



Massachusetts Veterinary Medical Association

March 23, 2018

Representative Jeffrey Sánchez
Chair
House Committee on Ways and Means
24 Beacon St.
Room 243
Boston, Massachusetts 02133

RE: H. 3212 - An Act to protect pets in the Commonwealth

Dear Chairman Sanchez and committee members,

The MVMA joins the HSUS, MSPCA, HSVMA, ARL Boston and ASPCA in opposition to House Bill 3212 and strongly urges that the House Committee on Ways and Means take no action.

Despite the title, H. 3212 actually strips localities of the right to protect consumers, regulate animal welfare, and promote humane businesses.

H. 3212:

- Eliminates the authority of local government to pass ordinances relating to the sale of pets from pet stores in their communities;
- Takes language from legitimate animal protection bills (S. 1155/H. 1080) and weakens it to render it ineffective at protecting animals;
- Conflicts with pending Mass. Department of Agricultural Resources regulations;
- Restricts consumers' ability to achieve recourse for being sold a sick puppy or kitten; and
- Uses obsolete terminology and references non-existent state agencies and statutes.

H. 3212 would result in:

Obstruction of local animal welfare protections: Municipal restrictions or bans on the sale of animals in pet stores cut off a crucial outlet for puppy mills (large-scale commercial breeders, where profit is given priority over the well-being of animals). Responsible breeders would never sell to pet stores because they want to meet and screen their puppy buyers. In fact, a review of the Codes of Ethics for the National Breed Clubs representing all dog breeds recognized by the AKC found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores. Thus, a large majority of pet store puppies come from puppy mills, allowing the inhumane industry to thrive. Cities and town should be able to act on this issue.

Preemption of municipal reform: Last year, by a unanimous vote, the Boston City Council decided that banning pet stores from selling certain animals was best for Boston. H. 3212 would overturn that decision and prevent similar action by other municipalities. It would prevent cities and towns from

creating additional protections for animals and consumers in their communities—such as prohibiting the sale of animals from large-scale commercial breeders—and they should still be allowed to.

Distraction from legitimate state-level animal welfare reform: An Act relative to protecting puppies and kittens (S. 1155 and H. 1080) works to ensure that puppies and kittens sold in Massachusetts pet shops are not obtained from USDA licensed breeders with three or more violations of the Animal Welfare Act during the past three years. H. 3212 assumes that USDA licensing provides a guarantee of humane treatment for dogs or that a facility is not a puppy mill—but the truth is that USDA licensing does not such thing. The standards of care required under the federal Animal Welfare Act, enforced by the USDA, are only minimal standards, meaning breeders with violations are considered the “worst of the worst.”

Thwarting consumer protections: H. 3212 does not protect consumers from purchasing puppy mill puppies, who are often sick and behaviorally-challenged because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and very susceptible to genetic disorders. This legislation explicitly allows pet stores to purchase from completely unregulated and uninspected breeding facilities. Additionally, the sourcing provisions in H. 3212, which regulate from where a pet store can source dogs and cats, restricts breeders with direct and indirect violations. H. 3212 uses the term “indirect,” which is no longer used by the USDA and the USDA has added two new categories of violations: “critical” and “non-critical.” Thus, any breeder or person with critical violations (which are serious) or with non-critical violations are off the hook and would be allowed to sell animals to pet stores under this bill.

Prevention of the ability to curb the number of homeless animals: Local pet store ordinances encourage consumers to adopt homeless animals, and ensure pet stores obtain dogs from shelters and rescues, rather than from puppy mills. Pet store dogs can end up in shelters because many come with a wide range of health and behavioral problems – often a result of inadequate socialization and care. These local ordinances can lessen the burden on shelters and tax-payer funded municipal animal control facilities that take in animals surrendered after they were sold in pet stores. (For example, in 2015 just one local organization, the MSPCA, received 450 animals originally purchased from pet stores).

Limitations on a humane business model: The pet store industry is dominated by successful businesses that do not sell puppies; of the top 25 retailers in the country only one—Petland—sells puppies. The other chains sell products and offer quality services. The largest and most successful chains in the country partner with shelters and rescue organizations to hold adoption events at their stores. The Humane Society of the United States works directly with pet shops willing to switch to this humane model, where they only acquire dogs from shelters and rescues. We have seen many pet shops thrive on this model and Massachusetts municipalities should be able to require this model in their communities, if they choose to.

The MVMA joins the HSUS, MSPCA, HSVMA, ARL Boston and ASPCA in opposition to House Bill 3212 and strongly urges that the House Committee on Ways and Means take no action.

Sincerely,



Susan G. Curtis
Executive Director