



NATIONAL ANIMAL INTEREST ALLIANCE

Supporting the people who care for America's animals

May 27, 2008

The Honorable Michael Hanna
Chairman, House Agriculture and Rural Affairs Committee
302 Main Capitol Building
Harrisburg, PA 17120-2020

Dear Chairman Hanna and members of the committee:

I am writing on behalf of the National Animal Interest Alliance regarding HB 2525, the recently introduced dog law legislation. NAIA is a national organization whose role is to provide a moderate, balanced, fact-based perspective within the animal welfare debate. We are proud to represent a variety of animal interests including organized dog and cat enthusiasts, agriculture, medical research, veterinary medicine, wildlife management and pet owners across America. We have many members in Pennsylvania who are concerned about animal welfare while preserving the rights of responsible animal owners.

We strongly support the goal of improving substandard kennels and breeding operations, and have therefore followed the Governor's efforts to crack down on abusive kennels in Pennsylvania with great interest. We commend the tremendous contributions made by all parties involved in crafting this legislation and we want very much to be able to support the final product. Overall, we stand behind the spirit and intent of HB 2525 to eliminate poor and irresponsible practices, but upon closer review, feel compelled to point out some areas where the bill could lead to misinterpretations, enforcement problems, and rights violations.

Our primary concern is that this bill contains the scope and authority necessary to eliminate substandard kennels, without causing any undue, collateral harm to the law abiding, responsible breeders and kennel operators. We favor laws that use reasonable, fair and enforceable methods and procedures that follow due process, avoid invasion of privacy without just cause, and use science-based criteria.

The following provisions in HB 2525 raise concerns for our members, or require further clarification:

- Section 218 allows searches on private residences not associated with the actual operation of a kennel, which strikes us as unnecessarily invasive.
- Section 211 gives the Department the ability to gain a search warrant simply for even a small violation of their written policies or procedures.
- The bill permits the department to levy fines up to \$1,000 and imprison violators on criminal charges for the first offense under the law or regulations, no matter how minor the transgression. As written, such severe penalties could be applied at the department's sole discretion for failure to keep a collar on your dog while traveling in your car or making an innocent error in your license

application or in your records. The department needs discretion in enforcing the law, but it also needs better guidelines to shape its discretion. First offenses should have the option of a warning.

- We support strong penalties for unlicensed operators, but under this bill a small breeder could have a single litter or purchase a single dog that brings it under the licensing requirements. However, in the case of the birth of a litter, they will not know if they exceed the limit until the litter is born. Delays by the department for the required inspection and the administrative actions to issue the license means that these small breeders would either be required to get a license unnecessarily or would have to operate without a license for a short period through no fault of their own.
- Section 211 permits the department to require the divestiture of dogs below the kennel threshold without providing any reason for reducing the number below 25 dogs. At that number, the establishment is not a kennel (unless it thereafter goes over the 25 dog limit) and should not be subject to the department's authority over kennels absent a clear and well-defined danger.

We respectfully ask that you consider the following points when evaluating this bill:

- Kennels should be evaluated based on specific practices, conditions and standards of good animal husbandry, not simply on size.
- Inspections should be conducted by animal experts who have been trained as dog wardens.
- Standards of proper care should be based on veterinary science to avoid arbitrary or biased application of the law.
- The Secretary should take into account differences in types of kennels, breed use and variability, as there is not a one-size-fits-all set of conditions suitable for all breeds.
- Clearly separate those breeders who sell through middlemen (pet shops or distributors) from those who sell or transfer dogs directly to consumers who can see the premises where the dog was bred and raised.
- Fees should not be set by a department that is solely dependent upon the revenues generated by those fees. That creates a built-in incentive for higher licensing fees.

There are several other items in the bill that warrant further attention and modification before advancing, but in the interest of brevity I have limited myself to the key observations above. NAIA is prepared to support any bill that improves the welfare of dogs without negatively impacting responsible breeders, sportsmen, hobbyists and law abiding pet owners.

We appreciate your time and attention to our perspective on this proposed legislation. Please consider NAIA a resource as you deliberate HB 2525, and don't hesitate to contact me with questions.

Thank you,



Patti Strand