

Task Force Concerning the Sale of Cats and Dogs at Connecticut Pet Shops from
Inhumane Origins

MEETING MINUTES

January 31, 2014

12:00 PM in Room 1D

The meeting was called to order at 12:10 PM by Chairman, Duff

The following committee members were present:

Senators: SEN. DUFF, SEN. MCKINNEY

Representatives: REP. KUPCHECK, REP. GROGINS

Other members: BRESCH, CONNORS, GOLDMAN, HARRELL, HORNISH,
MAULUCCI, SEWELL

ABSENT

Senators: NONE

Representatives: NONE

Recommendations and Findings of the Task force on the Sale of Cats and Dogs from
Inhumane Origins at Connecticut Pet Shops

The sole purpose of the meeting to adopt or reject the following recommendations:

1. Recommendation: The Department of Agriculture shall submit recommendations to the Environment Committee concerning a standard of care applicable to in-state breeders of cats and dogs.

Finding: The charge of the task force was to examine the proliferation of cats and dogs sourced from inhumane origins and sold in Connecticut pet shops and to examine how to amend the general statutes to provide for the reduction of such proliferation. While public testimony and discussion by task force members

indicates that the sourcing of cats and dogs from inhumane origins generally has its origins outside of the state of Connecticut, the task force believes that the state's standard of care for in-state breeders of cats and dogs should reflect a humane standard of care and serve as an example for other states. Currently, municipalities are responsible for the licensing and general regulation of such breeders. The recommendation of the task force is that the Department of Agriculture recommend to the Environment Committee a standard of care that should be applicable to in-state cat and dog breeders. Such standards would be designed to provide a baseline standard of care for such breeders while retaining each municipality's authority to establishment requirements for the licensure of such breeders.

On a voice vote, the above recommendation was ADOPTED

2. Recommendation: Create parity between the animal importer statutes and the pet shop statutes by establishing potential criminal penalties for the violation of pet shop statutes and regulations and eliminating the role of the Attorney General in collecting any such fines.

Finding: The task force determined that pet shops can, at times, be a source of cats and dogs sourced from inhumane origins. However, the consequences to pet shop owners for violating statutory and regulatory requirements are not always in-line with consequences that animal importers incur for violating animal importer statutes. Accordingly, the task force recommends that the pet shop statutes be amended to provide for potential criminal penalties, as well as civil fines, for the violation of pet shop statutes and regulations. As well, the task force recommends that the statutory role of the Attorney General in seeking payment of such fines be eliminated in order to expedite the collection of such fines by the Department of Agriculture.

On a voice vote, the above recommendation was ADOPTED

3. Recommendation: Require pet shop owners to visit, once every twenty four months, the facilities of breeders from whom such pet shop owners acquire cats and dogs.

Finding: Testimony and information received by the task force indicated that pet shop owners overwhelmingly believe that the breeders of cats and dogs from whom they purchase animals comply with USDA regulations. However, it was unclear how much first-hand information pet shop owners actually have concerning the breeders from whom they purchase cats and dogs. Accordingly, the task force believes that requiring pet shop owners to visit breeders from whom they purchase animals will encourage pet shop owners to be better aware of care issues and regulatory compliance issues that such breeders may have. It is anticipated that as part of such visit, pet shop owners would be required to complete a form detailing such visit and to submit such form to the Department of Agriculture. The task force recommends that third party agents not be authorized to conduct such visits on behalf of the pet shop owners.

On a voice vote, the above recommendation was REJECTED

4. Recommendation: Clarify the statutory provision requiring pet shop owners to only purchase animals from breeders licensed by the USDA. Additionally, prohibit pet shop owners from purchasing cats or dogs from any breeder that has one or more direct violations of USDA regulations during the previous two year period or three or more indirect violations of USDA regulations during the previous two year period. Finally, require pet shops to post the USDA inspection reports for breeders used by such pet shop in an area next to such animals and have such reports readily available without the need of a customer request.

Finding: Section 22-354(b) of the general statutes, in part, prohibits a pet shop from "purchasing a cat or dog for resale from a breeder or other person, firm or corporation that is located outside of this state that is not in possession of a current license issued by the United States Department of Agriculture". The task force recommends that this provision be clarified to clearly provide that the breeder of any such cat or dog that a pet shop owner purchases for resale in this state must be licensed with the USDA. Additionally, the task force learned that the USDA classifies regulatory violations into two categories: direct violations and indirect violations. Direct violations generally involve serious deviations from applicable standards of care which result in unhealthy or ill animals. Conversely, indirect violations have a wider range of significance. The violation of standards of care that affect the health or welfare of a cat or dog can result in the finding of an indirect violation. However, an indirect violation can also result from an administrative failure by the breeder which does not necessarily bear upon the health or welfare of such breeder's animals. Accordingly, the task force recommends that in prohibiting pet shop owners from purchasing cats or dogs from any breeder that has three or more indirect violations within the prior two year period, that any statutory language specify the types of indirect violations that the breeder cannot have. Such indirect violations should pertain to regulatory requirements that directly affect the health or welfare of the cat or dog. Finally, the task force believes that the USDA inspection reports for the breeders used by such pet shop should be readily available, without request by the customer, in an area that is readily visible and within the immediate vicinity of such animals.

On a voice vote, the above recommendation was ADOPTED

5. Recommendation: Establish a requirement that by the year 2018 twenty-five percent or more of the cats and dogs sold at each pet shop in the state be obtained from animal shelters and animal rescue organizations.

Finding: The task force members were divided over the question of whether pet shops should be required to source their cats and dogs from animal shelters and animal rescue organizations. While such requirement could eliminate the sale of cats and dogs in pet shops from inhumane origins, the task force recognized that such a requirement would not fully affect the proliferation of cats and dogs from inhumane origins in the state since direct-to-consumer e-commerce purchases of cats and dogs could still be a source of such proliferation. Moreover, the practical effect of such a requirement could effectively end the sale of kittens and puppies in pet shops since animal rescue and shelter animals tend to be older in age. Additionally, some pet shops may not be able to house larger, older animals given requisite space requirements. These effects could be detrimental to the continued viability of pet shops in the

state. Accordingly, the instant recommendation is intended to represent a compromise on this issue. Upon implementation of such requirement, section 22-344b of the general statutes (known as the "Puppy Lemon Law") should be amended to exempt those cats or dogs sold by pet shops that have been sourced from shelters or animal rescue organizations. The consumer protections of the Puppy Lemon Law do not currently apply to animals purchased or adopted from shelters or animal rescue organizations.

On a voice vote, the above recommendation was REJECTED

6. Recommendation: Amend the "Puppy Lemon Law" to require the payment of all veterinary services and medications for any cat or dog that becomes ill within twenty days of the sale or dies or is diagnosed with a congenital condition within six months of such sale.

Finding: Currently, the Puppy Lemon Law, (section 22-344b of the general statutes) provides that if, within twenty days of purchase, a cat or dog becomes ill or dies of an illness that existed at the time of purchase, or within six months of purchase, such cat or dog is diagnosed with a congenital defect that affects or will affect the health of such cat or dog that the owner has the option of seeking reimbursement up to five hundred dollars for the cost of medical care and medications provided to the animal for the treatment of such illness or congenital defect or, in the alternative, seeking replacement of the cat or dog or refund the full purchase price of such animal. This recommendation would amend the first option under the puppy lemon law to allow the consumer to be reimbursed for the cost of all veterinary services and medications for any cat or dog that becomes ill within twenty days of the sale or dies or is diagnosed with a congenital condition within six months of such sale.

On a voice vote, the above recommendation was ADOPTED

7. Recommendation: Increase certain fines applicable to the sale and importation of cats and dogs in the state pursuant to a schedule of fines developed by the Department of Agriculture.

Finding: In undertaking its work, the task force reviewed the statutes applicable to pet shop owners and other persons who import cats and dogs into the state. In some instances, the fines for violating applicable statutory requirements appear de minimis in nature. For example, in section 22-354(b) of the general statutes, if a pet shop licensee purchases a cat or dog from a breeder who is located outside of the state and who is not licensed by the USDA and the applicable state agency, the fine is one hundred dollars. The task force believes that a greater level of compliance with such requirement and other similar statutory requirements may be achieved if such fines are substantially increased. Accordingly, the task force recommends that the Department of Agriculture develop a schedule of fines applicable to pet shops and that such schedule be implemented statutorily and by regulation, as applicable.

On a voice vote, the above recommendation was ADOPTED

8. Recommendation: Require new pet shops established in the state to only obtain their cats and dogs through the use of humane sourcing.

Finding: The task force believes that pet shops first licensed after a certain date, to be determined by the legislature, should be required to source their animals from humane origins. Such requirement could eventually establish Connecticut as a model for other states to follow and therefore have a positive effect on the health and welfare of cats and dogs that are brought into the state for purchase by Connecticut residents. This requirement would not apply to a current pet shop licensee who is required to relocate such business due to a hardship or other circumstance.

On a voice vote, the above recommendation was ADOPTED

9. Recommendation: Establish a conveyance fee of not less than five dollars on the sale of each cat or dog by any pet shop or animal importer and require the deposit of such funds into a trust fund for use by the Department of Agriculture to enhance inspections and oversight of pet shops and animal importers.

Finding: Throughout the discussions of the task force, the limited resources available to the Department of Agriculture for the purpose of assuring compliance by pet shops and animal importers with statutory and regulatory provisions was universally recognized. The instant recommendation is an attempt to address, in part, such lack of resources by the department and provide for greater enforcement of such statutory and regulatory requirements.

On a voice vote, the above recommendation was ADOPTED

A motion was duly made and seconded to adjourn the meeting.

The meeting was adjourned at 1:35 PM.

Committee Clerk
Joshua Storm