



NATIONAL ANIMAL INTEREST ALLIANCE

Supporting the people who care for America's animals

March 14, 2007

Ms. Valerie Fenstermaker
Executive Director
California Veterinary Medical Association
1400 River Park Drive, Suite 100
Sacramento, CA 95815-4505

Dear Ms. Fenstermaker:

I am writing on the behalf of the National Animal Interest Alliance (NAIA) to express our opposition to the California Assembly Bill 1634, the "California Healthy Pets Act" and to request that the California Veterinary Medical Association not support this bill.

The NAIA is a nonprofit educational organization founded in 1993 with members from all fifty states, including California. Our membership consists of representatives from the business, veterinary, pet owner, agricultural, scientific, and recreational communities. NAIA and its members promote responsible pet ownership and work for improvements in the care and conditions under which animals are kept and raised.

NAIA opposes mandatory sterilization laws for several reasons. Under current law, animals are considered the "property" of the owner and there are fundamental rights accompanying property ownership guaranteed by the Constitution. The most important right is that of the property owner to make decisions about their property. If this legislation is adopted it would terminate a dog or cat owner's ability to make critical decisions about their pets. It would prohibit pet owners and their veterinarians from making discretionary decisions together regarding sterilization. If the veterinarian decides that it is not in the pet's best interest to be spayed or neutered at four months of age, this mandatory law requires the veterinarian to write a letter to the local agency explaining why he made this decision. This process undermines the veterinarian's training, expertise, and ability to make decisions regarding the wellbeing of each individual animal.

The legislation removes the decision to spay or neuter or delay the procedure from the veterinarian and gives it to local authorities. The bill requires that the letter be sent within thirty days after the pet becoming four months of age. The letter must also include that arrangements have been made to alter the cat or dog within seventy-five days from that date of compliance. If the veterinarian determines that it is still unsafe to spay or neuter the animal after the seventy-five day period the veterinarian is required to submit a second letter explaining this decision. In some instances, such as chronic poor health or illness, the veterinarian may continue to feel it is unsafe to spay or neuter the animal. Thus, this proposed legislation may require the veterinarian to submit several letters on the behalf of each animal. An unforeseen consequence of this legislation is that pet owners who disagree with the new law due to their pets' health concerns may choose to delay the initial visit to the veterinarian. This can be dangerous because the early months of an animal's life is the critical time for a veterinarian to vaccinate the animal and advise the owner on proper pet care. Contrary to claim that spaying and neutering always improves health, there are well-documented medical and behavioral problems that can develop from neutering pets too early. Thus, there is little consensus in the veterinarian community regarding the best, or safest time to perform this procedure.

Proponents of mandatory spaying and neutering assume that pets end up in animal shelters because of overpopulation and that mandatory sterilization will solve the problem. However, these proponents ignore the fact that many of the animals in shelters today are already neutered and that the number of animals entering shelters has been steadily declining for decades, with some of the steepest drops occurring in areas with the least coercive laws. Moreover, there are many responsible owners who do make the decision to spay and neuter their animal within a time-frame determined by their veterinarian. In essence, public education, low-cost resources for the poor and reasonable licensing programs are working.

If this bill is passed, it would interfere with an individual's right to make decisions regarding their property—dogs and cats. This in addition to the other California legal requirements and regarding pet ownership may discourage responsible pet owners from owning cats or dogs.

The provisions of this bill authorize an unfunded state mandate that makes local agencies responsible for administering and funding the mandatory sterilization. Enforcing this program would put an additional administrative burden on the local agencies. Each local agency would have to determine how much money is needed to run the free or low-cost program and raise the funds to do so. If the intact permit fees do not cover the costs, then ultimately local citizens to pay for the program.

Dog and cat owners who are seeking veterinary assistance and caring for a sick pet would be further burdened to seek an annual intact permit and pay the permit fee. Thus dog and cat owners would be required to pay two fees—the present licensing fee and the intact permit fee. The latter fee may prevent some people from being able to afford their animals or spend money on more important things, such as veterinary care.

The local agencies have the discretion to decide whether or not to grant an intact permit based upon a recognized registry approved by the local animal control agency. Because there are numerous breed registries in the world, it is unreasonable for a local agency employee to make the decision regarding the recognition of a breed. Furthermore, some service animals may be bred for certain characteristics and temperaments and may not be registered with a recognized registry. This bill would interfere with the breeding certain animals that assist the public, such as guide and rescue dogs.

Every jurisdiction would be responsible for setting its own intact animal fees with no limitations. If this legislation is passed, only the affluent would be able to own pets and have the ability to become breeders. Property ownership is a fundamental right we all have and pet ownership is one of the most wonderful experiences an individual may have regardless of their financial status. As mentioned above, most pet owners are responsible and take good care of their pets.

One of the unfortunate consequences of the passage of this legislation is that individuals who do not take responsibility for their pets will continue avoid their responsibility although sterilization is mandated. The goal of this legislation is to prevent unwanted puppies and kittens. This legislative goal will not be attained because the few irresponsible pet owners will continue to avoid taking their animals to a veterinarian. As a result responsible dog and cat owners will be burdened and financially punished because of the actions of an irresponsible few.

The National Animal Interest Alliance strongly urges you withdraw your support of AB 1634, the "California Healthy Pets Act." If NAIA can be of further assistance in this matter, please contact us.

Sincerely,



Patti Strand, National Director