



OPPOSE SD1448 – An Act Relative to Puppy Mills (Sen. Hedlund)

PROBLEM:

Setting standards for "puppy mills". The problem addressed in this legislation is unclear as there is no definition of "puppy mill".

HISTORY:

The AWA (Animal Welfare Act) does not define either "commercial kennel" or "puppy mill". The AKC (American Kennel Club) also avoids defining "puppy mill" but defines a commercial or high-volume breeder as one who "breeds dogs as a business, for profit" and a hobby breeder as "one who breeds purebred dogs to justifiably improve the breed, not for purposes of primary income."

The AKC has a nationwide inspection program. The USDA also has an inspection/licensing program for high-volume breeders. The USDA spells out requirements that must be met in terms of housing and care.

WHAT THIS BILL DOES:

This bill attempts to specify requirements for kennel licenses and requires anyone with four or more dogs to obtain a kennel license, and, thereby be forced to comply with very restrictive requirements.

WHY YOU SHOULD OPPOSE:

1. This bill limits the number of dogs a person "owns, possesses, controls, or otherwise has charge of" to twenty-five intact animals. Numerical limits do not address the underlying issues of responsible ownership and proper dog care. These exact provisions have been introduced in approximately 20 other bills throughout the country since the beginning of 2009. This is indicative of a nationwide legislative agenda aimed at severely limiting the activities of responsible dog breeders.
2. Very specific flooring, 24/7 ambient lighting and temperature requirements are stated – requirements that are difficult to incorporate and engineering requirements that are difficult to enforce as opposed to performance requirements.
3. Kennel (or crate) is very specific in terms of size of dog.
4. Exercise requirements of one hour are required with exercise yard size specified – no treadmills are allowed.
5. Dogs must be between 18 months and 8 years to be used for breeding and females may only whelp one litter per year.
6. Ear cropping, tail docking, debarking, and surgical births are prohibited except under anesthesia and by a licensed veterinarian. This is contrary to other bills recently filed.
7. It is an unfair burden on a hobby breeder to be required to comply with commercial kennel housing requirements.
8. No notice of inspection of licensees; inspections to be conducted at any time.

FOR MORE INFORMATION:

Massachusetts Federation of Dog Clubs and Responsible Dog Owners

Virginia Rowland, President; Blackslate@aol.com

Julie Rembrandt Seeley, Corresponding Secretary; jrembrandtseeley@aol.com

MassFed: 02/19/09

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Robert L. Hedlund

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act Relative to Puppy Mills.

PETITION OF:

NAME:

Robert L. Hedlund

DISTRICT/ADDRESS:

Plymouth and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO PUPPY MILLS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 140 of the General Laws as most recently appearing in the 2006 Official Edition is hereby amended by striking Section 137A and inserting in place thereof the following section:

Section 137A. Every person maintaining a kennel shall have a kennel license. Any owner or keeper of less than four dogs three months old or over who does not maintain a kennel may elect to secure a kennel license in lieu of licensing such dogs under section one hundred and thirty-seven, and during such time as he does not license such dogs thereunder shall have a kennel license and shall be subject to this section and to sections one hundred and thirty-seven B and one hundred and thirty-seven C and to so much of section one hundred and forty-one as relates to violations of this section, section one hundred and thirty-seven B or section one hundred and thirty-seven C to the same extent as though he were maintaining a kennel. Kennel licenses under this section shall be issued by the police commissioner of the city of Boston if the dogs are to be kept under such license in said city or by the clerk of any other town if to be so kept in said town.

Such license shall be in a form prescribed by the director, upon a blank to be furnished, except in the county of Suffolk, by the county in which the town is located. Such license shall be in lieu of any other license for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. The holder of a license for a kennel shall cause each dog kept therein to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license, the name of the town issuing such license and the year of issue. Such tags shall be in a form prescribed by the director, and shall be furnished to such owner or keeper by the clerk of the town in which such kennel is licensed, or, if licensed in Boston, by the police commissioner, in quantities not less than the number of dogs kept in such kennel. The fee for each license for a kennel shall be ten dollars if not more than four dogs are kept in said kennel, twenty-five dollars if

more than four but not more than ten dogs are kept therein and fifty dollars if more than ten dogs are kept therein; provided, that, for the purpose of determining the amount of such fee for any kennel, dogs under the age of six months shall not be counted in the number of dogs kept therein. The name and address of the owner of each dog kept in any kennel, if other than the person maintaining the kennel, shall be kept on file thereat and available to inspection by the county commissioners and by any dog officer, natural resource officer, deputy natural resource officer, fish and game warden or police officer.

The clerk of any town, or in Boston the police commissioner, shall upon application issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

Any holder of a license for a kennel in any town may remove his kennel to a location in any other town in the same county, with the written approval of such new location of the mayor or selectmen of the town to which he removes his kennel. Before such removal he shall deliver to the clerk of the town into which he intends to remove his kennel the written approval of the mayor or selectmen thereof and his original license, and the clerk shall thereupon, on payment of a fee of one dollar, issue to him a new license covering the new location for the balance of the period of the original license.

No kennel license shall be issued to a person who owns, possesses, controls, or otherwise has charge of more than twenty-five intact dogs over the age of six months at any time.

SECTION 2. Chapter 140 of the General Laws as most recently appearing in the 2006 Official Edition is hereby amended by striking Section 137C and inserting in place thereof the following section:

Section 137C. Flooring in all kennels shall be a solid surface or a solid/slatted combination. Ground level kennels shall be of poured concrete sealed with an epoxy sealant so that the runs can be properly cleaned and disinfected. Raised kennels should be slatted with a solid resting surface. Floors constructed with slats shall be flat and must have spaces in between that are no more than 0.5 inches in width. The slats must have spaces between them that run the length of the floor and be no less than 3/5 inches in width. Slats shall be level with the slat next to it within a single enclosure and must be strong enough so that it doesn't sag or bend between structural supports. Slats must be constructed of a material impervious to moisture and able to be cleaned and sanitized.

Primary enclosures must be placed no higher than 42 inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure.

Each dog over four months of age shall be provided with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise shall include removing the dog from the dog's primary enclosure and either leash walking or giving the dog access to an enclosure at least four times the size of the primary enclosure allowing the dog free mobility for the entire exercise period, but shall not include use of a treadmill, catmill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this section shall not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

Structures or buildings where dogs are kept must be constructed so that dogs remain clean and dry and must be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes. Ambient temperature must not fall below 50 degree F or rise above 85 degrees F and must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation. Structures or buildings must be equipped with a working smoke alarm and have a means of fire suppression, such as functioning fire extinguishers or a functioning sprinkler system on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night.

Feces, hair, dirt, debris and food waste must be removed from primary enclosure at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors. Food must be stored in manner that protects it from spoilage, vermin infestation and prevents contamination. Food and water receptacles

must be readily cleaned and sanitized. Dogs must be removed from enclosures during cleaning. Enclosure must contain potable water that is not frozen, is free from debris, and is readily accessible to all dogs at all times.

Dogs shall be provided space to allow each dog to turn about freely, to stand, sit and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure and without touching any other dog in the cage when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each cage should be at least 3 times the length of the longest dog in the cage, from tip of nose to base of tail.

All dogs housed in the same enclosure must be compatible, as determined by observation. Dogs with a vicious or aggressive disposition must be housed individually. Breeding females in heat may not be housed in the same enclosure with sexually mature males, except for breeding. Breeding females with litters may not be housed in the same enclosure with other adult dogs. Puppies under 12 weeks may not be housed in the same enclosure with other adult dogs, other than the dam or foster dam.

A male unaltered dog must be examined by a veterinarian at least once a year. A female unaltered dog must be examined by a veterinarian at least once a year or prior to each attempt at breeding, whichever occurs more frequently. A dog shall not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of 18 months and 8 years of age may be used for breeding. Female dogs shall only be allowed to whelp one litter per year. The veterinarian shall use appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Ear cropping, tail docking, debarking, and surgical births are prohibited except under anesthesia and by a licensed veterinarian. Animals requiring euthanasia will be euthanized only by a licensed veterinarian.

No person may own, possess, control, or otherwise have charge of more than twenty-five intact dogs over the age of six months at any time.

The mayor of a city or selectmen of a town, or in Boston the police commissioner, or a chief of police or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the county commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in case of suspension may reinstate, such license. Upon the petition of twenty-five citizens, filed with the mayor of a city or the selectmen of a town, or in Boston with the police commissioner, setting forth that they are aggrieved, or annoyed to an unreasonable extent, by one or more dogs at a kennel maintained in such city or town, because of the excessive barking or vicious disposition of said dogs or other conditions connected with such kennel constituting a public nuisance, said mayor, selectmen or police commissioner, as the case may be, within seven days after the filing of such petition, shall give notice to all parties in interest of a public hearing to be held within fourteen days after the date of such notice. Within seven days after such public hearing said mayor or selectmen, in Nantucket county or in Suffolk county elsewhere than in Boston, or in Boston said police commissioner, shall make an order either revoking or suspending such kennel license or otherwise regulating said kennel, or dismissing said petition. In counties other than Nantucket or Suffolk, said mayor or selectmen within said seven days shall report in writing to the county commissioners their recommendations and within seven days after receipt of such report said county commissioners shall investigate or cause to be investigated the subject matter of such petition and shall, by order, either affirm or deny such recommendations by suspending or revoking such kennel license or otherwise regulating such kennel, or by dismissing the petition. Written notice of any order under this section revoking, suspending or reinstating a license shall be mailed forthwith to the officer issuing such license and to the holder of such license. Within ten days after such order the holder of such license may bring a petition in the district court within the judicial district of which such kennel is maintained, addressed to the justice of the court, praying that the order may be reviewed by the court, and, after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person maintaining a kennel after the license therefor has been so revoked, or while such license is so suspended, shall be punished by a fine of not more than fifty dollars.