regardless of their health. This continuous breeding can lead to gradually decreasing litter sizes. Then, once a dog’s production wanes, they are usually discarded. In addition, there is often no screening for heritable disorders, resulting in generations of dogs with unchecked hereditary defects. While the puppies produced may come with pedigrees, the pedigree itself is neither an indication of quality nor authenticity (i.e., guarantee of breed).

#### **Continuous Confinement**

Most dogs in puppy mills are subject to constant confinement, with little to no exercise. Breeding dogs at puppy mills might spend their entire lives in indoor cages. Alternatively, some may spend their entire lives outdoors, exposed to the elements. Continuous confinement frequently causes animals to suffer from chronic anxiety, social isolation, inadequate stimulation, and lack of physical exercise.<sup>1,2,3,4,5,6</sup> Long-term

confinement of any animal who cannot be provided with basic care, daily enrichment and exercise without inducing stress, is unacceptable.<sup>7</sup>

### **Lack of Human Contact and Environmental Enrichment**

Continuous confinement results in a lack of human contact and other forms of environmental enrichment. Dogs in puppy mills do not receive treats, toys, basic grooming, and rarely receive exercise. This lack of stimulation can lead to serious behavioral problems and emotional stress.

### **Poor Husbandry**

Many puppy mills have poor sanitation, food, and water. There is usually inadequate waste control, forcing the dogs to be in constant contact with their own feces and urine, as well as the waste of other dogs. Often the water is dirty and/or frozen, and the food is stale and soiled. All of these conditions can harbor microorganisms, spread disease and attract insects and rodents—increasing the risk of disease and cross-contamination. If kept outside, dogs from puppy mills are often not provided adequate protection from the elements.

### **Minimal to No Veterinary Care**

Breeding dogs in puppy mills often suffer from injuries and diseases that go untreated. Injuries and disorders that don't affect a dog's reproductive capabilities are rarely treated. Arguably the worst problem is untreated advanced dental disease, causing infection, pain, and in severe cases the loss of part or all of the mandible and maxilla. In addition, eye and skin diseases are common disorders that are often overlooked and untreated.

Sometimes puppy mills staff practice veterinary medicine without a license. Examples include:

- Performing surgical procedures (e.g., tail docking, ear cropping, dew claw removal, surgical births)
- Giving prophylactic antibiotics
- Attempting to diagnose and treat diseases with prescription medications
- Administering antitussives to mask sounds/signs of illness

A lack of professional veterinary medical care can lead to deadly mistakes when puppies are misdiagnosed, overmedicated, or given an inappropriate medication.

### **How are Puppies from Puppy Mills Sold?**

Puppies from puppy mills are sold through a number of different venues, including:

- Pet stores
- Internet
- Classified ads
  - Newspapers
  - Dog magazines
  - Web site ads
- Flea markets, roadside stands
- Breeder directories

Web sites, advertising, and other promotions can be deceptive. The quality of a web site or advertising material is not indicative of the quality of a facility. Web sites can often be even more misleading, promising “family-raised” puppies which are actually from large commercial breeders.<sup>8</sup>

Breed registries work on an “honor system” (that is, most puppies are registered by mail or on-line). Therefore, there is no guarantee that a registered puppy is the progeny of registered parents. In addition, breed registries provide no guarantee of facility quality or of the puppy’s or the parent dog’s health.

Pet stores need a constant supply of puppies, so they will often deal with large commercial breeding facilities. Although pet stores usually claim their dogs are from “breeders,” a majority of their “breeders” are actually puppy mills.<sup>9,10,11</sup> An HSUS review of records for more than 6,700 puppies shipped to pet stores between 2009 and 2012 found more than *two thirds* of the puppies were shipped by brokers, not breeders.<sup>12</sup>

### **Commercial Breeders: Selling for Resale**

Commercial breeders sell puppies to the pet store trade and others for resale. They are required to be licensed and inspected by the United States Department of Agriculture (USDA) under the Animal Welfare Act (AWA). But licensure does not equal AWA compliance. In response to media coverage and pressure from the public, Congress, animal protection organizations, and others, the USDA Office of Inspector General conducted an audit<sup>13</sup> of the Animal and Plant Health Inspection Service’s (APHIS) Animal Care (AC) unit, which is responsible for enforcing the AWA, focusing on AC’s inspections of problematic dealers.

The audit identified the following major deficiencies with the APHIS’ administration of the AWA:

1. AC’s enforcement process was ineffective against problematic dealers.
2. AC inspectors did not cite or document violations properly to support enforcement actions.
3. APHIS’ new penalty worksheet calculated minimal penalties.
4. APHIS misused guidelines to lower penalties for AWA violators.
5. Some large breeders circumvented the AWA by selling animals over the Internet.

*(continued on next page)*

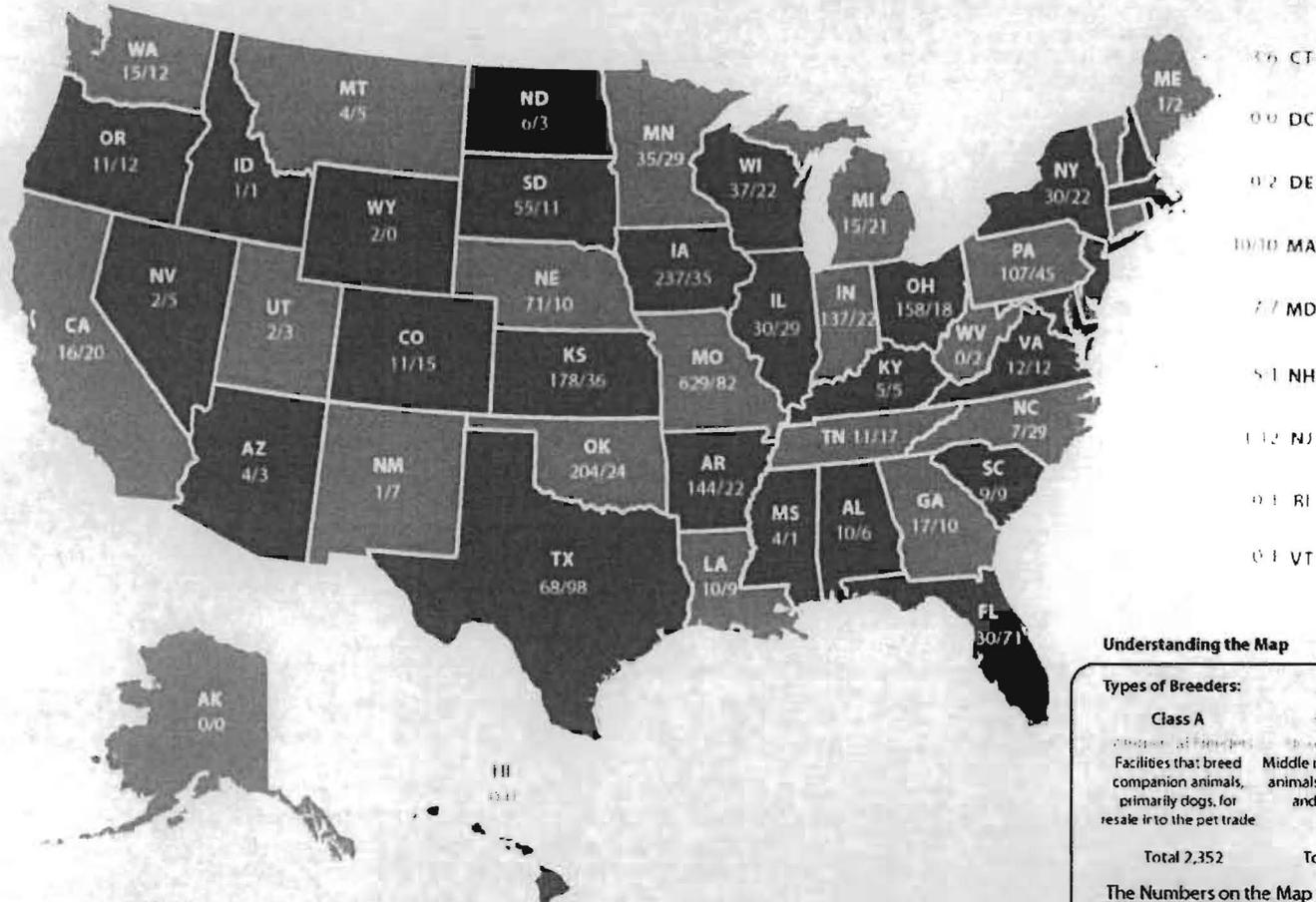
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Map of USDA-Licensed Breeders by State:



Estimate of USDA Licensed Breeders 2013

Based on data published by the United States Department of Agriculture (USDA), January 2013



Understanding the Map

Types of Breeders:

Class A

Facilities that breed companion animals, primarily dogs, for resale into the pet trade

Total 2,352

Class B

Middle men who obtain animals from breeders and then resell.

Total 823

The Numbers on the Map

Class A / Class B

### **Non-Resale Breeders: Selling Directly to the Public**

Non-Resale breeders sell to individual consumers. Few states require licensing or inspection of these breeders and the state inspection programs are often understaffed and ineffective. Although all 50 states have laws that prohibit animal cruelty, they are difficult to enforce because mills operate behind closed doors on private property. There are literally thousands of puppy mills in existence all over the country and most of them are not required to register with any one agency.

### **How Many Puppies Come from Puppy Mills?**

Although precise statistics are difficult to compile since most dog breeders are unregulated, according to estimates by The Humane Society of the United States (HSUS), there are over 10,000 puppy mills in the U.S.,<sup>14</sup> selling approximately 2 million puppies annually.<sup>14</sup>

### **Mill Environment Impact on Dog Health**

#### **Behavioral/Mental Health Issues**

Numerous anecdotal reports have suggested that after removal from CBEs many of the former breeding dogs display persistent behavioral and psychological abnormalities when compared with the general pet dog population. In a landmark study appearing in *Applied Animal Behaviour Science* in 2011,<sup>15</sup> researchers were able to confirm this anecdotal evidence empirically.

The research encompassed more than 1,100 dogs rescued from puppy mills who had been in their new homes an average of 2 years. The dogs were found to have significantly elevated levels of fears and phobias, compulsive and repetitive behaviors, and heightened sensitivity to being touched. Compared to 'normal' pet dogs, the chance of scoring in the highest ranges for fear was six to eight times higher in the dogs recovered from puppy mills. It is the first clear quantitative evidence that dogs confined in CBEs for breeding purposes demonstrate impaired mental health and, as a result, diminished welfare.

One of the researchers, Dr. Franklin McMillan, told *USA Today* "This study gives us strong evidence that the dogs kept in these large-scale breeding facilities don't just suffer while they're confined there, but carry the emotional scars out with them for years, even when they're placed in loving homes."

Another study published in 2013<sup>16</sup> concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores (which commonly obtain puppies from puppy mills).

#### **Spread of Disease**

There is little debate that life in a puppy mill is stressful. This stress decreases the immune response which in turn increases a dog's susceptibility to disease. Overcrowded conditions can cause one sick dog to infect many other dogs relatively quickly and easily. Continuous confinement means dogs are continuously exposed to animal waste. Dirty food and contaminated water can harbor microorganisms. In addition, pest infestations and rodent droppings in the environment contribute to spread of disease. Group housing amplifies all of these effects.

Often, staff of puppy mills respond to the constant threat of disease by using mass-scale drug therapy, sometimes used in lieu of good preventive health care and/or sanitation, and prophylactic antibiotics. As with

breeding livestock, prophylactic antibiotic use on this scale can foster the development of multi-drug-resistant strains of bacteria.

### **Illnesses and Injuries**

According to complaints received by The HSUS, viruses such as Parvovirus, Canine Brucellosis, and Canine Distemper Virus, are all too common diseases incurred by dogs in mills. These puppies are often inflicted with *Bordetella bronchiseptica* (i.e., kennel cough), pneumonia and other respiratory infections. Parasitism from *Giardia canis*, coccidiosis, intestinal parasites (e.g., roundworms, whipworms, hookworms, tapeworms), fleas and mange (skin mites) rank high on the list of common illnesses endured by these dogs.

Injuries also plague puppies from puppy mills. These injuries can range from damaged paw pads to broken jaws. And the lack of grooming and proper hygiene that these dogs endure leads to severe coat matting and foot and nail problems.

### **Negative Impact of Wire Mesh Flooring**

To presumably minimize waste cleanup, dogs are often kept in cages with wire flooring, interfering with normal dog behavior and potentially causing paw and leg injuries. Also, it is not unusual for cages to be stacked up in columns.

#### *Animal Behavior Science Shows Terrestrial Species Prefer Solid Flooring*

Although wire flooring may be preferred by arboreal (tree-living) species such as marmosets, solid flooring is the most appropriate for terrestrial species<sup>17</sup> such as canids. One study demonstrated that foxes were willing to work to gain access from a wire mesh floor to a solid one. On the solid floor, they performed a greater variety and a higher frequency of normal species-specific behaviors such as play, rooting (exploring with their muzzles) and jumping.<sup>18</sup>

#### *Potential Injuries and Illness Caused by Wire Flooring*

By discouraging normal animal behaviors, such as reclining, wire flooring may compromise the health and welfare of animals housed in such systems.<sup>19</sup> Dogs kenneled on wire flooring may remain standing longer because of the discomfort associated with lying down on this material. These dogs may suffer damage to their paw pads from long-term contact with wire under the pressure of their body weight. It can cause painful cuts and cracks to their pads and put the dogs at risk of infection. Dogs splay their paws in order to maintain their balance on wire flooring. Consequently, they can develop painful inter-digital cysts and sores, which can disrupt their normal gait. Nails of the dog kept in these conditions overgrow—often in a curved manner—due to limited contact with solid surfaces. With continued overgrowth, curved nails can become painfully embedded in the paw pads. Long nails also contribute to abnormal gait and can become caught in or around the wire. They may then be partially or completely torn off, causing bleeding and great discomfort.

Kennels must be able to accommodate a wide range of dog sizes—depending on breed, conformation and age—including young puppies. For this reason the size of the wire mesh can be a serious liability; entire paws and even limbs may slip through it. If a dog struggles to pull a limb back through the mesh, it can cause severe lacerations or even unintentional amputation of that limb, as has been evidenced in USDA inspection reports.<sup>20</sup> In a kennel with stacked cages, dogs may injure or mutilate limbs of other dogs housed above or below them.

#### *Other Health and Welfare Issues Associated with Wire Flooring*

Although some states require wire mesh flooring to be vinyl-coated, the vinyl material is not durable and wears off quickly. Without coating the wire is even sharper, more uncomfortable and potentially dangerous.

The wire can also become extremely hot in warm temperatures or in sunlight. In cooler weather, wire mesh flooring allows for increased drafts in kennel cages. It is more difficult for dogs housed in drafty cages to thermo-regulate appropriately. This is particularly true for puppies and other dogs with minimal body mass or fat.

Dogs in kennels with wire flooring may restrict their own activity in an attempt to avoid discomfort. This can lead to obesity and other health problems. The stresses of uncomfortable confinement can foster anxiety, frustration or depression, causing dogs to withdraw, bark frequently, self-mutilate or develop inappropriate repetitive behaviors.

#### *Sanitation Concerns*

If kennels are cleaned regularly and appropriately, solid flooring can be easier to clean more thoroughly than wire flooring. Wire mesh is often used as commercial dog kennel flooring because it is presumed to facilitate cage cleaning. However, dog feces often stick to the mesh material, becoming caked onto the wire. Once this fecal material dries, it is very difficult to remove completely. Feces that do drop through the mesh accumulate on the floor below, attracting flies and other insects. These insects are not only a nuisance to the dogs, but can also pose a health risk to them. Fly strike can result in open wounds and insect bites increase the likelihood of disease transmission. In stacked-cage scenarios, wire mesh flooring amplifies the health risks for the dogs housed below.

#### **Puppy Mill Rescue Examples:**

*Hertford, NC on July 21, 2011<sup>21</sup>*

When 80 dogs were rescued from a puppy mill in Hertford, NC, a veterinarian involved with intake reported that almost 50% of the dogs were afflicted with parasites, 23% suffered from ear infections, 15% suffered from various eye disorders, including keratoconjunctivitis sicca (KCS), a very painful dry eye condition, and all the animals older than 18 months showed evidence of moderate to severe periodontal disease. One of the dogs had such severe dental disease that she required 32 dental extractions, while others had periodontal disease so severe that it led to bone resorption of the mandible (eroded jaw bone). Six dogs suffered from pyoderma (skin disease) secondary to urine-soaked matted fur.

*Stuarts Draft, VA in August 2009<sup>22</sup>*

When more than 100 dogs were removed from a puppy mill in Stuarts Draft, VA, findings from a 200-page state veterinarian report indicated that out of 80 dogs examined, more than 60% of them suffered from a disorder serious enough to require emergency veterinary care, more than 80% suffered from parasites, almost 40% were underweight, more than 35% were suffering from dehydration, and more than 40% were suffering from eye disorders such as conjunctivitis, ocular infections or KCS. Many of the severely underweight or ill dogs were also pregnant, affecting the survivability of their offspring.

#### **Common Ailments of Puppies from Puppy Mills**

An extensive report<sup>23</sup> from The HSUS, summarizing the 2,479 puppy buyer complaints that they received over a five-year period (from 2007-2011), indicated the following as typical complaints of puppies from puppy mills:

Illness .....	40%
<i>(intestinal parasites, pneumonia, parvovirus, ear infections, skin disorders, urinary infections, etc.)</i>	
Congenital defect .....	34%
Death of puppy .....	15%
Temperament issues .....	3%
Returned due to illness .....	2%
Other .....	6%

It should be noted that the complaints received by The HSUS represent only a small fraction of sick puppy complaints nationwide. Some buyers of sick puppies report their complaints directly to the seller, to local animal control, or to a consumer agency such as their local Better Business Bureau, instead of contacting a national group. Many others do not contact anyone at all.

In 2005, the Animal Protection Institute conducted an investigation of California pet shops. From this investigation, a graphic report entitled “Little Shop of Sorrows” was produced: 44% of the locations visited had sick and neglected animals, 32% of the animals were confined in unhealthy, cramped, or crowded conditions and 25% of the animals didn’t even have adequate food or water.<sup>24,25</sup> Because the cost of veterinary consultation and treatment can easily exceed the commercial value of an animal, there is a great incentive for the CBE and/or pet shop owner to deny animals necessary treatment. This means that animals are simply left to suffer or even die from untreated illnesses or injuries.

Because there is often no meaningful screening for heritable disorders, nor are dogs typically removed from the breeding stock if a disorder is identified, some puppies who come from puppy mills are subject to the affliction of heritable and congenital disorders, including:

- Orthopedic problems (e.g., early hip dysplasia, especially in larger breeds and luxating patella, especially in smaller breeds)
- Neurological disorders (often of unknown origin (idiopathic))
- Hepatic disease (e.g., liver shunts)
- Cardiac disease
- Ocular disorders (e.g., entropion)
- Umbilical hernias
- Blood disorders (e.g., von Willebrand’s disease)
- Endocrine disorders (e.g., thyroid abnormalities)
- Allergies

### **Impact of Resale Process on Puppy Health**

Consumer demand for tiny puppies often results in premature separation from mother (sometimes at 5-6 weeks of age, much younger than the recommended weaning age of 8-12 weeks). Often they are then sold to brokers who pack them in crates for resale to pet stores all over the country. Some of the puppies do not survive during this exhausting travel and others may be exposed to diseases during transport. Even if vaccinated for specific diseases, one sick puppy may infect others during the journey because they have yet to receive the full series of vaccinations.

Early separation, exposure to potentially hazardous shipping conditions and the stress of transport all are likely to weaken the immune systems of puppies from puppy mills—making the puppy more susceptible to disease. In addition, there may be a delay in the manifestation of health problems, often not fully evident until a puppy has been sold and is living in a new home.

The Internet is an increasingly common way for consumers to purchase puppies, especially for puppies who come from puppy mills. Until recently, very little information was available about the types of puppies sold via the Internet. In addition, these sales are not subject to United States Department of Agriculture (USDA) regulation. A study published in *Preventive Veterinary Medicine* in 2011,<sup>26</sup> found that breeders who advertise at one of the large-scale puppy sales websites are less knowledgeable about breed-specific health issues compared to a national parent club breeder. These breeders who advertise on the Internet are often less likely to perform these screening tests on their breeding dogs and may breed dogs with undesirable heritable health risks.

In addition, airline shipment in the cargo hold (a primary way in which Internet-purchased puppies are shipped) is especially dangerous for small puppies due to the risk of encountering temperature extremes, diverted flights, layovers, etc. Also puppies can easily become hypoglycemic when not fed regularly during long flights. An example of this kind of tragic event was reported by ABC News in August 2010.<sup>27</sup>

### **How Puppy Buyers are Affected**

Not only are the individual puppies and dogs from puppy mills affected but the puppy buyer is, as well. If the puppy becomes sick, the puppy buyer will have to incur the potentially high veterinary costs to treat the illness. Despite these costly interventions, puppies often die. Puppy buyers are rarely compensated by consumer protection laws, even in states with “puppy lemon” laws. Surviving pups may have lifelong disabilities, resulting in recurrent medical or behavioral issues. In addition, other pets, or people, in the household may also become sick if the disease is contagious to humans. This all has a heavy emotional toll on these guardians.

### **Impact on Animal Shelters and Other Organizations**

The closure of a puppy mill, and the subsequent removal of all of the dogs, can drain the financial resources of a local community, local animal welfare entities, as well as large humane organizations. A report by The HSUS in 2011<sup>28</sup> highlights this economic impact. Examples include:

#### **Vermont Puppy Mill, July 2011**

The HSUS facilitated the removal, emergency sheltering, and initial veterinary care for 58 Labrador retrievers from a puppy mill in Vermont after the operator was charged with animal cruelty. The cost to The HSUS of deploying the Animal Rescue Team, transporting animals, and purchasing animal care supplies and equipment to assist in the removal and initial treatment of the animals was \$52,675—or almost \$1,000 per animal. This cost did not include the salaries of law enforcement and security staff deployed to the scene, the cost of the legal proceedings, or the first 30 days of running the supervised, climate-controlled shelter, which was donated by a local horse farm and partially staffed by unpaid volunteers. The value of sheltering the animals at \$10 per animal per day would have added an additional \$17,400 to the costs, for a total of \$70,075, or more than \$1,200 per animal. Extensive follow-up medical expenses for some of the animals, including some who required amputations and tumor removals, are not included in this estimate.

#### **Washington State Puppy Mill, June 2009**

After a puppy mill owner in Washington state was charged with animal cruelty for harboring sick animals in dilapidated housing, The HSUS facilitated the removal, emergency sheltering, and initial veterinary care for 371 dogs from. Although private citizens reportedly donated approximately \$12,000 to the local sheriff’s department to help care for the dogs, law enforcement authorities reported that the estimated cost of the rescue operation was approximately \$330,000, including the value of services from local veterinarians and clinics for the first 30 days of animal care. Most of the services, however, were provided to the county at no charge by The HSUS.

#### **Tennessee Puppy Mill, June 2008**

The HSUS led the effort to close a Tennessee puppy mill containing 700 dogs. This was done over a period of six days at a cost of approximately \$120,000 to The HSUS. This did not include the financial costs incurred by the local government and the many other groups working with The HSUS, or the costs associated with investigating the facility, filing charges, and the long judicial process. Local animal shelters who received the dogs also expended significant resources processing, spaying/neutering, providing medical treatment, and finding good homes for the animals.

Approximately 50 people (experts and volunteers) a day participated, including numerous local, state, and national humane organizations, while local law enforcement officials handled criminal aspects of the case, as well as the increased traffic and security problems.

In addition to the direct costs of caring for the animals, costs incurred by The HSUS included renting a large building for the temporary shelter, setting up and running the shelter, treating medical issues, and providing housing and meals for shelter workers.

### **Carroll County, Virginia Puppy Mill, October 2008**

In another case in October 2007, a small community in southwestern Virginia was suddenly confronted with the need to care for more than 1,000 dogs after a local puppy breeding facility's conditions were exposed. In a February 2008 letter sent to Delegate Robert Orrock of the state legislature, the County Administrator said:

“We declared a local emergency and took action in establishing Standard Operating Procedures (SOPs) in getting each animal documented, seen by a veterinarian, setting up phone lines, e-mail addresses, establishing a command post, developing media kits, conducting scores of interviews and dealing with satellite trucks from across the east coast. Not only were we experiencing pressure from the rest of the world, we had 1,100 animals to make sure they were cared for in the best possible way.

During the event, we had many births even in transit from the alleged Puppy Mill to the command center. The volunteer veterinarians from various regions came to our rescue through the call for help by the Commonwealth Emergency Operations Center in Richmond. Along with the professionals, we had assistance from animal rights volunteer groups such as VA PAWS and HSUS plus many humane society(s) and SPCAs from Florida to New York.

The real work to get this project completed took more than two weeks of dedicated efforts by paid staff and volunteers. I bring the elements of the above real-life case to you because if Carroll County had to actually pay for the entire operation to deal with the alleged ‘Puppy Mill,’ I would estimate the cost at more than \$100,000.”

The County Administrator's letter was in support of a bill (that later became law) aimed at preventing puppy mills in Virginia by limiting the size of Virginia breeding facilities and providing other safeguards.

### **Buxton, Maine Puppy Mill seizure, August 2007 through March 2008**

During the closure of a puppy mill in Buxton, Maine that had been found selling sick animals over the Internet, 249 animals were seized and 102 more were born during the subsequent case duration.

Costs included 6 to 7 weeks of sheltering the animals on the kennel property with round-the-clock security. In mid-October, animals were transported to a temporary emergency shelter for an additional 4 to 5 months. The total cost to the state of Maine was approximately \$440,000. Two lead animal shelters, Animal Welfare Society and Animal Refuge League, also fundraised for the effort and brought in approximately another \$30,000, which covered costs that would have likely otherwise been charged to the state.

The \$40,000 spent by The HSUS covered deployment of 5 to 6 volunteers per day for the first six weeks of the case. The HSUS's Maine state director spent approximately 8 to 10 weeks on site daily, and two other HSUS staff assisted as well. The HSUS's Emergency Services sent in a management team for a week-long period, after which it provided at least one responder for a few weeks. Emergency Services also provided a team to set up the temporary shelter and the transport of the animals to the new site. An HSUS large sheltering vehicle was used during the move. Total costs: \$510,000.

The costs of closing down a puppy mill are diverse and include more than just the removal and treatment of the animals. Extensive staff time, including law enforcement staff time, is needed to investigate a facility and document the problems. Dealing with hundreds of dogs is a massive and expensive undertaking. Additional costs to closing a puppy mill facility include:

- Specially equipped trucks for transportation (rental, fuel)
- Hundreds of cages
- Food, water and bowls
- Cleaning supplies
- Waste disposal essentials
- Professional dog handlers
- Veterinary personnel
- Volunteers
- Holding facility (rent, utilities, insurance)
- Legal documentation (including photographs)
- Medical supplies (vaccinations, flea/tick medication, etc.)
- Adoption expenses
- Spay/Neuter surgeries
- Legal expenses (which can be extensive if the animals need to be housed pending court action)

### **Conclusion**

Although the definition of puppy mills may vary, there are some specific characteristics that puppy mills share:

- Emphasis on quantity not quality
- Indiscriminate breeding
- Continuous confinement
- Overcrowding
- Lack of human contact and environmental enrichment
- Poor husbandry (including unsanitary conditions and lack of protection from the elements)
- Minimal to no veterinary care

Millions of dogs and puppies in the U.S. are subjected to these inhumane practices every year. The result is:

- Dogs confined in puppy mills for breeding purposes demonstrate impaired mental health and, as a result, diminished welfare.
- Conditions of the mill environment facilitate the spread of disease and physical harm, resulting in illness and injuries.
- Puppies from puppy mills are frequently sold with an illness (sometimes resulting in death), confined in unhealthy, cramped, and/or crowded conditions, suffer from congenital defects, and have behavioral issues.

- The resale process has an impact on puppy health due to premature separation from mother, potentially hazardous and crowded shipping conditions, and the stress of transport.
- Puppy buyers suffer from a heavy emotional, and financial, toll when dealing with the illnesses, injuries, and behavioral problems as a result of the puppy mill environment and resale process.
- Animal shelters and other organizations who treat and place newly-rescued puppy mill dogs incur negative resource and financial impacts.

Stronger, clearer humane standards, and better oversight of large-scale commercial breeders, especially those that ship puppies sight-unseen to buyers, are necessary to help prevent the suffering that both the dogs used for breeding and their offspring incur in this environment.

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# Fact Sheet: Puppy Mills and Pet Stores

**Most Americans have pets.** About 70 percent of people in the United States own a dog and about 46 percent own a cat. Only about 30 percent of pets in homes come from shelters or rescues. 2.7 million adoptable dogs and cats are euthanized in shelters every year.<sup>1</sup>

**Pet store puppies come from puppy mills.** Responsible breeders do not sell their puppies to pet stores because they want to meet their puppy buyers in person—and a majority of national breed clubs' Codes of Ethics prohibit or discourage their members from selling their dogs to pet stores. The suppliers of pet store puppies are largely "puppy mills," commercial facilities that mass-produce puppies for sale. The Humane Society of the United States (HSUS) conducted several hidden-camera investigations<sup>2</sup> which revealed that many of the breeding facilities that supply pet stores are mills.

**Puppies sold in pet stores come from all over the country—and many come from breeders with one or more Animal Welfare Act violations.** Some breeders found selling to pet stores have a record of repeat violations of the federal Animal Welfare Act. USDA inspection reports contained reports of significant violations, including sick and injured dogs who had not been treated by a vet, underweight dogs, puppies with their feet falling through the wire floors, puppies with severe eye deformities, piles of feces, and food contaminated by mold and insects.

**Pet stores often do not disclose the origin of the puppies they sell.** Most pet stores do not disclose the true origins of their puppies, instead using deceptive sales pitches about "USDA licensed" or "professional" breeders. Unfortunately, the federal Animal Welfare Act provides survival standards for dogs, not humane care standards. The USDA has repeatedly asserted that their regulations and standards are *minimum requirements*.<sup>3</sup> Indeed, the agency's own Animal Welfare Act Fact Sheet<sup>4</sup> states *"Although Federal requirements establish acceptable standards, they are not ideal. Regulated businesses are encouraged to exceed the specified minimum standards."*

**Puppies sold at pet stores often have serious health or psychological problems.** Some of the illnesses common to pet store puppies include zoonotic diseases which can be spread to other pets and humans. Buyers are often faced with enormous vet bills or even the death of the puppy within days or weeks of purchase. A puppy may seem healthy for months only to develop symptoms of serious congenital conditions much later. These health problems are often the result of poor breeding at puppy mills.

**Pet stores do not have to sell puppies to be successful.** More than 2,300 pet stores nationwide have signed an HSUS pledge not to sell puppies,<sup>5</sup> demonstrating that it is possible to have a successful pet-related business without supporting puppy mills.

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<sup>1</sup> "Pets by the Numbers": U.S. pet-ownership estimates from the APPA for 2012. Can be found at:

[http://www.humanesociety.org/issues/pet\\_overpopulation/facts/pet\\_ownership\\_statistics.html#.U2EF81VdWAg](http://www.humanesociety.org/issues/pet_overpopulation/facts/pet_ownership_statistics.html#.U2EF81VdWAg)

<sup>2</sup> Chicagoland Pet Store Investigation Links Dozens of Puppy Sellers to Puppy Mills. Dec. 2012. Can be found at:

[http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/report-hsus-chicago-pet-stores-2012investigates.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/report-hsus-chicago-pet-stores-2012investigates.pdf)

<sup>3</sup> See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws.

<sup>4</sup> U.S. Department of Agriculture, Animal Plant and Health Inspection Service, "Fact Sheet: Animal Care. The Animal Welfare Act," in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

<sup>5</sup> Puppy Friendly Pet Stores. 2013. Can be found at:

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# Localities that have passed laws restricting pet store puppy sales

Updated July 25, 2014

## United States:

City/State	Year	Comments/Links
1. <a href="#">Albuquerque, NM</a>	2006, effective 2007	<a href="#">Cities banning retail sale of dogs, cats</a> City banned sale of all "companion animals" and reported that euthanasia at city shelters subsequently decreased by 35%. The two stores in the city that had sold dogs and cats now work with rescue groups to offer pets for adoption.
2. <a href="#">South Lake Tahoe, CA</a>	2009, effective 2011	<a href="#">No pups for sale? Cities ban pet shops</a>
3. <a href="#">West Hollywood, CA</a> 9.50.020 Retail Sale of Dogs and Cats.	2010	<a href="#">Council Votes on Pet Shop Ban</a>
4. <a href="#">Hermosa Beach, CA</a>	2010	<a href="#">Hermosa Beach Ban Takes Action to Curb Puppy Mill Abuses</a>
5. <a href="#">Austin, TX</a>	2010	<a href="#">Petland to close as city moves on ban</a>  <a href="#">Austin may ban retail pet sales</a>  *(C) A person commits an offense if the person sells, trades, barter, leases, rents, gives away, or displays for a commercial purpose a live animal on a roadside, public right-of-way, or commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.
6. <a href="#">El Paso, TX</a>	2010; takes effect 2011	<a href="#">El Paso City Council Amends Pet Sale Ban Proposal</a> Under the new ordinance: <ul style="list-style-type: none"> <li>• Dogs and cats under eight weeks old cannot be sold.</li> <li>• No person, retail establishment or animal welfare organization may sell or transfer a dog or cat that is under one year of age for a profit. The animal can only be transferred for a price that is based on certain actual expenses incurred, such as veterinary care, food, shelter, spay/neuter, applicable permit fees and microchip and registration fees.</li> <li>• However, a retail establishment may from Jan. 1, 2011 through March 31, 2011 sell a dog or cat under the age of one year that is documented to have been in the retail</li> </ul>

		establishment's possession in El Paso on Dec. 31, 2010 at a price not to exceed the charge or amount advertised/posted for each dog or cat on Dec. 31, 2010.
7. <u>Parkland, FL</u>	2010	<u>Parkland Aims to Stop Puppy Mills</u>
8. <u>Lake Worth, FL</u>	2011	<u>Lake Worth City Commission To Ban Pet Stores Selling Puppy Mill Puppies</u> To remedy this problem, the ordinance would require the posting of signs advising the origin of the dogs and cats being offered for sale and "certificates of source" detailing where the animal came from. Only dogs and cats bred on the premises would be allowed to be offered for sale, as well as those coming from rescue organizations.
9. <u>Fountain, CO</u>	2011	<b><u>New ordinance designed to encourage adoption of companion animals</u></b> On May 24, the city of Fountain, Colorado, passed an ordinance banning the sale of cats and dogs in public places, including pet stores, city streets, parking lots, flea markets, store exteriors and fairs. Animals can still be adopted from area shelters and rescues for the applicable fee.  Whether or not the one pet store in the city selling cats and dogs will continue to be able to do so in 2012 is still under consideration.
10. <u>Flagler Beach, FL</u> section 5-17	2011	Prohibit the sale or disposition of live animals for "commercial gain" or "other commercial purpose".
11. <u>Coral Gables, FL</u>	2011	Dogs only.
12. <u>Lauderdale Lakes, FL</u> section 10-36	2011	Dogs only.
13. <u>Opa-Locka, FL</u> section 5-35	2011	Dogs only.
14. <u>North Bay Village, FL</u> section 91.11	2011?	Dogs only.
15. <u>Glendale, CA</u>	2011	<u>It's unanimous: Glendale City Council to ban pet store sales of dogs and cats</u>
16. <u>Irvine, CA</u>	2011	<u>Irvine City Council Votes To Ban Pet Sales, Circuses</u> Ban cat and dog sales at retail shops in Irvine, make neutering and spaying of cats and dogs mandatory, and bar traveling animal entertainment acts such as circuses, petting zoos and rodeos from coming to town. The Irvine Company said it will no longer lease new space to retailers selling dogs and cats at any of its retail centers.

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17. <u>City of Dana Point, CA</u>	2012	<u>City Council Passes Dog, Cat Sales Ban, Sterilization Rule Ordinances</u> One proposal would ban the retail sales of cats and dogs in the city-- would help relieve animal overcrowding and euthanasia. One would prohibit retail sales of cats and dogs in the city (which currently doesn't have such an operation). The other would require spaying or neutering of animals that are repeatedly impounded
18. <u>Chula Vista, CA</u>	2012	<u>California Town May Ban Retail Sales of Dogs, Cats</u>
19. <u>Hallandale Beach, FL</u>	2012	<u>Hallandale cracks down on puppy mill sales at pet shops</u>
20. <u>Laguna Beach, CA</u>	2012	<u>Laguna Beach Bans Puppy Mills</u>
21. <u>Point Pleasant, NJ</u>	2012	<a href="http://pointpleasant.patch.com/groups/politics-and-elections/p/point-boro-bans-sale-of-cats-dogs">http://pointpleasant.patch.com/groups/politics-and-elections/p/point-boro-bans-sale-of-cats-dogs</a>
22. <u>Alisa Viejo, CA</u>	2012	<a href="http://www.scribd.com/doc/97469780/Aliso-Viejo-Dog-Cat-Ordinance">http://www.scribd.com/doc/97469780/Aliso-Viejo-Dog-Cat-Ordinance</a>
23. <u>Huntington Beach, CA</u>	2012	<u>H.B. OKs pet sales ban with 2-year phaseout</u> Council members voted 4-3 to give the city's two pet stores two years to phase out selling cats and dogs. After that, pet stores will be allowed to sell pets as long as they come from reputable shelters or rescue organizations.
24. <u>Brick, NJ</u>	2012	<u>Brick enacts ordinance to ban pet stores from selling dogs, cats</u>
25. <u>Manasquan, NJ</u>	2012	<u>Manasquan OKs ban on sale of dogs and cats</u>
26. <u>Los Angeles, CA</u>	2012	<a href="http://latimesblogs.latimes.com/lanow/2012/10/la-pet-store-sales-ban.html">http://latimesblogs.latimes.com/lanow/2012/10/la-pet-store-sales-ban.html</a>
27. <u>Point Pleasant Beach, NJ</u>	2012	<u>Point Beach Outlawing Dog and Cat Sales</u>
28. <u>Burbank, CA</u> (Title 5-1-1439)	2012	<u>Burbank group fights puppy mills</u>
29. <u>Hoboken, NJ</u>	2013	<a href="http://animalblawg.wordpress.com/2013/07/14/keeping-pets-out-of-the-market/">http://animalblawg.wordpress.com/2013/07/14/keeping-pets-out-of-the-market/</a>
30. <u>San Diego, CA</u>	2013	<u>San Diego City Council Approves Ban on Retail Sale of Dogs, Cats at Pet Stores</u>
31. <u>Oceanport, NJ</u>	2013	<a href="http://www.oceanportboro.com/pdf/notices/Ordinance_919.pdf">http://www.oceanportboro.com/pdf/notices/Ordinance_919.pdf</a>
32. <u>Margate, FL</u>	2013	<a href="http://articles.sun-sentinel.com/2013-10-21/news/fl-mcf-dogscats-1016-20131021_1_cats-and-dogs-pet-store-puppy">http://articles.sun-sentinel.com/2013-10-21/news/fl-mcf-dogscats-1016-20131021_1_cats-and-dogs-pet-store-puppy</a>

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33. <u>Pinecrest, FL</u>	2013	
34. <u>North Brunswick, NJ</u>	2013	<a href="http://ns.gmnews.com/news/2013-11-14/Letters/New%20legislation%20will%20protect%20kittens%20puppies.html">http://ns.gmnews.com/news/2013-11-14/Letters/New legislation will protect kittens puppies.html</a>
35. <u>Palmetto Bay, FL</u>	2013	<a href="http://www.miamiherald.com/2013/11/08/3739724/palmetto-bay-moves-to-ban-sale.html">http://www.miamiherald.com/2013/11/08/3739724/palmetto-bay-moves-to-ban-sale.html</a>
36. <u>Ventura County, CA</u>	2013	<a href="http://www.thecamarilloacorn.com/news/2013-11-15/Community/Spay%20neuter%20law%20will%20affect%20breeders%20owners.html">http://www.thecamarilloacorn.com/news/2013-11-15/Community/Spay neuter law will affect breeders owners.html</a>
37. <u>Toledo, OH</u>	2013	<a href="http://www.toledoblade.com/Politics/2013/12/11/Council-OKs-amended-bill-to-govern-pet-stores-in-city.html">http://www.toledoblade.com/Politics/2013/12/11/Council-OKs-amended-bill-to-govern-pet-stores-in-city.html</a>
38. <u>Phoenix, AZ</u>	2014	<a href="http://www.azcentral.com/community/phoenix/articles/20131218phoenix-passes-puppy-mill-rule.html">http://www.azcentral.com/community/phoenix/articles/20131218phoenix-passes-puppy-mill-rule.html</a>
39. <u>Coconut Creek, FL</u>	2014	<a href="http://articles.sun-sentinel.com/2014-01-26/news/fl-pet-sale-ban-coconut-creek-20140126_1_pet-sales-puppy-mills-pet-stores">http://articles.sun-sentinel.com/2014-01-26/news/fl-pet-sale-ban-coconut-creek-20140126_1_pet-sales-puppy-mills-pet-stores</a>
40. <u>Wellington, FL</u>	2014	<a href="http://m.cbs12.com/article?id=2376186">http://m.cbs12.com/article?id=2376186</a>
41. <u>Surfside, FL</u>	2014	<a href="http://www.petbusiness.com/articles/2014-04-01/The-New-Normal">http://www.petbusiness.com/articles/2014-04-01/The-New-Normal</a>
42. <u>Aventura, FL</u>	2014	<a href="http://www.miamiherald.com/2014/02/06/3917710/aventura-commission-takes-stand.html">http://www.miamiherald.com/2014/02/06/3917710/aventura-commission-takes-stand.html</a>
43. <u>Chicago, IL</u>	2014	<a href="http://articles.chicagotribune.com/2014-03-05/news/chi-chicago-antipuppy-mill-measure-advances-20140304_1_pet-stores-chicago-aldermen-homeless-animals">http://articles.chicagotribune.com/2014-03-05/news/chi-chicago-antipuppy-mill-measure-advances-20140304_1_pet-stores-chicago-aldermen-homeless-animals</a>
44. <u>Wilton Manors, FL</u>	2014	<a href="http://www.prnewswire.com/news-releases/the-city-of-wilton-manors-and-wiltons-manor-doggie-daycare-present-pooch-pics-with-peter-cottontail-250405901.html">http://www.prnewswire.com/news-releases/the-city-of-wilton-manors-and-wiltons-manor-doggie-daycare-present-pooch-pics-with-peter-cottontail-250405901.html</a>
45. <u>Greenacres, FL</u>	2014	<a href="http://www.palmbeachpost.com/news/news/crime-law/greenacres-to-ban-sale-of-dogs-cats-from-pet-store/nd6Gn/">http://www.palmbeachpost.com/news/news/crime-law/greenacres-to-ban-sale-of-dogs-cats-from-pet-store/nd6Gn/</a>
46. <u>Cook County, IL</u>	2014	<a href="http://articles.chicagotribune.com/2014-04-09/news/chi-cook-county-passes-suburban-puppy-mill-ban-20140409_1_pet-sales-so-called-puppy-mills-breeders">http://articles.chicagotribune.com/2014-04-09/news/chi-cook-county-passes-suburban-puppy-mill-ban-20140409_1_pet-sales-so-called-puppy-mills-breeders</a>
47. <u>North Lauderdale, FL</u>	2014	<a href="http://articles.sun-sentinel.com/2014-03-29/news/fl-north-lauderdale-puppy-mills-20140329_1_puppy-mills-pet-stores-selling-animals">http://articles.sun-sentinel.com/2014-03-29/news/fl-north-lauderdale-puppy-mills-20140329_1_puppy-mills-pet-stores-selling-animals</a>
48. <u>Bay Harbor Islands, FL</u>	2014	<a href="http://www.miamiherald.com/2014/04/17/4065369/bay-harbor-islands-approves-puppy.html">http://www.miamiherald.com/2014/04/17/4065369/bay-harbor-islands-approves-puppy.html</a>
49. <u>Sunrise, FL</u>	2014	<a href="http://articles.sun-sentinel.com/2014-04-23/news/fl-pet-stores-sunrise-20140423_1_puppy-mill-hobby-breeders-pet-stores">http://articles.sun-sentinel.com/2014-04-23/news/fl-pet-stores-sunrise-20140423_1_puppy-mill-hobby-breeders-pet-stores</a>
50. <u>Pompano Beach, FL</u>	2014	<a href="http://thepelicanpaper.com/shelter-operators-applaud-citys-restriction-on-puppy-kitten-sales/">http://thepelicanpaper.com/shelter-operators-applaud-citys-restriction-on-puppy-kitten-sales/</a> <a href="http://www.ordwatch.com/index.php/blog/item/77-pompano-beach-approves-ban-on-retail-sale-of-dogs-and-cats">http://www.ordwatch.com/index.php/blog/item/77-pompano-beach-approves-ban-on-retail-sale-of-dogs-and-cats</a>
51. <u>Miami Beach, FL</u>	2014	

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(Item R5-D)		
52. <u>N. Miami Beach, FL</u>	2014	<a href="http://blogs.miaminewtimes.com/cultist/2014/05/north-miami-beach-votes-to-pa-n.php">http://blogs.miaminewtimes.com/cultist/2014/05/north-miami-beach-votes-to-pa-n.php</a>
53. <u>E. Providence, RI</u> NOTE: language not recommended.	2014	<a href="http://www.providencejournal.com/breaking-news/content/20140608-e.-providence-bans-dog-cat-sales-by-businesses-hearing-set-for-monday-poll.ece">http://www.providencejournal.com/breaking-news/content/20140608-e.-providence-bans-dog-cat-sales-by-businesses-hearing-set-for-monday-poll.ece</a>
54. <u>Dania Beach, FL</u>	2014	<a href="http://www.orlandosentinel.com/news/local/state/fl-dania-puppy-mill-ban-061014-20140611,0,1410462.story">http://www.orlandosentinel.com/news/local/state/fl-dania-puppy-mill-ban-061014-20140611,0,1410462.story</a>
55. <u>Palm Beach Gardens, FL</u>	2014	<a href="http://www.mypalmbeachpost.com/news/news/local/palm-beach-gardens-bans-pet-shops-from-selling-pup/ngdCH/#eed33a1d.3580302.735425">http://www.mypalmbeachpost.com/news/news/local/palm-beach-gardens-bans-pet-shops-from-selling-pup/ngdCH/#eed33a1d.3580302.735425</a>
56. <u>Juno Beach, FL</u>	2014	<a href="http://www.palmbeachpost.com/news/news/local/selling-dogs-cats-in-pet-shops-now-illegal-in-juno/ngmzF/">http://www.palmbeachpost.com/news/news/local/selling-dogs-cats-in-pet-shops-now-illegal-in-juno/ngmzF/</a>

**Canada:**

57. <u>Richmond Hill, Vancouver</u>	2010	
58. <u>Toronto, Canada</u>	2011	<a href="http://www.toronto.ca/legdocs/mmis/2013/ls/bgrd/backgroundfile-55420.pdf">http://www.toronto.ca/legdocs/mmis/2013/ls/bgrd/backgroundfile-55420.pdf</a>
59. <u>The Rosemont-La Petite Patrie borough of Montreal</u>	2011	<a href="#">HSI Canada Applauds Rosemont-La Petite Patrie, Montreal's First Borough to Ban the Sale of Animals in Pet Stores</a>
60. <u>Mississauga</u>	2012	<a href="#">Humane Society International/Canada Applauds City of Mississauga for Restricting the Commercial Sale of Dogs and Cats in Pet Stores</a>
61. <u>New Westminster</u>	2012	<a href="http://www.newwestcity.ca/database/rte/files/7398PetStore.pdf">http://www.newwestcity.ca/database/rte/files/7398PetStore.pdf</a>
62. <u>Kingston, Ontario</u>	2013	<a href="http://www.thewhig.com/2013/02/06/taking-the-pet-out-of-pet-stores">http://www.thewhig.com/2013/02/06/taking-the-pet-out-of-pet-stores</a>
63. <u>Vaughn, Ontario</u>	2014	<a href="http://furever.ca/pet-stores-selling-dogs-in-ontario-banned-from-vaughn/">http://furever.ca/pet-stores-selling-dogs-in-ontario-banned-from-vaughn/</a>

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**THE HUMANE SOCIETY  
OF THE UNITED STATES**

## Puppy Mill Brokers

A puppy mill “broker” is a pet dealer engaged in the business of re-selling puppies who were bred elsewhere. Unlike retail pet stores, brokers are middleman dealers who obtain puppies from breeders and puppy mills, and then transport and re-sell them. Brokers typically sell puppies to pet stores, but sometimes to research facilities, often travelling great distances to do so. In some cases the term is also used loosely to describe people who re-sell litters directly to the public that they themselves did not produce, for example, by posing as the original breeder and selling them through websites or classified ads.

Pet brokers who sell to pet stores or other dealers are required to obtain a Class B dealer license from the United States Department of Agriculture (USDA). The Class B license requires the brokers to abide by certain minimum standards of humane care and handling. It also requires them to carefully track the sources of their animals. However, many brokers routinely violate these rules. In addition, the health impacts of overcrowding, filthy conditions, and lack of basic veterinary oversight at puppy mills are only exacerbated when healthy animals from some breeders are mixed in with infectious animals from problem breeders on crowded trucks while transported long distances by brokers.

When addressing the accountability of pet stores or examining the sources of their puppies, it is imperative that we understand how most pet store puppies are sourced. The majority are sourced from brokers, not breeders.

### Quick Facts about Puppy Brokers

- An HSUS review of records for more than 6,700 puppies shipped to pet stores between 2009 and 2012 found that **more than two thirds of the puppies were shipped by brokers, not breeders.**
- Nationwide, there are approximately 821 USDA-licensed pet brokers, and 2,356 USDA-licensed breeders<sup>1</sup>
- The largest puppy broker in the country is believed to be The Hunte Corporation, based in Goodman, Missouri. This multi-million dollar company is believed to ship approximately 80,000 puppies per year to pet stores nationwide.
- The use of puppy mill brokers often makes it difficult if not impossible for the public to know who a puppy’s breeder actually was, as many pet stores will only disclose the broker information, if they provide any information at all.
- Many “B” dealers are also breeders. Some of the most notorious puppy mills in the country, including Kathy Bauck (Puppies on Wheels, MN), Jeff Fortin (KS), and Wanda Kretzman (Clearwater Kennel, MN) all have/had B licenses but also had hundreds of breeding dogs. Significant problems at these facilities resulted in Bauck’s conviction on animal cruelty charges in 2009, the deaths of 1,200 dogs at Fortin’s facility after an outbreak of canine distemper in 2010, and continued repeat AWA violations at Kretzman’s facility, which is currently still operating as of December 2012.

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<sup>1</sup> USDA, Dec. 2012

- HSUS research into the sources of more than 15,000 puppies sent to 126 Petland, Inc. stores from 2007 through 2009 found that a majority of the stores - 87 in all - were purchasing some or all of their puppies from The Hunte Corporation. Others were purchasing from additional brokers, such as Lambriar, Mid-America Pet, Clearwater Kennel, and others.
- A review of USDA inspection reports linked to brokers found that a number of brokers have repeat violations of the federal Animal Welfare Act, including violations for sick puppies who were not treated by a vet, overcrowding, undersized cages, unsafe temperatures, the purchase of underage puppies, the purchase of puppies from unlicensed breeders, and unsafe transport vehicles.



Clearwater Kennel, a USDA Class B licensed facility in Minnesota, is estimated to house more than 900 dogs. The kennel is licensed to re-sell dogs produced by other breeders as well as dogs bred on site. Federal inspectors have cited Clearwater Kennel repeatedly for numerous animal care violations. - HSUS, 2008