

# Legislation - What's Hot . . . . .

By Joan Miller, CFA Legislative Information Liaison

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## ***Pet Store Bans – what does this have to do with Pedigreed Cat Breeders?***

There is a movement in the United States to ban the sale of dogs AND CATS and rabbits, in pet stores. San Diego, California will become the 32<sup>nd</sup> City in the United States to prohibit retail sales, display, give-away or any transfer of animals in pet shops or other “commercial establishments”. The City Council on July 9<sup>th</sup> unanimously passed a proposed ordinance that started out as a ban on the sales of dogs, cats and rabbits by pet stores unless they came from a shelter or non-profit 501(c)3 rescue group. The ordinance passed in the Public Safety committee a few months ago, with the chair asking for a specific exemption for breeders. Suddenly it morphed into a ban on practically ALL sales of dogs, cats and rabbits.

New language inserted at the last moment exempted only those breeders who have sold “no more than all or part of 3 litters.....or 20 dogs, cats or rabbits” in the preceding twelve months. The ordinance would also not apply to the display, offer for sale, delivery, transfer or sale, and even giving away, of animals “from the premises on which they were bred and reared”. This means that a breeder who, in the past year, had 4 litters of kittens and sold only one from each litter would be considered a “commercial establishment”, defined as “any for-profit business enterprise”, including a person engaged in retail or wholesale commerce related to dogs, cats and rabbits. No breeder, other than a casual or novice person with 2 or 3 queens, could sell kittens. Violations would be a criminal (misdemeanor offense) with a \$250 fine for first offense, \$500 for the second and \$1000 for the third and subsequent.

The new language was not available from the City Attorney until Saturday July 6<sup>th</sup> and the hearing was on Tuesday July 9<sup>th</sup>. Several of us went into action working on data, points to make, planning, researching and we tried to muster some supporters to come to the Tuesday hearing. On Monday 6 dog and cat fanciers gathered over 5 hours at a local Starbucks to create a PowerPoint presentation with opposition points. Later I worked until 2:30 am and Kay Henderson, a Borzoi breeder, continued until 4:30 am to complete the PowerPoint.

[\*Read more:\*](#)

At the hearing the next day Kay, Margaret Williamson, dog fancier, and I were given a maximum of 15 minutes total for a presentation of our side. Each speaker was allotted only 1 minute, so we appreciated the dog and cat people who gave us their minutes. Also wonderful letters were submitted by AKC and NAIA and others, as well as much behind the scenes work and meetings with Council members' staff. Alerts were sent out by PIJAC, AKC and CFA.

We were gratified that our efforts were worthwhile. We were successful in obtaining an amendment that would remove all reference to the 3 litter and 20 animal sales in a 12 month period eliminating the threat to hobby/home breeders. See the CFA San Diego Pet Sales Ordinance UPDATE on the [www.cfa.org](http://www.cfa.org) legislative page. You will find a link to the entire testimony and more information.

Pet stores will be required to certify that any animals they sell only come from a shelter or non-profit rescue group. We pointed out the detrimental consequences of this kind of monopoly. There is a shortage of dogs and therefore increasing imports from undesirable sources, including Mexico and Romania. We pointed out that many shelter/rescue dogs lack predictable characteristics that some want in their pet whereas shelter animals' health and background are often unknown and a serious rabies threat.

### **Why did this ordinance pass?**

Most of the Council Members were swayed by the horrible photos and descriptions of substandard dog facilities. A few Members of the Council did have some concerns related to enforcement and the impact on individuals who take in a stray cat "not bred and reared on the premises". The "Pet Market", a pet product store in San Diego, expressed objection to this language. They spay/neuter and re-home cats for people who fear going to SD Animal Services where the cats have a good chance of being killed. To avoid complications Dr. Gary Weitzman, President of the San Diego Humane Society, jumped up and guaranteed that any cats Pet Market received the Humane Society would place. And he later agreed that individuals could be assured they can also rely on the Humane Society. Currently the Humane Society only will take relinquished owned cats. Strays/community cats that come in to the Humane Society now go over to Animal Services. We are skeptical, as this could result in a higher intake for SD Humane. It makes much more sense to allow citizens to spay/neuter and re-home cats if they are willing.

### **What is next:**

There will be a second reading in a few weeks. Even though there is little chance of further amendments, we still need to continue to email and talk with Council staff members and educate them on why people should be able to re-home cats not bred by them. The Council also discussed having a review in 6 months or a year; however, it was not clear that this will happen.

The momentum is becoming dangerous to all non-commercial breeders. Research, and listening to testimony, indicates that the groups behind this movement are not simply interested in eliminating local pet stores as a means to stop substandard kennels ("puppy mills"). They want to eventually end all purposeful breeding of cats and dogs. Fanciers must now be on high alert to watch all ordinance proposals in local jurisdictions that claim they are only going after pet stores and will not harm any "responsible breeders". When these ordinances pass, it may become easy to simply put back in language that would eliminate all but the accidental litters or novice/casual breeding.

The CFA Legislative Group has difficulty monitoring local ordinances throughout the entire Country. We depend on YOU, our grass roots legislative liaisons, dog friends, bird and rabbit fanciers to communicate with us. We have so far not taken an active advocacy role against the Pet Store Bans, leaving this job to the Pet Industry Joint Advisory Council (PIJAC) and pet store owners.

Vulnerable cities will be targeted, especially in California. Cities that already have enacted the ban on pet stores selling dogs and cats include West Hollywood, Irvine, Hermosa Beach, Chula Vista and several others. Los Angeles is the largest City in the US to prohibit the selling of dogs, cats and rabbits from commercial breeders. San Francisco tabled a similar ordinance, but it could come up again. The first State to consider a pet store ban is Connecticut. Instead they decided to form a General Assembly legislative task force to "study the issue of kitten and puppy sales from sub-standard breeding facilities and sold at Connecticut pet stores." This task force was created under a recent statute.

Currently, there is only one store in the City of San Diego that sells puppies. No cats and no rabbits. California has some of the most restrictive laws regarding pet stores, dog breeder warranties and kennel facilities. So the ordinance will not improve animal welfare. It is merely a statement against bad conditions for animals.

The ordinance originated with a powerful 93 page report, full of inaccuracies, in early 2013 presented to the City Attorney by the Companion Animal Protection Society, based in Massachusetts. The City then formed a “stakeholders group”, lead by the San Diego Humane Society. The ordinance was developed with no input from pet stores, or breeders. It was supported by several animal rights groups, including the San Diego Animal Defense Team, and the San Diego Animal Welfare Coalition. National organizations, such as the HSUS and Best Friends, also have added their lobbying support and were present at the City Council hearing.

Ultimately these organizations seem to want to build a monopoly for shelter and rescue groups as the only providers of pets. CFA strongly opposes mistreatment of animals in substandard facilities. We support strong USDA/APHIS regulation of large scale commercial facilities and dealers selling to pet stores, enforcement of existing State anti-cruelty laws, as well as self regulation. We must continue to protect the pedigreed breeds of cats and the choice of Americans to add their ideal pet to their lives, whether a pedigreed cat or a random-bred. We ask you to watch very carefully every pet shop sales or “puppy mill” ordinance that you hear about and contact us at [legislation@cfa.org](mailto:legislation@cfa.org)

**References for further information:**

**San Diego Union Tribune article following the Public Safety Committee hearing in May.**  
<http://tinyurl.com/UnionTribArticle>

**Companion Animal Protection Society (CAPS)**  
[www.caps-web.org](http://www.caps-web.org)