

THE ANIMAL COUNCIL

P.O. Box 168, Millbrae CA 94030

Officers:

Sharon A. Coleman
President
Gayle A. Hand
Secretary
Margaret Kranzfelder
Treasurer

Directors:

Dr. Ronald E. Cole
James S. Daugherty
Karen Johnson
Alice E. Partanen

Emeritus:

Leslie L. Altick, 1991-1996
Judith A. Brecka, 1991-2002

June 14, 2017

Via Facsimile 916-266-9343

The Honorable Jerry Hill, Chair
The Honorable Patricia C. Bates, Vice-Chair
Senate Committee on Business, Professions & Economic Development
State Capitol, Room 2053
Sacramento CA 95814

Attention: Bill Consultant

Re: AB 485, amended March 28, 2017, Pet store operators: dogs, cats, and rabbits, OPPOSE UNLESS AMENDED

Dear Chairman Hill and Members:

Please register our opposition, unless amended, to the above-captioned bill and include our organization on your Committee's Bill Analysis opposition list.

Our concerns with AB 485 are limited to Section 2, adding to the Pet Store Animal Care Act a new provision to prohibit pet store operators from selling a live dog, cat, or rabbit in a pet store unless the dog, cat, or rabbit was obtained from a public agency, shelter or rescue tax exempt under Internal Revenue Code Section 501(c)(3).

We believe this restriction is too broad and ask that the bill be amended to allow sales of these animals that are obtained from USDA licensed breeders with acceptable compliance records. Nationally, there are only a small number of these breeders. They are concentrated in a few Midwestern states where families in rural areas have suitable property and background in animal husbandry to consistently raise puppies that are healthy, attractive and suitable for pet buyers. For both breeders selling to the trade and retail stores, this is a viable business model that survives on quality assurance and satisfaction of pet buyers. USDA regulations, standards and inspections for breeders and public view of retail stores offer more transparency to consumers than any other source of pets. There is no rational imperative to outlaw this market as inhumane and immoral.

Rather, the common sense legislative solution is to limit stores' sources to USDA licensees as has been done in other jurisdictions. Further, to prevent unnecessary disruption and costs to local governments and businesses, the state should preempt further local ordinances not consistent with this standard. Only a tiny fraction of California's 58 counties and 582 municipalities have enacted these prohibitions. Of the few that have, there are substantial variations in approach. For example, the City of Sacramento's recent ordinance requires that the only animals allowed for sale in retail stores must be *owned* by the shelter and rescue sources. This avoids any confusion about retailers taking title to the animals from these sources as is raised by AB 485. Preserving these retail sales also preserves sales tax revenues for California, whereas sales by (c)(3) entities are exempt from sales tax collection.

Two other bills before your Committee touch on efforts to protect pet purchasers. AB 1138 is said to be targeted at out-of-state online sellers. Should pet store puppy sales be unavailable, more consumers will resort to online sources, some of which sell sight-unseen to unknowing consumers who cannot distinguish reputable breeders from outright scammers. USDA licensing requirements include all but very small scale breeders selling sight-unseen, and there are *no legal or numerical limits* on these sales from out of state. AB 1491 would prohibit consumer financing of dogs or cats using installment sales or leases secured by the animal. Consumers could still use normal, unsecured consumer credit methods to purchase pets.

Three different state statutes cover pet store operators, two with criminal penalties and the civil consumer protection provisions of the Lockyer Polanco Farr Pet Protection Act. Pet store sales enable California consumers to see and purchase pets in neutral settings without the discriminatory barriers of agencies, organizations and individual vetting efforts encountered by those of different cultural and language backgrounds. Retail sellers provide animals bred for pet consumers with regard to suitability and basic health. The prevalence of shortcomings among USDA licensed breeders who sell at the wholesale level is greatly exaggerated and is not a credible reason to curtail retail sales.

We close with the story of our founding director, Dr. Ronald Cole, a Stanford alumnus and retired dentist. When his children were young and begging for a dog, Ron purchased their first dog from a pet store in San Francisco, a city that recently prohibited these sales. Ron and the children took the puppy, a Shetland Sheepdog, to dog training classes. As the children grew up, Ron continued training and eventually completed the American Kennel Club's highest obedience title at the time, the Obedience Trial Championship. This pet store puppy, AKC OTCH Shelley Bonnie Lassie also lived past 15 years, and Ron went on to train more dogs and tell his story when pet store sales bans were proposed.

We ask you to look past the rhetoric to the realities and protect consumers not with artificial restrictions on the pet market but reasonable provisions to protect pets, consumers and businesses.

THE ANIMAL COUNCIL (TAC) is a California nonprofit, public benefit corporation founded in 1991 to seek positive, humane solutions to the challenges of detrimental animal public policies, legislation and regulation through study, analysis and application of animal husbandry, statistics and law, and at the same time preserve human benefit from all species, breeds and registries.

Very truly yours,



SHARON A. COLEMAN
President, The Animal Council

Cc: Author