

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-5386

AN ACT PROHIBITING THE SALE OR TRANSFER OF DOGS, CATS AND RABBITS AT PET SHOPS THAT ARE NOT FROM ANIMAL WELFARE

Title: ORGANIZATIONS.

Vote Date: 3/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 3/1/2019

File No.: 553

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SPONSORS OF BILL:

Sen. Julie Kushner, 24th Dist.

Rep. Raghiv Allie-Brennan, 2nd Dist.

Rep. Fred Camillo, 151st Dist.

Rep. Michael A. DiMassa, 116th Dist.

Rep. Josh Elliott, 88th Dist.

Rep. Bob Godfrey, 110th Dist.

Rep. John K. Hampton, 16th Dist.

Rep. Liz Linehan, 103rd Dist.

Rep. Ronald A. Napoli, 73rd Dist.

Rep. David Arconti, 109th Dist.

Rep. Jeff Currey, 11th Dist.

Rep. Jason Doucette, 13th Dist.

Rep. Jillian Gilcrest, 18th Dist.

Rep. Kenneth M Gucker, 138th Dist.

Rep. Stephen G. Harding, 107th Dist.

Rep. David Michel, 146th Dist.

Rep. Michael A. Winkler, 56th Dist.

REASONS FOR BILL:

Concerns have been expressed to the committee that Connecticut pet shops are buying and selling dogs, cats, and rabbits from out-of-state puppy mills, and are negligent with the proper care needed to tend to the medical, social, and other basic needs of such animals while they are in the care of the pet shop. Puppy mills are facilities establish for the breeding of dogs in conditions that are regarded as inhumane. Several states have moved to ban the sale of pets in stores. In 2018, California became the first state to limit the sale of dogs, cats, and rabbits to those obtained from shelters and rescue centers. Animal advocacy groups advocate for a complete ban in the sale of pets from stores, while pet store owners share that they do not buy from puppy mills and express concern that a ban will hurt their business. Additionally, concern has been shared that if the state prohibits the sale of pets in stores, then pet owners may turn to unlicensed and unregulated pet vendors, most notably through online websites, in search of pets that fit their specific needs. The bill charges the Connecticut Department of

Agriculture with reviewing the state of California's implementation of their law and to report back to the Environment Committee by January 1, 2020.

Substitute Language – LCO No. 6570

The bill as originally drafted would prohibit the sale or transfer of dogs, cats, or rabbits at pet shops that are not from animal shelters, animal adoption organizations, or rescue organizations. Similar legislation in other states are relatively new, some have shared concerns that there would be unintended consequences if this bill as originally drafted is enacted. Substitute language charges the Connecticut Department of Agriculture with reviewing the state of California's implementation of their law and to report back to the Environment Committee by January 1, 2020.

RESPONSE FROM ADMINISTRATION/AGENCY:

None Expressed.

NATURE AND SOURCES OF SUPPORT:

Representative Raghib Allie-Brennan, Representative, 2nd Assembly Dist.: The goal of this bill is not to shut down businesses; it is to protect consumers and to cut off the puppy mill supply chain. Nine of the twelve pet stores in Connecticut source their animals from puppy mills. Additionally, the bill as originally drafted contains a loophole that permits businesses disguised as "sham rescue organizations" to continue to operate. The original draft of the bill should be amended to include after Section 1, after line 7: *(b) No owner or operator of a pet shop shall obtain a dog, cat, or rabbit from any entity that breeds dogs, is affiliated with or shares a premise with a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation. For the purposes of this section, "broker" is a person that transfers dogs, cats, or rabbits for resale by another at retail.*

Jo-Anne Basile, Executive Director, Connecticut Votes for Animals: More than 100 stores around the state operate by selling pet supplies and partnering with rescues. Connecticut's twelve pet stores need to change their business model to reflect the values of the state. Although Connecticut has a history in addressing puppy mills, the United States Department of Agriculture only minimally enforces standards of care as specified in the Animal Welfare Act. Additionally, the bill as originally drafted needs to be amended to address organizations that falsely pose mill animals as rescues.

Debbie Bauman, Owner, Barkery Boo-tique: Shared personal testimony as an owner of a pet store that does not sell animals. Pets should never be treated as product and it is impossible to know for certain whether an animal was bred in inhumane conditions.

Representative Jason Doucette, 13th Assembly Dist.: The bill cuts off the puppy mill channel and ensures that Connecticut residents receive animals raised in healthy environments. In 2014 a Connecticut task force investigated the puppy mill distribution channel. The task force opted against the legislative path and instead chose the regulatory path provided by the United States Department of Agriculture (USDA). The regulatory

environment for breeders under the USDA has been ineffective, rendering Connecticut's law ineffective. Maryland and California have laws banning the retail sales of animals coming from puppy mills. Although supportive of the bill, the definition of "animal welfare organization" is not as well defined as it is in the Maryland law.

Annie Hornish, Connecticut Senior State Director, The Humane Society of the United States (HSUS): Although supportive of the bill, HSUS recommends amending the original bill to address the concerns of pet stores potentially sourcing their animals from "sham rescues" and provides suggested language. HSUS supports the bill for the following reasons: (1) the bill is business friendly and will not impact responsible breeders since responsible breeders do not sell to pet shops, (2) the bill will protect consumers from unknowingly supporting puppy mills and from purchasing sick or behaviorally challenged puppies, (3) the bill will protect against public health risks, (4) the bill promotes humane pet stores, responsible breeders, and adoption, (5) Connecticut's current pet store law has been rendered unenforceable, and (6) other states have begun to address the issue of puppy mills.

Representative Brenda L. Kupchick, 132nd Assembly Dist.: Although supportive of the bill, it is concerning that individuals who come to discover that puppies sold in pet stores originate from puppy mills may shift their purchases to online stores. Such online stores are unregulated and many of these animals also originate from puppy mills.

The Environment Committee received approximately 150 similar testimonies in support of the bill explaining that (1) dogs sold in pet shops are sourced through puppy mills, (2) pet stores do not have to sell animals to be successful, and (3) the bill should be amended to include language that addresses puppies sourced from "sham rescues."

NATURE AND SOURCES OF OPPOSITION:

Debora M. Bresch, Senior State Legislative Director, American Society for the Prevention of Cruelty to Animals (ASPCA): "Given the enforcement failures at the federal and state levels... the proposed bill, as drafted, threatens to do no better, despite its sponsors' intention." Although Connecticut's pet shop sourcing law was enacted in 2014, the statute was based upon the United States Department of Agriculture (USDA) licensed breeders. However, USDA inspections are inadequate and do not protect consumers nor the animals. The USDA inspector general noted in a 2010 report the USDA's enforcement "was all together insufficient and ineffective against problematic dealers." Furthermore, the Connecticut Department of Agriculture has never enforced the state's current animal sourcing law. The regulatory approach to Connecticut's commercial pet shop trade is insufficient. The bill will allow pet shops to "hide behind the façade of rescue while still engaging in the inhumane commercial pet trade. It is critical the bill be amended to prohibit the direct sourcing of rescued dogs, cats, and rabbits, and to require stores to collaborate with rescue organizations.

Arnold L. Goldman DVM, MPH, Veterinarian, Canton: Opposes the bill for the following reasons: (1) rabbits, cats and dogs do not share the same welfare issues, (2) the determination that a rescue or adoption animal is diseased cannot be established in the time

frame required by state law because many dogs originate from other countries and are transit to another state first before entering Connecticut, (3) the bill would create an environment where pet store will only be able to source their animals from unregulated organizations, and (4) the bill will decrease the accessibility to the variety of dogs available to Connecticut residents.

Courtney Hogan, Government Affairs Manager, Pet Industry Joint Advisory Council

(PIJAC): Pet stores in the state source their dogs from USDA licensed breeders who are regularly inspected. Additionally, pet store owners are required to have all of the breeder's inspection reports available to customers. Pet stores are the only source for pets in the state that require adherence to strict regulations outlined by the USDA and the State Department of Agriculture. If enacted, this bill will have the unintended effect of pet owners looking to unlicensed pet vendors to find specific pets they are in search of.

Lucia and Peter Noel, Owner, Gentle Jungle Pet Store: Shared personal testimony as the owners of a small pet store for over twenty-one years. The Gentle Jungle Pet Store has always followed state rules and regulations. By law, pet stores are required to list the origin and breeder of the puppy, have the puppy checked by the breeder's veterinarian, have the puppy checked again by their own veterinarian and have the puppy checked by their veterinarian every subsequent week. Although something needs to be done on a federal level, the Gentle Jungle Pet Store does not, and cannot buy from puppy mills. This bill is misdirected anger at pet stores.

Stacey Ober, Legislative Analyst and Community Outreach, American Kennel Club

(AKC): Although well intended, places that have enacted legislation limiting the retail sale of pets have seen the emergence of "an underground economy referred to as puppy laundering." AKC provided a news article concerning the Iowa Attorney General's lawsuit against organizations that used charitable donations to pay for puppies bred through puppy mills. Removing from the market of regulated pet sales that are inspected for care, health and temperament, and replacing with animal supply source that may have limited oversight puts the public at risk.

The Environment Committee received approximately twenty similar testimonies on opposition to the bill explaining that (1) the bill will hurt small businesses that do not source their animals from puppy mills and are already following state and federal regulations, (2) proponents of the bill should focus efforts at the federal guidelines established through the Animal Welfare Act instead of unfairly targeting pet stores, and (3) the bill will unintentionally create an environment where individuals purchase pets from unlicensed, unregulated online stores or from rescues that source their puppies from puppy mills.

Reported by: Steve Smith / Ussawin R. Bumpen Date: 04/09/2019