

Animal Law CLE: How Much for that Doggie in the Window? The True Cost of Puppy Mills

Lauren Loney

Texas State Director

**The Humane Society of the United
States**

Shelby Bobosky

Executive Director

**Texas Humane Legislation
Network**

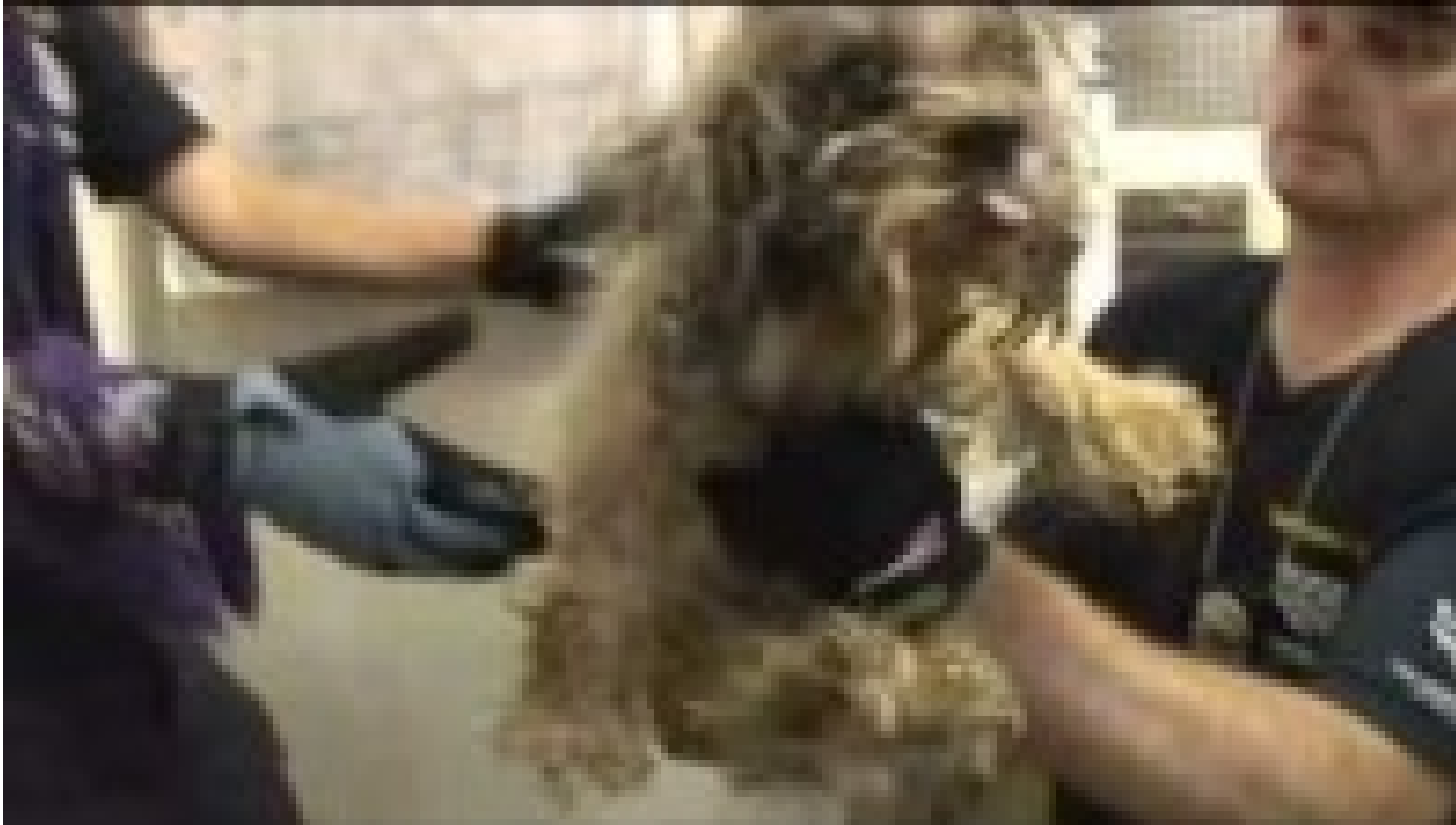


**THE HUMANE SOCIETY
OF THE UNITED STATES**



**TEXAS HUMANE
LEGISLATION
NETWORK®**

What is a puppy mill in Texas?



Texas Before 2011 – Signs of a Commercial Breeder

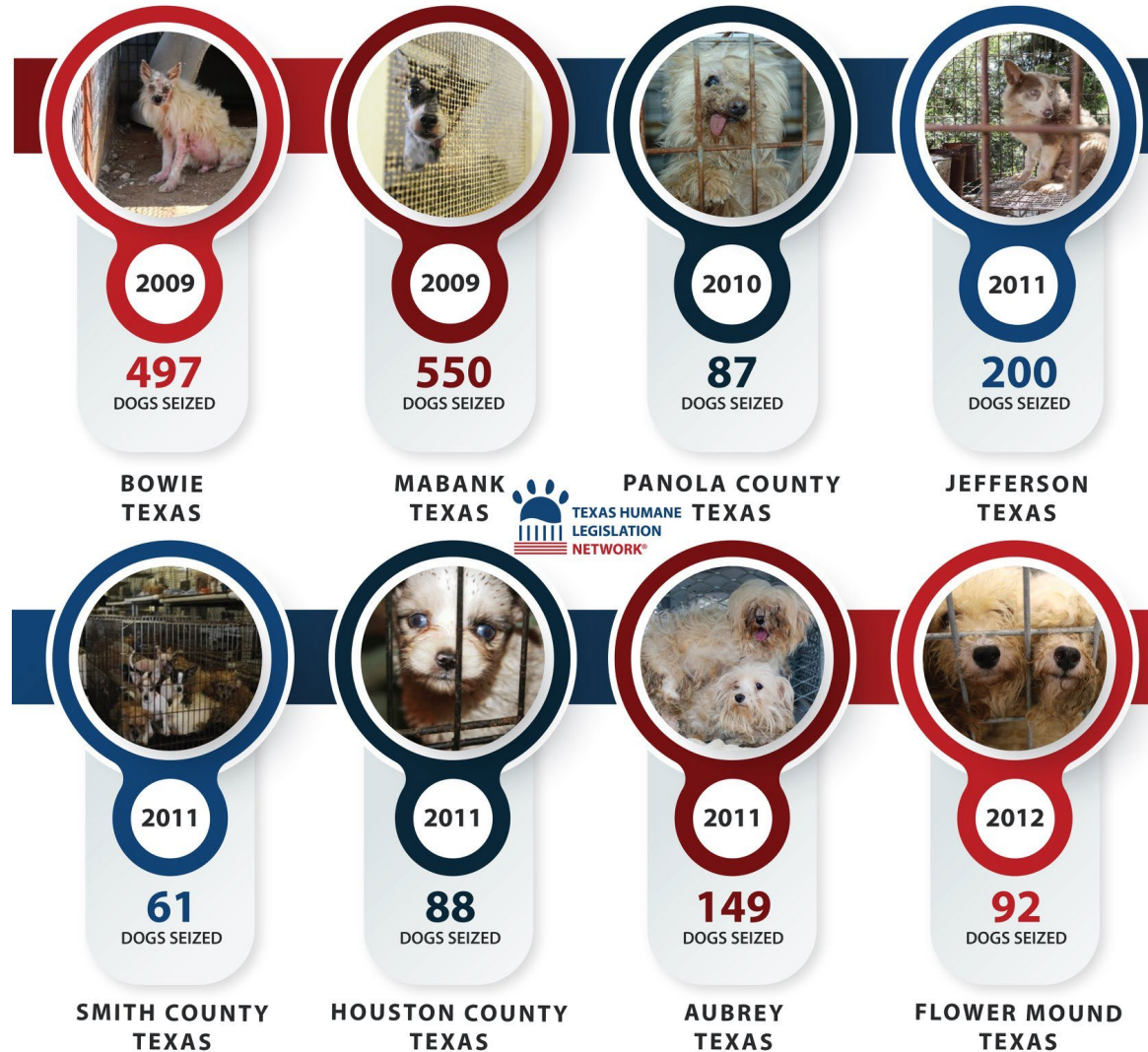
What are puppy and kitten mills?

- There is no federal statute or rule that specifically define “breeding.”
- You can infer by the collective definitions found in the licensed breeder statutes and rules that “breeding” means the practice of mating selected dogs with the intent to maintain or produce specific qualities and characteristics; in order to sell the offspring for commercial purposes.

Several Texas puppy mills are on the HSUS horrible hundred list:

- Multiple breeds & always has litters
- Sells online and will ship dogs across the country
- Will not let you on their property
- Meets up in parking lots/public spaces for transaction
- Sells to pet stores
- Sells at flea markets

BEFORE THE BREEDER PROGRAM



The Texas Licensed Breeders' Program

In 2011, the Texas Legislature passed and then-Governor Perry signed into law the Dog and Cat Breeders Act.

The law's aim is to regulate those who (1) possess 11 or more adult intact female animals and (2) who are engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration and (3) who sell or exchange, or offer to sell or exchange, not fewer than 20 animals in a calendar year.

The law was designed to be enforced by the Texas Department of Licensing and Regulation (TDLR), which created the Licensed Breeders Program to carry out the Act.



The Texas Licensed Breeders' Program Con't

- Covers commercial breeders w/ 11 or more breeding females & engaged in business of selling offspring (sell 20 or more).
- Requires commercial breeders to obtain license.
- Requires TDLR to conduct inspections every 18 months.
- Requires humane care and treatment of dogs and cats.





TDLR **Inspections**

The Sunset Bill did not include the Texas Licensed Breeder Program

In 2020, TDLR's programs and practices were reviewed as part of its most recent "sunset process".

The state's Sunset Advisory Commission regularly evaluates state agencies and programs to see if they are still relevant.

If the answer is yes, the Commission recommends improvements to make them more effective and efficient.

However, if the answer is no, it recommends that the Texas Legislature abolish the agency or the program, or transfer its functions to another agency with related functions.



The Sunset Bill did not include the Texas Licensed Breeder Program

The Sunset Advisory Commission's June 2020 Staff Report has recommended that the Licensed Breeders Program, along with fourteen other TDLR occupational licensing programs, *is not necessary to protect the public*.

In its findings, it implies that the law as enacted is fundamentally flawed, as it provides significant statutory exemptions and unenforceable requirements that undermine both the program's goals and the agency's efforts.

Moreover, program revenues have been found to not cover administration of the Licensed Breeder Program.

Despite this, the Texas Licensed Breeder Program was not included in the Sunset Bill (HB 1560).

Over 500 comments in 2020 asking to save the program.



Other Breeder Related-Bills

HB 3057 (Rep. Gervin-Hawkins, SA)

Sec. 802.155. BILL OF SALE. (a) A licensed breeder shall provide to a purchaser a bill of sale for each animal sold or exchanged in return for consideration. The bill of sale must include:

- (1) the name and license number of the licensed breeder;
- (2) the name of the purchaser;
- (3) a description of the animal sold or exchanged;
- (4) the date of the sale or exchange;
- (5) the amount paid to the licensed breeder; and
- (6) a statement adopted by commission rule advising that dog and cat breeders are regulated by the department and including the department's name, mailing address, telephone numbers, and Internet website address.

(b) A licensed breeder shall maintain a copy of each bill of sale.

SB 323 (Senator Royce West, Dallas)

SECTION 1. Section 802.002(8), Occupations Code, is amended to read as follows:

(8) "Dog or cat breeder" means a person who possesses five ~~[11]~~ or more adult intact female animals and is engaged in the business of breeding those animals for direct or indirect sale or for exchange in return for consideration ~~[and who sells or exchanges, or offers to sell or exchange, not fewer than 20 animals in a calendar year].~~

HB 1818 by Rep. Jared Patterson

Background to HB 1818:

- There are concerns that state law does not do enough to protect consumers and animals from commercial pet stores, which results in consumers purchasing animals with undisclosed health defects that can lead to increased veterinary costs.
- In addition, it is estimated that millions of dogs and cats are sold annually by breeders across the country, while dogs and cats that are in need of a home are left in shelters and euthanized.
- HB 1818 seeks to address both issues by limiting the sources from which for-profit pet stores in more populous counties may legally obtain dogs or cats and requiring store owners to disclose the source of each dog or cat up for sale.

The infographic features a central photograph of a multi-level wire cage system, likely used in a pet store or breeding facility, with several animals visible inside. The image is framed by a decorative border of red, white, and blue confetti and streamers. At the top, a dark blue banner reads "LEGISLATION UPDATE". Below this, a red banner with white text states "HB 1818 PASSED IN THE HOUSE". At the bottom, a dark blue banner with white text says "NEXT STOP: THE SENATE". In the bottom left corner, there is a logo for the "TEXAS HUMANE LEGISLATION NETWORK" which includes a stylized American flag and a paw print.

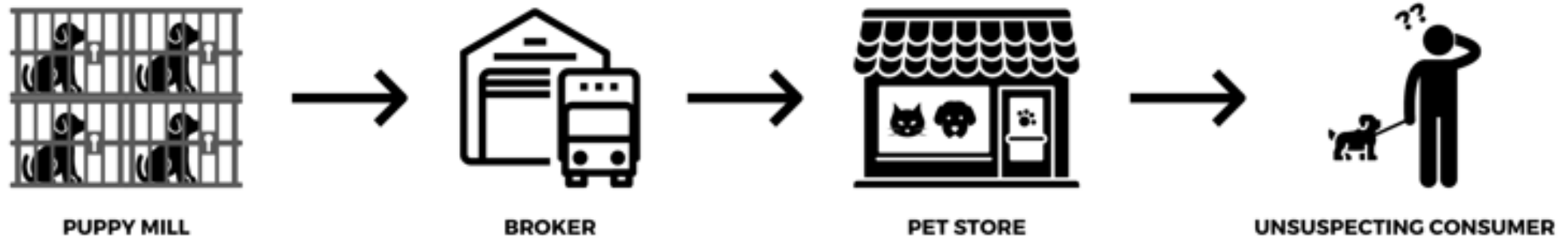
LEGISLATION UPDATE

**HB 1818
PASSED IN THE HOUSE**

NEXT STOP: THE SENATE

 TEXAS HUMANE
LEGISLATION
NETWORK

The Puppy Mill Pipeline



- Public records: From 2019-present thousands of puppies were imported into Dallas to be sold at just one puppy-selling pet store.
- Puppy-selling pet store relies heavily on puppy mill brokers—middlemen dealers who buy puppies from many different commercial breeders and resell them to pet stores.
- Utilizing brokers adds an additional leg of transport for young, stressed, and often neglected puppies
 - Preferred Canines, for example, buys puppies from dozens of breeders, transports them to their facility in Sugarcreek, OH, and then trucks them to Dallas—a **1,143 mile/17 hour and 32 minutes trip**.
 - Reports of feces/urine-filled cages, sick and dead puppies, dehydrated puppies, and failed air conditioning and heat in transport vehicles.

No Pet Store Needs to Sell Puppies

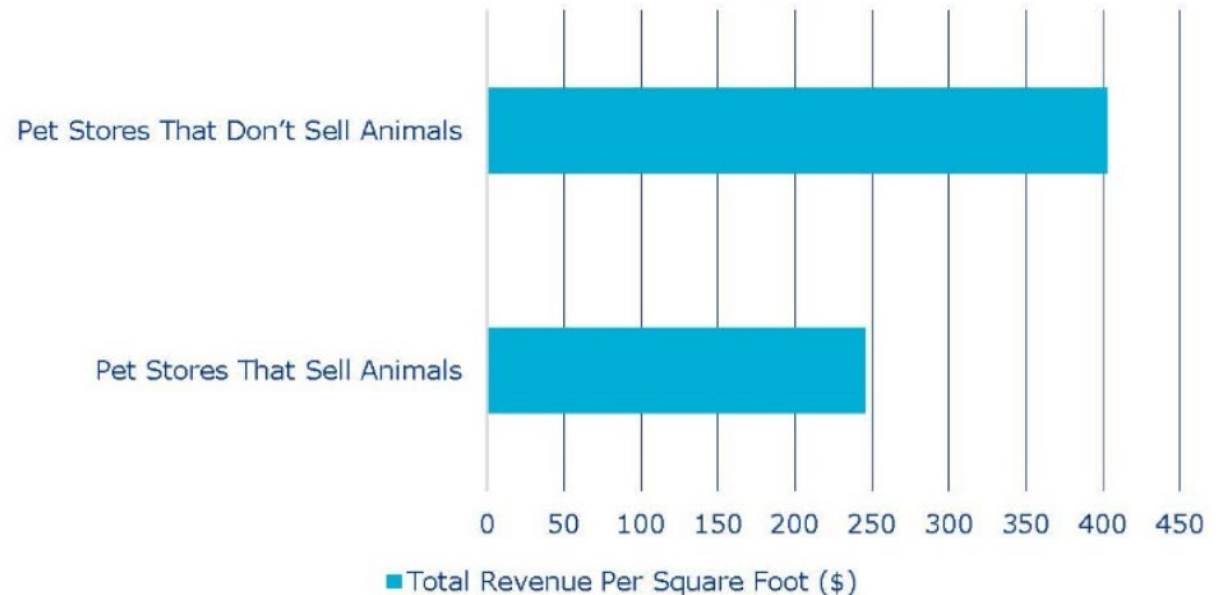
American Pet Products Association: Americans spent \$103 billion on their pets in 2020 with pet food, products, and services dominating.

Pet Business Magazine: Of the top 25 pet retailers in North America only one sells puppies, and that chain has moved down the list as more than half of the top retailers (that don't sell puppies) expanded their business in 2020.

Ex-Parthenon: One of the largest consulting organizations in the world reported the pet products and services industry has become “a potentially explosive market” and that even with the availability of online retail, 78% of people prefer to shop for their pets in brick-and-mortar stores.

World Pet Association: In 2019, pet stores that only sold dry goods reported more total revenue per square foot (\$403) than those that sold animals (\$246).

Pet Store Revenue Per Square Foot



Where Residents Will Obtain Their Next Pet



- Responsible breeders, local shelters and rescues, including breed-specific ones
- Search of AKC Marketplace and other reputable online sites show a wide variety of young puppies available directly from breeders in the area
- HSUS provides responsible breeder resources/checklist to public
- There is no evidence that humane pet store ordinances lead puppy buyers to the internet:
 - Impulse pet store purchasers won't buy at all;
 - Those who want to meet the puppy first will find local breeder;
 - Online sellers are regulated by USDA.



Why not a different kind of regulation?

- State of Texas unable to inspect and regulate out-of-state breeders.
- Violates the Dormant Commerce Clause to limit sales to in-state breeders.
- “Transparency” laws have proven to be unsuccessful in protecting consumers from deceptive business practices or the welfare of either puppies or the parent dogs.
- Many Texas pet stores are already complying with this ordinance—the law should reflect that.
- Prevents new puppy-selling pet stores from moving into Texas.

Complicated Financing, Lending and NDAs

- A humane pet store ordinance would protect consumers from complicated contracts and hidden, high interest rates.
- A key part of the pet store puppy sales pitch is financing, especially when a consumer cannot afford to pay thousands of dollars for a puppy outright.
- These financing schemes have extremely high interest rates that are not disclosed at the time a puppy is purchased. These agreements also include undisclosed fees, very high interest rates, and refusal to help consumers whose puppies had gotten sick or even died.
- The THLN 800-hotline has received hundreds of complaints for Dallas retail stores selling puppies. They often cannot tell their story due to the Non-Disclosure Agreements.



Humane Pet Store Ordinances in Texas

What is happening in pet stores in Texas?



What is a Humane Pet Store Ordinance?

Will prohibit the sale of dogs and cats in pet stores.

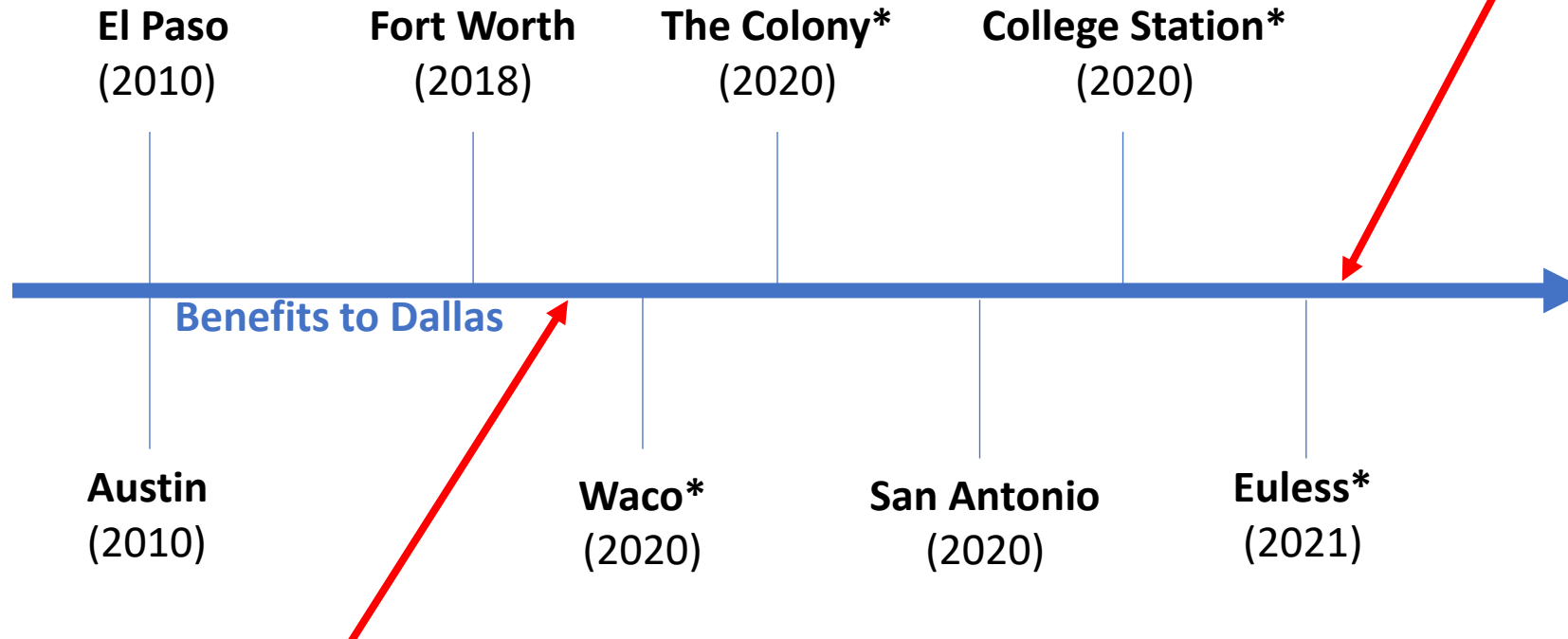
Similar to HB 1818: Statewide law that nearly passed and Dallas supported.

Similar to laws in 400 localities across 31 states, including **9 in Texas**, and 5 states.



Texas Humane Pet Store Ordinances:

87th Legislative Session:
H.B. 1818 supported by
City of Dallas and many
local rescue organizations.



2019: HSUS released
undercover investigation at
Frisco puppy-selling pet
store.

*These cities passed a humane pet
store ordinance preemptively to
prevent puppy-selling pet stores from
moving in.

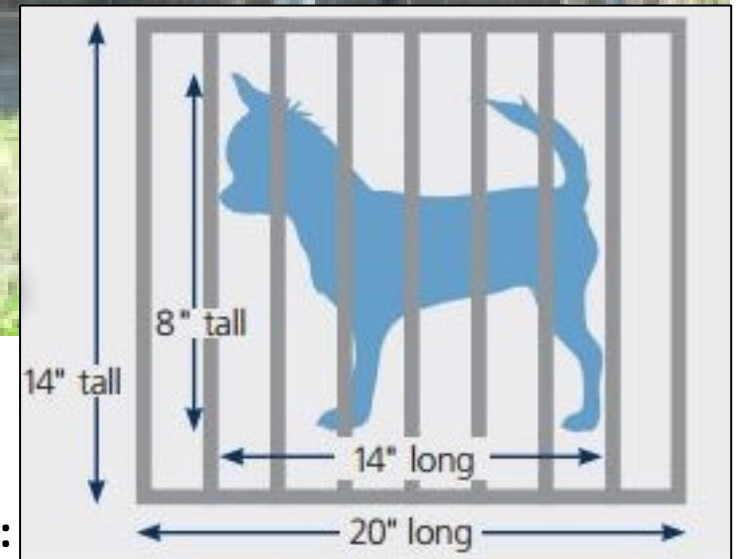
Example: Dallas, Texas

Draft Ordinance

- ✓ Stop hundreds of weeks old puppies from being trucked into Dallas each year from Midwest puppy mills and prevent the problem from worsening should additional stores want to sell puppies;
- ✓ Protect consumers from deceptive sales tactics, ending up with sick puppies, and puppy financing interest rates that are often much higher than disclosed;
- ✓ Protect the community from the ongoing antibiotic-resistant infection outbreak connected to pet store puppies;
- ✓ Support dozens of Dallas humane pet stores that already don't sell puppies;
- ✓ Support Dallas Animal Services by moving the local pet market towards shelters and rescues, alleviating pressure on those organizations.
- ✓ Encourages people to support responsible breeders who only sell directly to the public and who frequently offer support services such as rehoming support, when needed.

Where the Mother Dogs Live

- Lewis Bloom (Clay Center, KS)
- July 2020 photo shows dogs confined to small, raised enclosures with wire walls
- Kansas violations in 2018 and 2019.
- No USDA violations since 2017 despite poor conditions



USDA Cage Requirements:

Where the Mother Dogs Live

- Milton Lewis (Newport, NE)
- History of egregious animal welfare violations from Nebraska Dept. of Ag
 - Golden Retriever with puncture wounds on leg and swollen eye after being attacked by other dogs
 - Lab puppy who had leg bitten off by another dog
 - Told inspector he wanted to euthanize dogs rather than groom them
 - Photo to right is dog he euthanized rather than seeking veterinary care



Responsible breeders don't sell to pet stores

Heart of Texas Akita Club of Greater Dallas/Fort Worth

"Refuse to deal with dog wholesalers or to sell puppies to pet shops..."

Dallas-Fort Worth Metro Golden Retriever Club, Inc.

All persons who subscribe to the purpose of the Club, who are in good standing with the American Kennel Club, who are in good standing with the Golden Retriever Club of America, if a member of such organization, who have indicated a willingness to serve the Club in some capacity such as committee member, steward, trophy donor, etc., who shall not have been nor presently engaged in the buying and selling of dogs for resale, and who has not and does not sell puppies in litter lots, are eligible for membership.

The Great Dane Club of Greater Dallas

All breeders and owners of Great Danes (bitches and stud dogs alike) shall: Not wholesale litters of Great Danes, sell to Brokers or Pet Shops, provide any animal for prize or raffle purposes; nor use a Stud Dog in like manner.

Local Success Stories in Dallas

- **Woof Gang Bakery & Grooming:** Thriving store in Dallas; recently surpassed Petland on the Top 25 Pet Retailers list. The owners have stated: “**Good pet stores do not sell puppies and responsible pet breeders do not sell to stores.**”
- **Downtown Pawz:** Local, family-owned business; voted best pet store in Dallas by D Magazine. Full-service pet supply store offering natural pet foods and treats, products, bathing and grooming, dog walking and free delivery.
- **PetSmart, PetCo, Pet Supplies Plus & Pet Supermarket:** All have Dallas stores; none sell dogs/cats but rather host adoption events and sell a variety of pet products and services



Local Support in Dallas

- At least 6 (list is growing) Dallas veterinarians have voiced support for ordinance due to concerns with the health of pet store puppies.
- 20+ Dallas pet stores have signed the HSUS Puppy Friendly Pet Store Pledge.



Pet stores that sign our puppy-friendly pledge offer pet supplies only, or have rescue dogs available for adoption.

Text **PUPPY** to **30644** to find a store near you.

 **THE HUMANE SOCIETY**
OF THE UNITED STATES

Message and data rates may apply. Text **HELP** for info. Text **STOP** to opt out. By performing this action, you are signing up for recurring messaging from the Humane Society of the United States. Expect four messages a month. No purchase necessary. Privacy policy at humanesociety.org/privacy. Terms at humanesociety.org/sms.

THANK YOU!

Lauren Loney

Cell: 512-534-7939

lloney@humanesociety.org

Shelby Bobosky

Cell: 214-708-4292

shelby@thln.org



**THE HUMANE SOCIETY
OF THE UNITED STATES**



**TEXAS HUMANE
LEGISLATION
NETWORK®**

