

THE ENDANGERED BREEDS ASSOCIATION

Bulldog Banter

NUMBER 98 • OCTOBER 2013

Meet our youngest supporter

Raven Carson of Port Jervis, NY, has come up with an idea to help support Endangered Breeds Association and her dogs. She has made her first donation of \$100 which she earned selling stretchy band bracelets on her facebook page. Here is her story:

"My name is Raven and I am 7 years old. I have been raised around American Pit Bull Terriers almost my whole life. I have traveled to ADBA and AADR Dog Shows with my Mom (Sarah Carson) since I was in diapers.

"I show in Junior Handler Classes and I proudly wear my Pit Bull T-shirts to school because I really love my dogs. I help my parents take care of our dogs here at our kennel.

"In August I developed a fascination with making Stretchy Band Bracelets and I had an idea of how to help educate people about my dogs. Along with my Mom's help I decided to sell the bracelets I make for \$1.00 each and donate at least 50 percent of the proceeds I get to American Pit Bull Terrier Education or Awareness Organizations. (The other 50 percent we use to buy the supplies.)

"My Mom helped me make a Facebook page for the bracelets <https://www.facebook.com/RaeRaesStretchyBandBracelets-ForAPBTs> and within the first few weeks I have sold enough to make my first donation. I chose to donate to Endangered Breeds Association because I feel they support our breed of choice in a very positive way and I believe the EBA can help make a difference not only for my dogs but for everyone who owns an APBT.

"I may only be 7 years old, but I aspire to be an APBT Advocate." — Raven Carson

Sarah Carson beams with pride over her daughter's ingenuity, and thanks those who have purchased bracelets from Raven.

"As an EBA member, I want to also thank EBA for its efforts to promote our dogs and give us all a fair chance to continue to own our beloved breed of choice," Sarah said.

EBA couldn't be prouder of Raven. At such a young age she has grasped the knowledge we all should have; and that is by working together we can make a difference.



Raven Carson of Port Jervis, N.Y., shows off her Stretchy Band Bracelets. She donates half of her profits to help APBTs through Endangered Breeds Association.

EBA elections coming soon

Three board member terms will expire Dec. 31, 2013. Board members whose terms will expire include Tom Lundberg, Fruitvale, TX, who is EBA's vice president; Doris Hutson, Walker, LA, who is EBA's secretary; and Patty Bullock, Riverton, UT.

All board members have been unani-

mously re-nominated to continue serving the board and are invaluable in their duties. All have been members of EBA for many years and are well-versed in the workings of our organization and its purpose.

Should anyone have a nomination for a position on the board, send the name of

the individual you are recommending to Kim Krohn, EBA president, at krohndog@swbell.net; or phone her at 816-228-1512.

To be considered for nomination, individuals must have been a member in good standing of EBA for the previous two years.

Memberships expire Dec. 31 unless multi-years are paid.



BULLDOG BANTER

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The Bulldog Banter welcomes articles, news clippings, letters and other comments from its readers. The editor reserves the right to edit submissions as needed. All letters for publication must be signed.

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To subscribe to the Bulldog Banter, please see the EBA Membership application on the back page.

Canada updates regulations regarding importing dogs

The Canadian Food Inspection Agency (CFIA), which oversees animal imports into Canada, has clarified its regulations regarding the importation of “commercial” dogs, which includes dogs for shows and exhibitions as well as breeding dogs.

For dogs under 8 months of age entering Canada from the United States, dog owners and exhibitors with dogs now are required to present proof of their entry in a dog show, trial, or other competitive event when crossing the American-Canadian border. This is in addition to already existing requirements of:

- A rabies certification (does not apply to animals three months old or younger)
- A veterinary certificate of health whether or not they are accompanied by their owner
- A microchip

Individuals without proof of entry in a show, trial, or other event are instead required to

contact the CFIA Animal Health Area Office for the province they intend to enter at least 30 days before the dog is imported to apply for the permit and allow sufficient time for processing prior to entry into Canada.

For dogs over 8 months of age entering Canada from the United States, owners and exhibitors are required to present a valid rabies vaccination certificate issued by a licensed veterinarian. (Dogs imported for research purposes must meet more stringent requirements)

Individuals interested in taking dogs into Canada for show, trial, or other event purposes are encouraged to refer to the CFIA’s Automated Import Reference System (AIRS) at <http://inspection.gc.ca/animals/terrestrial-animals/imports/airs/eng/1300127512994/1326599273148>.

The system provides detailed requirements personalized for each user.

ELECTRONIC DIRECTORY

- Endangered Breeds Association
www.endangeredbreedsassociation.org
- American Kennel Club
www.akc.org
- www.animallaw.com
- www.responsiblepetowners.org
- American Dog Breeders Association
www.adba.cc
- National Animal Interest Alliance
www.naiaonline.org

WE WANT TO MEET YOUR PET!

E-mail your photograph to featuresboss@yahoo.com. Photographs are printed as space allows. Include your name, your pet’s name and the town where you live. NO SALES.



For the Love of the Breed
Protecting the rights of dog owners since 1980
www.endangeredbreedsassociation.org



Endangered Breeds Association is a non-profit organization working with responsible pet owners. We educate the public; fight Breed Specific Legislation; actively lobby legislators; and monitor the media. EBA works for logical city and state regulations regarding dogs.

BECOME A MEMBER TODAY OR DONATE
Visit our website or “like” us on Facebook today



Changes in the USDA/APHIS rules defining dealers and exemptions

A not-so-brief history

By Julian Prager

NAIA Board Member & Legislative Director
PA Federation of Dog Clubs, Legislative Chair
PA Dog Law Advisory Board, Public Member

The Congress wrote the law so that the only exceptions to being a dealer are a subset of retail pet stores and those who get less than \$500 in gross income from the sale of animals; those selling dogs, cats and wild animals are not included in the \$500 exemption. See the quote from the statute below. That's what Congress roped us in with.

§ 2132(f) The term "dealer" means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of,

- (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or
- (2) any dog for hunting, security, or breeding purposes, except that this term does not include —
 - (i) a retail pet store except such store which sells any animals to a research facility, an exhibitor, (Unless you sell your dogs to a circus or a dancing dog act, or a similar activity, you are not selling for exhibition.) or a dealer; or
 - (ii) any person who does not sell, or negotiate the purchase or sale of any wild animal, dog, or cat, and who derives no more than \$500 gross income from the sale of other animals during any calendar year;

Remember, when written the statute was intended to ensure, as best it could, the humane treatment of animals in large sub-standard kennels that sold animals through wholesale channels (for example, to pet stores). Congress' belief was that the buyer at a retail pet store could evaluate the dog before purchase, but that no one was evaluating the care provided in the facilities that sold animals at wholesale.

The law does not define what is included in the term retail pet store. In fact, the law is somewhat sketchy over all. Therefore, it is left to the agency charged with enforcing the act to define flesh it out and define its terms. Note that the statute does not exclude dogs sold for hunting, breeding or security purposes from being dealers. One reason that the regulations are so convoluted is that APHIS has attempted to implement the intent of Congress in passing what is a very poorly drafted law. And it is good for us that they did. Without the APHIS regulations defining us as retail pet stores and exempting dogs sold at retail for hunting, security or breeding, we would all be dealers. Maybe a full on fight to change the AWA

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APHIS FACT SHEET

1. All dealers must be licensed by APHIS.
2. To be a dealer, a breeder must buy, sell or negotiate the sale of your animals at retail for compensation or profit and sell for one of six categories: 1) research, 2) teaching, 3) testing, 4) experimentation, 5) exhibition (does not include dog or cat shows) or 6) for use as a pet or sell dogs at wholesale for hunting, security or breeding, unless otherwise exempt.
 - a. Sales of animals for other purposes do not meet the definition of dealer and do not require licensing. The purpose of the sale of the animals is the controlling factor. For example, selling an animal for breeding stock or as a working dog at retail does not require you to be licensed under the AWA.
 1. A breeding done to maintain bloodlines or to produce herding dogs may produce an animal not suitable for the purpose for which it is bred. That animal may be sold as a pet if the intention in breeding was to produce breeding or herding stock and not an animal for sale as a pet and you continue to advertise your animals for sale as breeding or herding stock or another purpose not included in the six dealer purposes. The occasional sale of an animal sight unseen who lacks the characteristics to be sold for its intended purpose is permissible and will not automatically revoke you retail pet store status, if the seller continues to market his or her animals for that other purpose.
 2. If you market your dogs as being for sale as pets, APHIS may investigate the purpose of your sales.
 3. Shipping semen, shipping a bitch or an animal for breeding purposes does not require licensing.
 - b. The buyer of an animal is the person who takes possession at the time of sale or delivery, not necessarily the ultimate owner. The buyer must be present with the seller and the animal at the time of sale or delivery, not necessarily the ultimate owner.
 3. Retail pet stores are not dealers and are exempt from licensing.
 - a. You are exempt from licensing as a retail pet store no matter how many breeding females you own, as long as the sales take place face-to-face. The sale of an animal without the buyer, seller and animal being at the same location at the time of sale or delivery (face-to-face) removes you from the exempt category.
 1. The location of the face-to-face transaction can be anywhere.
 2. A rescue organization that transports an animal via its volunteers conducts a face-to-face transaction when the volunteer, the animal and the adopter are together in one location.
 - b. Anyone maintaining four or fewer breeding females (or any combination of species) and who sells only their offspring born and raised on their premises for pets or exhibition is exempt as a retail pet store as long as they are not otherwise required to be licensed.
 - c. The sale of an animal to a research facility, exhibitor (does not include dog or cat shows), or a dealer (wholesale) removes you from the exempt category.
 5. A "breeding female:"
 - a. The female animal must:
 1. be capable of being bred,
 2. as determined by an APHIS inspector based, in part, on her age, health and fitness for breeding, and
 3. have their offspring sold as pets.
 - b. Does not include females capable of breeding who are bred for purposes other than the six dealer defined purposes.



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might be worth the effort in that it would clarify much that is unclear and make writing regulations less complex. But the downside, of course, is that the regulations make the application of law better for us, so there are risks.

APHIS defined terms in § 1.1 of the regulations. Dealer is defined in the regulations slightly differently than in the statute, based on APHIS's interpretation of the law and Congressional intent. As the law is interpreted by APHIS, the definition of Dealer is slightly less broad. (I have highlighted significant text in red)

Dealer means any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of: Any dog or other animal whether alive or dead (including unborn animals, organs, limbs, blood, serum, or other parts) for research, teaching, testing, experimentation, exhibition, or for use as a pet; or any dog at the wholesale level for hunting, security, or breeding purposes. This term does not include: A retail pet store, as defined in this section, unless such store sells any animal to a research facility, an exhibitor, or a dealer (wholesale); any retail outlet where dogs are sold for hunting, breeding, or security purposes; or any person who does not sell or negotiate the purchase or sale of any wild or exotic animal, dog, or cat and who derives no more than \$500 gross income from the sale of animals other than wild or exotic animals, dogs, or cats during any calendar year.

It bases this, in part, on the fact that breeding for those purposes are not the purposes defined under the term dealer in the statute. This is where the breeder exemption comes from. It is based on APHIS interpretation of the statute and, based on the holding in *DDAL v Venneman*, is a well settled interpretation by APHIS. Note that it does not say "retail pet store," it says "retail outlet." They might appear to mean the same thing, but they may not since, (as you can see below) retail pet stores do not include those who deal in dogs used for hunting, security or breeding. This is because APHIS has already defined those selling dogs for hunting, security or breeding purposes as not being included as dealers and, therefore, not subject to regulation.

Retail pet store was defined in regula-

tions before the recent change as follows: Retail pet store means any outlet where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchilla, domestic ferrets, domestic farm animals, birds, and coldblooded species. Such definition excludes —

- (1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes;
- (2) Establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other non-pet species of warm-blooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;
- (3) Any establishment or person selling warm-blooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes; and
- (4) Any establishment wholesaling any animals (except birds, rats and mice);
- (5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

The regulations define the term breeder for the purpose of licensing as follows:

Class "A" licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a "dealer" (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.

To be classified as a breeder for licensing purposes, you had to have a breeding colony, meet the definition of dealer (which includes selling animals as pets) and be subject to the licensing requirements of part 2. Part 2 (section § 2.1) is where you find the exemptions from licensing.

Some breeders who were intended to be regulated because they sold animals at wholesale changed their practices from selling to pet stores to selling sight unseen directly to buyers. This was facilitated by the internet, but direct sales had been done occasionally through newspaper ads, etc. However, the internet permitted breeders to sell large numbers of animals, sight unseen. Again, remember that the exemption for retail pet stores in the statute was based on the belief that face-to-face sales taking place in retail pet stores ensured a degree of public oversight

to provide adequate animal welfare. Thus APHIS previously exempted in § 2.1(a)(3) a number of entities it thought were not covered by the law. For our purposes, this included

(vii) Any person who breeds and raises domestic pet animals for direct retail sales to another person for the buyer's own use and who buys no animals for resale and who sells no animals to a research facility, an exhibitor, a dealer, or a pet store (e.g., a purebred dog or cat fancier) and is not otherwise required to obtain a license;

The problem was that this definition now exempted those sellers who were selling huge numbers of dogs' sight unseen, removing them from any oversight under APHIS. The new regulations are an attempt (which we all agree could have been written to be more easily understood) to change the exemptions so that these sellers would no longer be exempt, while retaining the exemption for those who were not the primary focus of enforcement efforts. So they revised the definition of retail pet store

Retail pet store means a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, and coldblooded species. In addition to persons that meet these criteria, retail pet store also includes any person who meets the criteria in § 2.1(a)(3)(vii) of this subchapter. Such definition excludes —

- (1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes;
- (2) Establishments or persons, except those that meet the criteria in § 2.1(a)(3)(vii), exhibiting, selling, or offering to exhibit or sell any wild or exotic or other non-pet species of warm-blooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;
- (3) Any establishment or person selling warm-blooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes;
- (4) Any establishment wholesaling any animals (except birds, rats, and mice); and
- (5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an

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outside area, or anywhere off the retail pet store premises.

So, what are the changes here? The first is the face-to-face sales requirement. APHIS has said the ultimate owner does not have to be the purchaser. It may be someone local they choose to act on their behalf - as long as that person does not require licensing as a dealer, there will be no issue. That means you cannot be paid for performing this service - if you do, you are a dealer. They also have said if you sell an animal whose purpose was for sale for hunting, security or breeding purposes who did not turn out suitable, you could sell that animal without making your require licensing as a dealer. Obviously, how you advertise your animals for sale and, presumably, the number you are selling as pets, may affect that decision. If you claim to be selling breeding stock and occasionally sell 50 dogs annually as pets and advertise them on pet sales web sites, it will raise questions.

The second change is the inclusion of the revised § 2.1(a)(3)(vii) that applies the exemption from regulation to breeders who own four or fewer breeding females born and raised on their premises. APHIS has said that the four breeding females apply to a single premises, so that as long as a co-owner has four or fewer on his or her premises, it does not make a difference what the co-owner has, but we need to get this in writing. We are also working on the issue of puppies back (which only arises if you sell sight unseen) since they are not born on the premises. However, they are puppies you received for breeding and if sold for breeding purposes, or sold as pets because they do not meet the requirements for the purpose, that should be permissible.

We still need to resolve the issue of people who both breed and rescue. Rescue dogs are not sold for breeding purposes, but as pets. However, many are neutered before sale or are under medical supervision to treat health issues and, therefore, should not be deemed "breeding females" for health reasons. Once spayed, any female would not be breedable. But we need to get definitive answers.

Is it all confusing? You betcha! After having read the statute, regulations and revisions multiple times, there were important points I did not clearly have in my mind as I started to write this and only became clear as I tried to organize my

thoughts to respond. I hope this helped clarify some issues and relieved at least some of the anxiety about APHIS' intent with this revision.

Finally, a couple of things. I have said before, we are all dealers under the AWA unless APHIS defines us as Retail Pet Stores or as excluded as dealers through regulation. The issue is not the 1-4 bitch exemption that is important for most folks (except those who sell lots of pets from four or fewer breeding females), it the working dog exemption.

APHIS includes breeding within the working dog exemption. Anyone selling for breeding purposes at retail is exempted by APHIS regulations from the term dealer. They recognize that not all working dogs (including those sold for breeding purposes, which is undefined) necessarily meet the purpose for which they are bred and permit the occasional sale sight unseen as pets animals that were intended as breeding animals without removing the breeding exemption. So if you breed to produce animals for breeding purposes, as opposed to pets, you can sell dogs' sight unseen and still not be required to be regulated since you are not dealers. It is unclear at this time what level of sight unseen sales would attract an APHIS inquiry into the purpose for which you are breeding - breeding stock or pets - but APHIS has said it is clearly permissible.

The "4 or fewer breeding females" exemption applies if you are selling lots of animals sight unseen and are not otherwise exempt from being a dealer as selling working dogs (including for breeding purposes). APHIS has said that in those cases they accept that there is not need for regulation because they have found few, if any, issues with those kennels.

The issue with seeking an injunction is that it will only delay, but not stop regulation. In fact, it may lead to more restrictive regulation than the new ones. APHIS clearly has the authority to define a retail pet store. They could abandon the current proposal and start a new process that would lead to a definition of a retail pet store that reads (lined through text deleted from current version):

"Retail pet store means a place of business at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase, and where only the following animals are sold or offered for sale, at retail, for use as pets: Dogs, cats, rabbits, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domes-

tic ferrets, domestic farm animals, birds, and coldblooded species. Such definition excludes—

(1) Establishments or persons who deal in dogs used for hunting, security, or breeding purposes;

(2) Establishments or persons exhibiting, selling, or offering to exhibit or sell any wild or exotic or other non-pet species of warm-blooded animals (except birds), such as skunks, raccoons, nonhuman primates, squirrels, ocelots, foxes, coyotes, etc.;

(3) Any establishment or person selling warm-blooded animals (except birds, and laboratory rats and mice) for research or exhibition purposes;

(4) Any establishment wholesaling any animals (except birds, rats, and mice); and

(5) Any establishment exhibiting pet animals in a room that is separate from or adjacent to the retail pet store, or in an outside area, or anywhere off the retail pet store premises.

They would then also delete the 1-4 breeding female exemption. The result of this is that, while breeders would still be exempt as dealers under APHIS' dealer definition, the sale of any animal as a pet, even face-to-face off of your premises, would require you to be registered. It is well settled law that the interpretation of the statute by the agency is given much weight in evaluating its legality and the intent of Congress. Once the injunction was in place, how fast do you think the PUPS bill would move through Congress with all its sponsors?

For those who think the AKC or NAIA or any registry should seek an injunction and that they have standing to sue, that is not the law. Neither group can demonstrate immanent damages to itself. Any loss of AKC registrations is purely speculative since the regulations do not prohibit anyone from registering their dogs with any registry and AKC registrations have been declining for years. Any impact on breeders registering with the AKC, even if accepted, would not be remedied by stopping the regulations since it is likely that more restrictive regulations, like the one above, could be legally promulgated.

I clearly would have preferred a numerical sale exclusion under the retail pet store exemption similar to section 2.1(3)(iv), which would have worked better for many of us. Perhaps putting our efforts towards that goal would be more productive and less costly than a lawsuit that would, IMO, lead nowhere. People seem to forget that if it weren't for the APHIS regulations in the first place, we would all be dealers and require licensing.



Around the Nation

Legislation that affects you

October 2013 Updates

Six state legislatures and the District of Columbia are in regular session. So far this year, more than 1,100 state bills have been filed that could impact dogs and dog ownership. For the latest information on local, state and federal bills you should contact your elected officials.

CALIFORNIA — Assembly Bill 265 would ensure that local governments are not liable for injuries sustained at a dog park, unless the injuries are sustained as a result of improper or incomplete maintenance of facilities. Under current California law, owners are strictly and civilly liable for any injuries caused by their dog when the victim is lawfully in a private place. The measure unanimously passed both houses and has been signed into law by Governor Brown.

Pasadena — The City Council has directed the city attorney to prepare a mandatory spay/neuter ordinance.

San Diego — The City Council has approved an amended version of an ordinance that would have prohibited anyone in the city from breeding and selling more than three litters or more than 20 dogs, cats or rabbits in a 12 month period. The revised version of the ordinance which prohibits the sale of dogs, cats and rabbits in pet stores now specifically exempts breeders who sell dogs, cats or rabbits from the premises on which they were bred. The city will review the issue again in one year.

MAINE — LD 1239 would create new definitions and require licenses for commercial boarding or training kennels, commercial breeder kennels, and personal kennels. It also would clarify when inspections of licensed entities may occur and remove a provision of current law that requires a person to obtain a vendor's license to sell a dog or cat. The bill was considered by the Joint Committee on Agr-

culture, Forestry, and Conservation on April 16. A work group to further study the issue was appointed by the committee. Consideration of the bill was tabled for the remainder of the legislation session, pending further efforts by the work group.

FLORIDA — The Lee County Board of Commissioners will soon consider major revisions to their animal control code including breeder licensing, warrantless inspections, mandatory spay/neuter and restrictions on keeping dogs outside (even in fenced yards). The measure will likely be heard by the commission in September.

LOUISIANA — The Tangipahoa Parish Council discussed requiring pit bull owners to have their dogs licensed, vetted and micro-chipped at their last meeting. Animal Control Director Chip Fitz said he's leaning towards such regulation because "if we have an animal able to do damage, we want to be able to track it." According to Fitz, the ordinance has not been finalized and no timetable was set for it to be brought before the parish council for consideration. Fitz admitted that overall bite counts had remained constant over the last two years: 55 in 2011 and 53 in 2012. His concerns with pit bulls, however, were irresponsible ownership and level of strength. "My concern is traditionally when a pit bull bites, it's bad." Pit bulls have also become a lot more popular in the last year.

MASSACHUSETTS — House Bill 1874/Senate Bill 401 would provide for breeder licensing, breeder regulation, and consumer protection provisions that, if enacted as introduced, would have far-reaching impacts on all Massachusetts breeders. Those impacts include licensing breeders the same as pet shops, considering hobby breeders as a type of pet dealer, and extending rulemaking authority to the Department of Agricultural Resources over kennels and persons otherwise

selling, exchanging, or transferring the offspring of their personally-owned dogs. The bills have been heard by and are currently pending in the Joint Committee on Municipalities and Regional Government.

Senate Bill 969 would allow cities and towns to enact breed-specific dangerous dog legislation. SB 969 was heard by the Joint Committee on Municipalities and Regional Government in early June. The bill was sent to "study" on September 23, effectively ending its consideration.

MICHIGAN — House Bill 4168 makes updates to the licensing requirements in the state's "Dog Law of 1919". This includes removing the current provision requiring sheriffs to locate and kill all unlicensed dogs. Under current law, any sheriff that does not comply would be considered negligent in their duties. The bill unanimously passed the House on May 16 and is pending in the Senate Committee on Local Governments and Elections.

NEW JERSEY — Senate Bill 1804/Assembly Bill 3445 would permit pet owners to board public transportation with domesticated animals during emergency evacuations. AB 3445 passed the Assembly and has been assigned to the Senate Environment and Energy Committee.

Senate Bill 1840/Assembly Bill 2746 are being described as consumer protection bills but instead would restrictively regulate breeders across the state, including licensing, inspections, onerous breeding and sales restrictions, and care and conditions rules. Both bills have been assigned to committee, but neither has been scheduled for consideration.

Assembly Bill 3953 states that an insurer shall not refuse to issue, cancel, or renew a homeowner's insurance policy solely on the basis that a dog is kept on the property. The bill has been



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referred to the Assembly Financial Institutions and Insurance Committee.

NEW YORK — Assembly Bill 740/Senate Bill 3753 would clarify that counties and municipalities can regulate “pet dealers,” so long as the laws are not less stringent than state law. “Pet dealer” is defined in current law as those who sell 9 or more dogs per year. Breeders who raise dogs on their residential premises are exempt, so long as they sell fewer than 25 dogs per year. This legislation has passed the legislature and is pending on the Governor’s desk.

Assembly Bill 1204/Senate Bill 2271 sought to ban the practice of canine “devocalization”. The only exemptions would have been for instances when it is medically necessary to treat or relieve a physical illness or an abnormality causing pain or harm. The bill would also have revoked the licenses of veterinarians performing the procedure. A 1204 passed the Assembly and both bills were held in the Senate Agriculture Committee. The New York legislature is currently in recess, but it could reconvene before the end of the year.

NORTH CAROLINA — House Bill 930 would establish standards of care for “large commercial dog breeding facilities”, which are defined as those who own 10 or more intact females over the age of six months. HB 930 has passed the House and is pending in the Senate Agriculture Committee. The General Assembly has adjourned for the year and will not reconvene until May 2014.

OHIO — Senate Bill 130 regulates “high volume” dog breeders in Ohio, defined as those who produce 9 litters of puppies and sell 60 puppies in a calendar year. Those who meet this definition are required to obtain an annual license and inspection. The inspections may be conducted by local veterinarians. Standards of care will be established by the state Department of Agriculture and reviewed by an advisory board. Rescues will also be required to register with the state, but will not have to comply with the same regulations as high volume breeders. The law went into effect on March 13,

and the Ohio Department of Agriculture will require high volume breeders and rescues to register as soon as the regulations are finalized.

PENNSYLVANIA — House Bill 82 addresses payment and care for animals seized when the owner is accused of cruelty. If the owner fails to pay the amount required by the court at any time during the proceedings, ownership rights would be permanently forfeited—even if the owner is eventually found not guilty or charges are dismissed. Positive amendments were added to limit the cost to \$15 per animal per day, and to prevent the animals from being sterilized during an ongoing trial. If payments lapse, owners will be given 30 days to comply prior to losing ownership rights, and if they are ultimately found not guilty or charges are dismissed, the owners will get the money refunded. The bill was signed by the Governor on July 9 and will take effect in September 2013.

Senate Bill 82 would make positive changes to the commonwealth’s consumer protection laws. Among other changes, it clarifies that a dog cannot be declared “unfit for purchase” if the dog has intestinal or external parasites (unless the dog is clinically ill or dies), if the dog has an injury or illness likely contracted after the sale, or if the dog has a health problem that is disclosed in writing by the seller prior to the sale. The bill would also make reasonable changes to the timeframe for when a dog may be declared unfit for purchase and when the seller must be notified. This measure had unanimous support in the Senate and is pending in the House Agriculture and Rural Affairs Committee.

WASHINGTON — House Bill 1201/Senate Bill 5204 would create a civil infraction for “failure to provide care” in cases where behavior does not amount to animal cruelty in the first or second degree. These bills also would remove economic distress as a defense to second degree animal cruelty. House Bill 1202 has passed the House Judiciary Committee and has been re-referred to the House Rules Committee. Senate Bill 5204 has been assigned to the Senate Committee on Law and Justice; however, a hearing has not been scheduled.



ABOUT THE
ENDANGERED
BREEDS
ASSOCIATION

(EBA) is a non-profit organization founded in 1980 for the purpose of preserving the American Pit Bull Terrier. Our goals are public education, media monitoring, legislative lobbying, and legal intervention to protect responsible owners from breed-specific legislation and unfair harassment by public officials or agen-

cies. We oppose animal abuse or any illegal activities with animals. Membership is \$15-single and \$20-family per year or \$300-lifetime with members receiving three newsletters a year. Canadian and overseas members please send US dollars money orders only. All memberships expire Dec. 31 of each year.

EBA MEMBERSHIP APPLICATION

(PLEASE PRINT CLEARLY!)

Name (s) _____ Occupation _____
Address _____ City _____ State _____ Zip _____
Phone _____ E-mail _____
By providing your e-mail address, you agree to receive your newsletter via e-mail.
Membership type: New _____ Renew _____ Single _____ Family _____ Lifetime _____

Information packet included

Please make check or money order payable to the Endangered Breeds Association and mail to:
Joan Morrison, Route 1, Box 71, Gore, OK 74435

ENDANGERED BREEDS ASSOCIATION

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