

MEMORANDUM

October 24, 2014

TO: County Council

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

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

Bill 50-14, Animal Control – Retail Pet Stores, sponsored by Council Vice President Leventhal and Councilmembers, Navarro, Branson, Riemer, Berliner and Elrich, is scheduled to be introduced on October 28, 2014. A public hearing is tentatively scheduled for December 2, 2014 at 1:30 p.m.

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

On October 16, the Public Safety Committee received a briefing on puppy and kitten mills from the Humane Society and the Division of Animal Services. The Council staff packet for that briefing can be found at the following link: http://www.montgomerycountymd.gov/council/Resources/Files/agenda/cm/2014/141016/20141016_PS4.pdf. A copy of the Powerpoint presentation provided at that meeting is attached on ©6.

This packet contains:	<u>Circle #</u>
Bill 50-14	1
Legislative Request Report	5
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Bill No. 50-14
Concerning: Animal Control – Retail Pet Stores
Revised: 10/17/2014 Draft No. 2
Introduced: October 28, 2014
Expires: April 28, 2016
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Council Vice President Leventhal and Councilmembers, Navarro, Branson, Riemer, Berliner, and Elrich.

AN ACT to:

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

By adding

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

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

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

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

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

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

4 The County Council finds and declares that:

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

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

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

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

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

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

58 **5-406. Definitions.**

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

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

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

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

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

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

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

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

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

- 79 (a) an animal care facility; or
 80 (b) a non-profit rescue organization.

81

LEGISLATIVE REQUEST REPORT

Bill 50-14

Animal Control – Retail Pet Stores

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

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Puppy Mills and Pet Store Sales



Montgomery County Council Committee on Public Safety

October 16, 2014

Melanie Kahn, Senior Director, Puppy Mills Campaign

The Humane Society of the United States



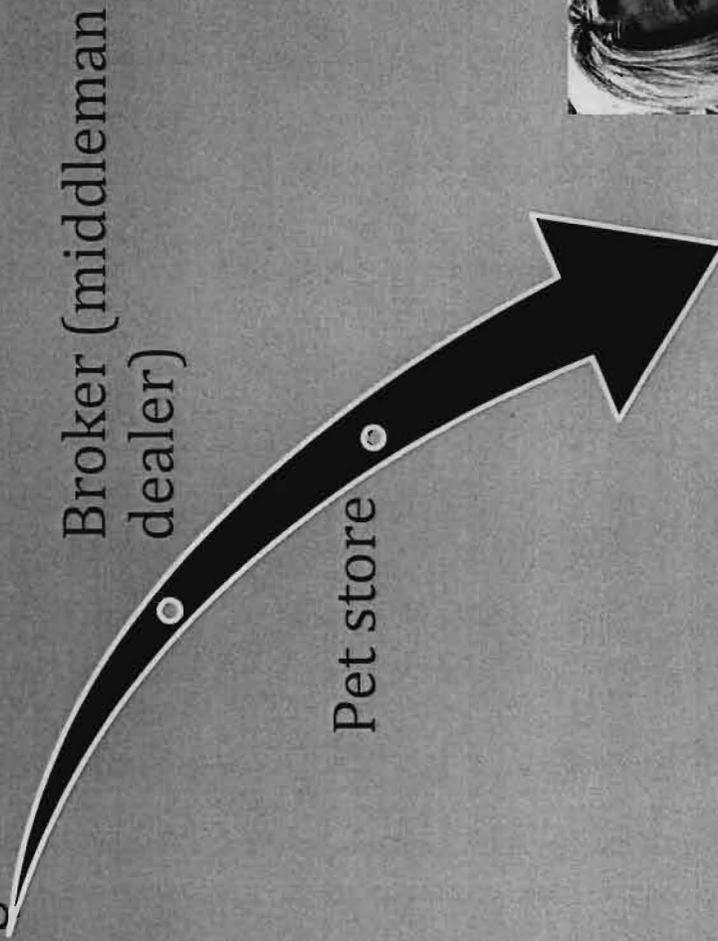
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Commercial
Dog Breeder



Buyer



Pet Stores Sell Puppy Mill Dogs

NY Pet Stores Supplied by Puppy Mills: Humane Society

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

By Katy Tur and Tom Burke

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

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

To Market, To Market, To Buy a Sick Dog

An HSUS investigation reveals the underbelly of Texas puppy sales

HSUS Animal Programs | Specialty Reports | 2011



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HUMANE SOCIETY: CHICAGO PET STORES LINKED TO PUPPY MILLS

December 11, 2012 11:24:50 AM PST

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

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

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

United States Donate it of the current laws and increased consumer

vet. Niki Ianni, HSUS, said.

scue center or shelter, or find a reputable breeder.

during a six-month period from puppy mills. Iowa at the animals also come from Missouri, Oklahoma,

Animal Planet & Best Friends • DISTURBING QUESTIONS ABOUT LARGEST U.S. PET...

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

Undercover Operations Reveals Poor-Bred Breeding Conditions

May 6, 2012

Get Contact - Tobi Kucziak

Get Contact - 312.626.1145

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

Undercover Operations Reveals Poor-Bred Breeding Conditions

Silver Spring, MD) - Millions of Americans own dogs and know the joy of bringing a pet home for the first time. Customers are often with a certain excitement at the prospect of a visit to the pet store. The breeding method is important to the ultimate health of bringing a puppy home. But how many know about the store? Many of these puppies are bred prior to arriving at the pet shop and before being lucky enough to find a loving home. Surprisingly, many people are completely unaware of the complex and polluted benefits that are "breed zero" for commercial puppy breeding.

Unfortunately, many pet owners that get upset when their should be more worry. On Monday, May 17, at 10 PM (ET/PT), Animal Planet's new special ANIMAL PLANET INVESTIGATES: PETLAND does the digging for you. This special reports on a Humane Society of the United States (HSUS) investigation into Petland's alleged sale of puppies from "puppy mills" which are retailer stores - and a routine lawsuit brought by Petland customers. Meet "Moby," an undercover investigator for the Humane Society of the United States (HSUS), who's investigating Petland, the largest retailer of puppies in the U.S. and its alleged connection to many commercial breeders, suspected of producing unhealthy dogs. Moby begins his deep dive by sniffing out breeders who have sold puppies to their local Petland. It's a dangerous, on-the-ground investigation as Moby comes across unhygienic kennels and spackled.

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

Moby discovers a laundry list of possible violations and catches one breeder at numerous breeders including more than 140 dogs housed in overcrowded kennels, water bowls connected with mold and overflowing green water, persistent areas of wet dog and one breeder's confession that she kills healthy dogs because of their less-than-stellar looks.

"In our ANIMAL PLANET INVESTIGATES special, we are committed to providing viewers with a rare and unrestricted access to crucial animal issues," says Marjorie Kaplan, president and general manager of Animal Planet. "It's our responsibility to uncover anything as it may be to raise questions about the practice of mass dog breeding and to question whether hard profit is put before the welfare of animals."



A Horrible Hundred Problem Puppy Mills in the United States

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



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

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

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



101 Puppy Mills A Sampling of Problem Puppy Mills in the United States

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



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

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

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

10



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



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

USDA License # 43A4206

Breeds Yorkshire Terrier puppies in Novinger,
MO

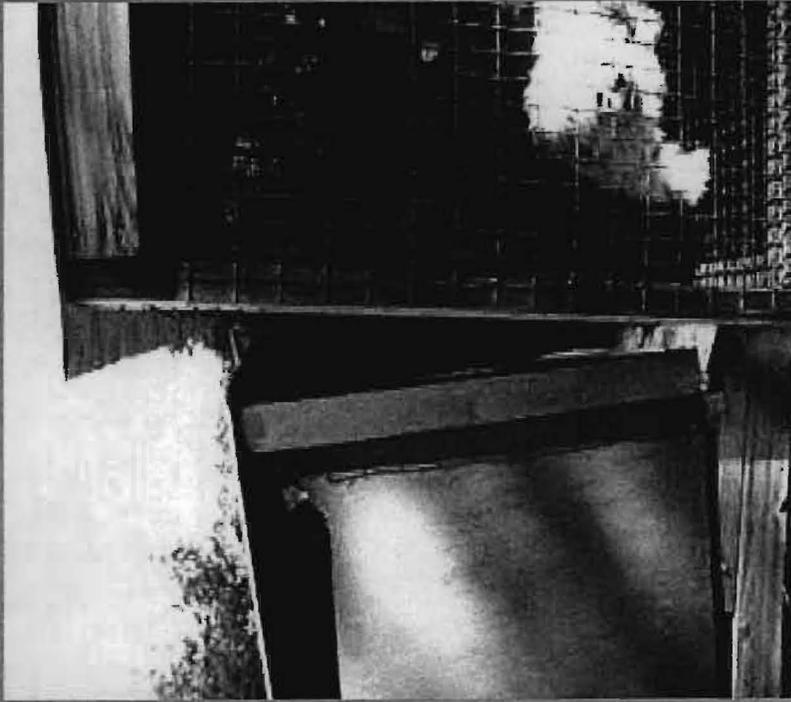


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Tina Carr Hannibal, MO *Sells to pet store in Rockville*



"SIMPLY PUPPIES": CARR, TINA

USDA License # 43A2700

Breeds puppies in Hannibal, MO



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

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



USDA standards fail to protect dogs

Permissible under Animal Welfare Act:

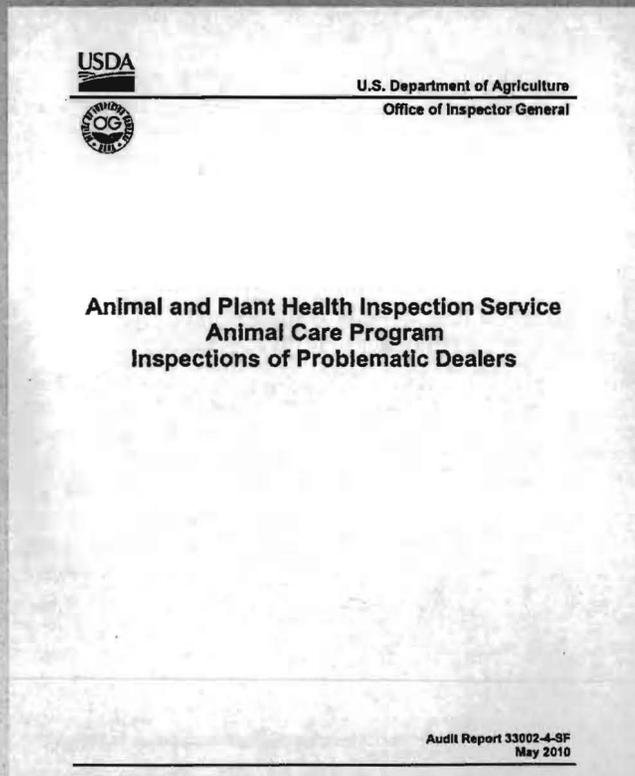
- ✓ Hundreds of dogs in a facility
- ✓ Stacked cages in overcrowded facilities
- ✓ Cages with only 6" of space from dog's nose
- ✓ Painful wire floors
- ✓ Breeding on every heat cycle until "spent"



USDA enforcement

“Major deficiencies” identified:

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





State enforcement

The Puppy Industry in Missouri

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

Executive Summary



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



Responsible Breeders Don't Sell to Pet Stores



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

United Kennel Club Code of Ethics



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HSUS Supports Responsible Dog Breeders

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**How to find a
responsible dog breeder**

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



HSUS Supports Humane Pet Shops

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



Pet Overpopulation

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

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



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Conclusion

WE  PUPPIES

THAT'S WHY WE DON'T SELL THEM!



Many people love puppies and want to get one. But puppies are not just cute, fluffy animals. They're also living beings with the same feelings and needs as adult dogs. It's important to understand that puppies are not just "cute" but also "needing" love, care, and attention. They're also "needing" a safe and secure environment to grow up in.

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Humane Society.org/puppy

PLEASE ADOPT FROM LOCAL SHELTERS



THE MEDICAL CASE AGAINST PUPPY MILLS

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

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

ENVIRONMENTAL IMPACT

- Continuous Confinement
- Lack of Human Contact
- Lack of Environmental Stimuli

- Deplorable Housing Conditions and Care
 - Poor Husbandry
 - Constant Exposure to Feces, Urine and Infections

- Minimal to No Veterinary Care
 - Non-Veterinary Trained individuals “Practicing Veterinary Medicine” without a License
 - C-Sections
 - Random Anti-parasitic use
 - Mass Antibiotic Use
 - Surgery



COMMON AILMENTS

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



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

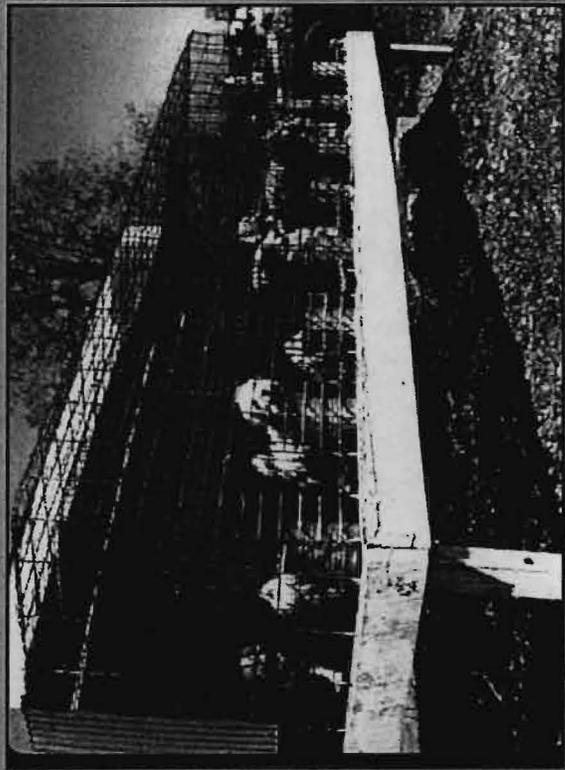
COMMON AILMENTS

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

COMMON AILMENTS

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

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



CALL TO ACTION

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

-M. Gandhi

Lisa Portnoy, DVM, DACLAM





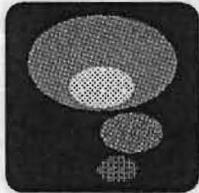
Impact of Resale on Puppy Health

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



Puppy Immune System

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





Impact of Resale on Puppy Health

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



How Puppy Buyers are Affected



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

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