



March 20, 2015

Environment Committee
Room 3200, Legislative Office Building, Hartford, CT 06106
(860) 240-0440

Re: Please SUPPORT HB 5729, kennel service advertisements, with no amendments

Dear Co-Chair Kennedy, Co-Chair Albis, and Honorable Members of the Environment Committee,

On behalf of the Connecticut supporters of The Humane Society of the United States (HSUS), I submit this testimony in SUPPORT of HB 5729, but ask that you do not support the amendment requested in the testimony provided by Tara Fleming, owner of Yuppy Puppy of Guilford, as such an amendment would set back advances made by last year's puppy mill bill (PA14-77).

Connecticut law states that no pet shop licensee shall purchase a dog or cat for resale from any breeder or broker that is not in possession of a USDA-license. If Connecticut breeders are exempted from a law that applies to everyone else, including out-of-state breeders, and this exemption advantages them, then this would seem to be a violation of the dormant commerce clause.

In simplest terms, the dormant commerce clause prohibits states from enacting laws or regulations that improperly restrict interstate trade or that discriminate against out-of-state businesses. Justice Anthony Kennedy has written that: "The central rationale for the rule against discrimination is to prohibit state or municipal laws whose object is local economic protectionism, laws that would excite those jealousies and retaliatory measures the Constitution was designed to prevent" (*C&A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383 (1994)).

Particularly in light of the fact that affected parties, including the Missouri Pet Breeders Federation, have filed lawsuits challenging local ordinances with similar provisions (e.g., *Missouri Pet Breeders Association v. County of Cook, IL*, 14 CV 6930), exempting in-state breeders from the restrictions in our existing law would likely be viewed as discriminatory towards out-of-state breeders, and would in our view be very likely to be overturned by the Court.

Thank you for your time and consideration.

Yours truly,



Annie Hornish
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