

## Legislation – What’s Hot . . . . .

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### ***“Puppy Mills” and Breeder Permits – Trouble for Cat Breeders***

This time of year is the busiest for the CFA Legislative Group., mainly because of the many State Bills introduced as legislative sessions begin. CFA is currently tracking over 250 House and Senate bills. New York State takes the lead, as in previous years, with the highest number (over 80).

This year’s buzz is to make laws to restrict all breeding. Supposedly, according to proponents, these laws are needed in order to get rid of substandard commercial facilities that mass breed dogs. CFA does not condone cruelty, abuse or neglect in any breeder facility. However, we do resent the term, “puppy mill”, being used in laws that regulate dog AND/OR CAT breeders. New terms, such as “kitten mill” or “kitten factories”, have also been injected into State bills and local ordinances. This language is equally offensive to in-home conscientious pedigreed cat breeders. Many of the State bills are not even clear regarding whether cats are included in the requirements for “animals”. We are in the process of reviewing all of these new introductions as well as monitoring bills carried over from 2013.

**Every state bill seems to have it’s own definition for “commercial breeder” or “dealer”.** In each proposal the definitions are critical. .Most bills use number thresholds. Commercial breeders may be defined as a person with one intact dog or cat; 4 or more breeding females to 20 intact females; other are defined by sales, such as 9 animals per year, to sales of 25 or more per year. They are all dangerous because they can be changed to a lower number in the future.

**New York State is an example of the onslaught of legislation against breeders of purebred dogs and pedigreed cats.** Several bills pending for the 2014-15 session would change the long time definition of “Pet Dealer” and who is exempted. New York law has included an exemption for those who sell 25 or less animals per year. This definition has been in the Agriculture and Markets Law and the General Business Law at least since 2006.

The current definition of "pet dealer" in both sections of New York State Law contains **an exemption for breeders “who sell or offer to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises.”**

"Pet Dealer" means any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include, BUT NOT BE LIMITED TO, breeders who sell or offer to sell animals; **provided that a breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals**. Such definition shall [further] not include duly incorporated humane societies dedicated to the care of unwanted animals which

make such animals available for adoption whether or not a fee for such adoption is charged."

**NY A8843** entirely removes that exemption.

[http://assembly.state.ny.us/leg/?default\\_fld=&bn=A08843&term=2013&Summary=Y&Text=Y](http://assembly.state.ny.us/leg/?default_fld=&bn=A08843&term=2013&Summary=Y&Text=Y)

In the Agriculture & Markets Law – A8843 language:

**"Any person who engages in the sale, or offering for sale, of more than nine (9) animals per year for profit to the public. Such definition shall include, but not be limited to, breeders who sell or offer to sell animals.:"**

In the General Business Law:

**"Any person who, in the ordinary course of business, engages in the sale or offering for sale of more than nine (9) animals per year for profit to the public. Such definition shall include, but not be limited to, breeders of animals who sell or offer for sale animals directly to a consumer"**

**NY A2115** The "Pet Dealer" definition has been amended (was fewer than 13) to mean any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; however, breeders who sell or offer to sell directly to the consumer **fewer than fifteen animals** per year that are born and raised on the breeder's residential premises shall not be considered pet dealers as a result of selling or offering to sell such animals.

**NY A3371** "Breeder" is defined as any person who breeds **three or more animals** for sale per year for profit. The bill contains minimum standards of care, licensing and inspection provisions for breeders. Provides that for all animals bought by a pet dealer, the pet dealer must have a record that such purchase came from a breeder which is either licensed or exempt pursuant to Article 26-C of this chapter. (Contains local preemption language.)

**NY A3791** Provides that **any person**, except for someone having a valid pet dealer license, who, **for pay or other compensation, breeds a female dog or any other animal must obtain an animal breeding permit** from the commissioner. Also provides that each application for a permit shall include a non-refundable fee of \$115. Each permit when issued is valid for one year from the date of issue and **authorizes the whelping of no more than one litter per female animal in any twelve month period.**

**NY S3291** Provisions shall apply to any facility that is used to house or contain more than **twelve adult animals or nine animals and three or more litters of animals per year** and animals that are owned, operated, or maintained by a nongovernmental entity including, but not limited to, an organization operating for the purpose of finding or providing permanent adoptive homes for animals, but shall not include wildlife under the care of wildlife rehabilitators or laboratory animals held in facilities regulated pursuant to 9 C.F.R. Parts 1, 2 and 3, facilities accredited by the American Zoo and Aquarium Association. Also directs the commissioner to **promulgate regulations establishing standards for humane care and housing of animals and record keeping, including animal health certificates for any animals transported into the state.** (This one would apply to breeders or rescuers.)

**NY S4202** "Pet Dealer" is amended to mean any person who engages in the sale or offering for **sale of more than nine animals per year for profit to the public**. Such definition shall include breeders who sell or offer to sell animals; however, **breeders who sell or offer to sell directly to the consumer fewer than thirteen animals per year** that are born and raised on the breeder's residential premises shall not be considered pet dealers as a result of selling or offering to sell such animals.

Some of these New York bills will die in Committee or not be considered at all during the session, but it is difficult to know which bills might survive. New York state is a blatant example but there are many other similar bills in other states.

We urge fanciers to go to the CFA Alert page [www.cfa.org](http://www.cfa.org) and check on bills for your State. We can help you find the bill language. If you live in a State Capital we urge you to contact the CFA Legislative Group. We need your help. If you are able to monitor bills, visit legislators offices, deliver materials in folders or testify at hearings – contact [legislation@cfa.org](mailto:legislation@cfa.org)