



# **NATIONAL ANIMAL INTEREST ALLIANCE**

*Supporting the people who care for America's animals*

February 15, 2008

RE: Urging a NO vote on SB 6408

Dear Senator:

I am writing to you on behalf of the National Animal Interest Alliance with major concerns about the potential impact of SB 6408. 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. Many of our members live in Washington State.

Although we see value in consumer protection laws, we believe that without significant changes, SB 6408 could become a target for lawsuits and other unintended consequences. The definitions are of special concern.

To begin with:

1. The exemptions for humane and rescue groups are open-ended and granted to anyone who attains non-profit status, regardless of their operation. While we support most rescue and humane organizations, some of them, including ones that place a significant number of pets, do not operate responsibly. If the specific types of humane and rescue organizations this bill intends to exempt are not more carefully defined, this bill will legitimize operations that, from the consumer and cruelty standpoint, are among the worst in the state.
2. A pet dealer is also defined by how many animals that person sells, but how will this number be calculated? Will it be the number of animals sold by this person from a particular premises, or all dogs and/or cats sold in Washington that were produced by an animal that a person owns or co-owns with another Washingtonian? Because many purebred dogs and pedigreed cats are co-owned, this is an important question.
3. We are also unclear as to the threshold number that qualifies someone as a pet dealer. If it's the number of pets placed that is the concern, why mention litter numbers at all? Without clarification, using litter numbers complicates the issue. For example, if a person produces two litters of 12 for a total of 24 puppies, is that person exempt? What if a person produces 4 litters totaling 16, something that is quite common in Toy breeds? Is that person a dealer? If protecting consumers is the primary goal, does it make sense that someone placing 16 cats is a dealer and someone placing 24 is not? We recommend using the number of pets placed rather than complicating the issue by adding litter numbers. We also recommend raising the number so that someone who has two large litters in one year isn't transformed into a pet dealer.

On a philosophical level, we disagree with any approach that treats animals the same as manufactured products, but the most glaring problem lies in the bill's exemptions for those who meet the definition of pet dealer.

**If the primary goal of this bill is to offer pet consumers protection from sick, behaviorally unsound and otherwise unfit pet purchases, then the definition of pet dealer needs to be expanded to include the large number of pet dealers doing business under the humane and rescue labels which are inadequately defined in this bill.** These entities are totally unregulated today, despite the fact that many of them operate like pet stores today, using all the modern business methods of advertising and marketing to recruit and sell/adopt a huge number of pets in the burgeoning secondary pet market.

Non-profit rescue groups place a large number of pets on the secondary pet market but are exempted from this bill due only to their tax-exempt status. This exemption is improper because IRS tax status is given based on stated intent, not on a corporation's actual business practices; and not for the wellbeing of the pets they place or the care they provide the animals prior to placement. Regardless of stated intent, and regardless of whether their transfers are called adoptions or sales, some rescue and quasi-humane organizations receive significant prices today for a significant volume of pets sold on the secondary pet market and if they reach the threshold number of pets they should not be exempt from pet dealer standards.

Complaints about sick, dying and vicious animals placed through these channels have increased tremendously in recent years as these new rescues and other quasi-humane groups have mushroomed. While the overwhelming majority of humane groups operate responsibly, it's time to recognize that a growing few conduct themselves more like pet dealers than like traditional humane societies.

**Some Washington shelters have imported strays for placement in Washington from as far away as China.** Rabid and otherwise diseased dogs have also been imported. Certainly such operations (regardless of tax status) should be required to keep records and disclose the source of their pets, provide proof of health exams needed for international transportation, etc. Some of the source countries have diseases we aren't used to seeing in US pets. **Consumers have a right to know if their pet originated in a country with a serious rabies epidemic, for instance.**

Municipal shelters, humane societies that contract with them, and other **traditional** humane societies which have open door policies regarding stray animals, and which serve public health and safety and the welfare of animals, are the only humane entities that should be excluded from the definition of pet dealer under this bill.

**One of the best ways to protect Washington State pet consumers, would be for the state to make it illegal for any shelter, animal control agency, humane society or rescue group**



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**to import stray animals from outside the US for placement.** Humane groups that engage in this practice are clearly off mission and placing public health at risk while flying under the radar.

We support consumer laws that protect buyers from fraud, misrepresentation and breach of contract, but these protections should be extended to the consumers of all pets whether they are purchasing or adopting.

As with any other sale, pet purchasers should receive what they are promised. In order to assure that purchasers receive what they are promised, sellers and adopting agencies should provide purchasers with a detailed bill of sale or adoption or a contract describing the animal and the terms of the sale. That information should include:

- The names; the home, business and e-mail addresses; and the phone numbers of buyers and sellers;
- The date of sale;
- The purchase price;
- The conditions of the sale, including warranties and disclosures and the responsibilities of both parties;
- The age of the pet (estimated if a shelter animal);
- The sex of the pet and its breeding status, i.e., whether it can be bred, must be altered, or has been altered;
- The pet's color and distinctive markings; and
- The breed, if applicable, and other breed-specific information.

Consumers have a right to expect that they are purchasing a healthy pet, but not a perfect pet. To help establish this within reasonable bounds, the seller should provide a health record showing that the pet has received all appropriate vaccinations and treatments for parasites along with a medical history showing all relevant veterinary checkups, procedures or treatments.

**The public is better protected by lemon laws that educate consumers prior to the sale, enabling them to distinguish between responsible and irresponsible sellers, than by laws that attempt to protect consumers from every conceivable possibility after the sale.** Pet sellers and consumers are dealing with living beings and it is unrealistic and may be harmful to our pets to encourage consumers to think of them like they think of manufactured products, such as toasters and lawn mowers.

Buyers have a responsibility to learn about the breed or species of animal that they are considering before purchasing. Providing education and disclosure prior to the sale is preferable to providing purchasers with remedies for their problems after a purchase. This is one place where an ounce of prevention (education) is worth pounds of the cure.

To help consumers educate themselves, purchasers can be directed to organizations like [Cat Fanciers Association](#), the [American Kennel Club](#), (with parent clubs for specific breeds), to learn more about the breed or species they are interested in before buying.

A good consumer law requires consumer education and disclosure prior to the sale and it protects consumers from fraud, misrepresentation and from health problems **that were known at the time of sale**. Given the current state of animal science, where all health risks cannot be predicted, SB 6408 may lead to excessive lawsuits.

If the goal of this bill is to ensure that Washington consumers know the origin and medical condition of their pets, it will fall short of this objective.

We respectfully ask you to oppose SB 6408 until a study group is convened and the bill can be fully vetted by experts from the affected communities: a veterinarian, a hobby breeder, a municipal shelter director and someone from the pet industry, for example. With this kind of varied and expert contribution, the necessary changes can be made to assure a reasonable, effective and enforceable law. Qualified people stand ready to participate in such a study group. As always, NAIA is prepared to help on this and other legislation involving animal welfare. We can refer you to effective consumer protection laws, and put you in touch with some of the leading subject matter experts in Washington. Please call on us if we can be of assistance.

Thank you for your no vote on SB 6408.

Sincerely,



Patti Strand  
National Director