



January 28, 2021

TO: Mayor Jerry L. Demings
-AND-
County Commissioners

FROM: Byron W. Brooks, AICP, County Administrator 

SUBJECT: Open Discussion
DISCUSSION AGENDA ITEM FEBRUARY 9, 2021

The following item has been submitted for open discussion at the February 9, 2021 Board meeting:

- District 5 – Humane Retail Pet Store Ordinance

The memo related to this item is attached.

BWB/cjg

Attachment



To: Mayor Jerry Demings
-AND-
County Commissioners

From: Commissioner Emily Bonilla, District 5

Date: January 25, 2021

Subject: February 9, 2021 Open Discussion on the Humane Retail Pet Store Ordinance

I would like for the Board to reconsider a humane pet store ordinance in Orange County. A humane pet store ordinance will drive the pet market towards more humane sources such as shelters, rescues, and responsible breeders by prohibiting the sale of dogs and cats in pet stores. This reasonable restriction on the few pet stores in the county that sell commercially raised puppies will merely require those stores to adhere to a more humane model already proven successful by the vast majority of Orange County stores that do not sell puppies. This issue has been brought forward previously but ultimately fell through. I am hopeful we can make progress this time around, especially as evidence in support of this ordinance has grown exponentially since we last visited this topic.

Today, close to 80 localities in the state of Florida have similar laws prohibiting pet stores from selling commercially bred dogs and cats. Also, our state Attorney General recently filed a lawsuit against a store in our county for, according to the AG's press release "allegedly misrepresent[ing] to consumers that the puppies are healthy, high-quality animals, and fit for sale, when in fact, in some instances, puppies have died soon after being purchased or suffered from congenital or other hereditary disorders." While this lawsuit may hold only one area pet store accountable, it will not solve the much broader pet sourcing and care problems, which is why we need to consider passing a humane pet store ordinance in our county.

A humane pet store ordinance will stop puppies from inhumane commercial breeding facilities with egregious welfare records, known as puppy mills, from being imported to Orange County to be sold in pet stores. Perhaps more importantly, it will protect our constituents from the many consumer protection issues pet stores pose.

Pet store puppies are often sick and can transfer diseases to humans. Pet stores have been linked to an ongoing antibiotic-resistant *Campylobacter* disease outbreak that has infected more than 150 people across at least 20 states, leading to numerous hospitalizations and long-term health issues among members of these communities. Our state has had dozens of reported cases of people infected with this disease. In fact, two



stores in our county were specifically linked to this large-scale *Campylobacter* outbreak. The CDC continues to voice concerns over the threat of *Campylobacter* and its transmission through pet store puppies.

Furthermore, pet stores often prey on low-income consumers by pushing extremely high interest rate lending options on those who cannot afford puppies priced for thousands of dollars. In fact, a lawsuit filed recently in Florida by a Petland customer detailed the financing terms she claims she agreed to unknowingly. She allegedly purchased a \$3,500 puppy only later to find out that, due to the predatory terms of the agreement, her total costs would amount to \$26,655 after just 5 years.

A humane pet store ordinance in Orange County is overdue. We cannot allow pet stores in our county to continue importing sick puppy mill puppies from out of state to be sold to unsuspecting consumers. What these consumers think will be a happy experience often quickly turns into a nightmare, especially when the new puppy they just purchased for thousands of dollars falls ill shortly after purchase – and in some cases dies. The Board of Commissioners must address this issue now, especially considering our county has so many animals in need of homes already. In 2019, animal services received around 15,000 homeless pets. Retailers in our county should stop importing sick puppy mill puppies and rather help promote the county's existing animal population in need of caring homes. Not only would that be good for animals, it would help take the burden off shelters, rescues, and taxpayers.

Action Requested: Request for staff to vet the newly drafted ordinance prepared by the Human Society of the United States for Orange County and for the item to move to a full work session with research for the board to make an informed evidence-based decision.

Included items in the email with this memo to also be included in the agenda book:

- Orange County Pet Store Ordinance Fact Sheet
- USDA Fact Sheet
- Draft Ordinance
- Letter of Support from the Humane Society of the United States

Links with reference material:

- June 5, 2018 BCC meeting:
http://occompt.granicus.com/MediaPlayer.php?view_id=1&clip_id=119&meta_id=40081
- February 12, 2019 meeting:
http://occompt.granicus.com/MediaPlayer.php?view_id=1&clip_id=167&meta_id=57149
- Orlando Sentinel: <https://www.orlandosentinel.com/opinion/guest-commentary/os-op-ban-puppy-kitten-sales-at-pet-stores-20201218-7z3ebdura5cavehwooyo534f54-story.html>



Organizations and lawmakers who support a humane pet store law:

- Pet Alliance of Greater Orlando
- Orlando City Council Member Patty Sheehan
- Winter Park City Council Todd Weaver
- Representative Sam Killebrew introduced similar legislation in the Florida Legislature (HB 45)
- Representative Arrington is a cosponsor of HB 45
- Representative Linda Chaney is a cosponsor of HB 45
- Animal Legal Defense Fund
- Bailing Out Benji
- Best Friends Animal Society
- The Humane Society of the United States

/s/

Commissioner Emily Bonilla

Cc: Byron W. Brooks, County Administrator
Cheryl Gillespie, Supervisor, Agenda Development
County Attorney's Office

Orange County Pet Store Ordinance

Three states (MD, CA, and ME) and over 370 localities across 27 states, including close to 80 in Florida, have passed humane pet store laws.

A humane pet store ordinance reduces the demand for puppy mill puppies.

It is well-documented and undisputed by anyone outside the puppy mill pipeline that the puppies sold in pet stores come from puppy mills (inhumane commercial breeding facilities that disregard the well-being of dogs for profit.). Records show Orange County stores are no exception. Puppy-selling pet stores in Orange County have obtained puppies from puppy mills with egregious federal and/or state violations. *See Orange County Pet Stores and Puppy Mills fact sheet for more details.* Even pet stores that want to avoid sourcing from mills wouldn't be able to because only large-scale commercial breeders can sufficiently fill their display cages with 8-week-old puppies of varying popular breeds. Also, responsible breeders never sell to pet stores because they demand to meet prospective buyers in person.

A humane pet store ordinance will protect consumers.

HSUS investigations have consistently revealed that pet stores charge premium prices for puppies with baseless guarantees that their puppies are healthy, socialized, and come from humane, highly regulated breeders. Most pet store puppies were born in puppy mills which raise dogs in unsanitary conditions most people would find appalling. Consumers often spend thousands of dollars caring for sick pet store puppies, in some cases, only to suffer the heartbreak of their new pet dying. Many pet store puppies also have behavioral issues and struggle to transition from life in a cage to life in a family. The HSUS has received more pet store buyer complaints from Florida consumers than those in any other state. There are also numerous consumer complaints regarding Orange County pet stores from Animal Services and online, including consumers who purchased puppies with kennel cough, pneumonia, parvovirus, giardia, coronavirus, behavioral and/or congenital issues, and more. *See Orange County Pet Store Complaints and Online Reviews for more information.*

A humane pet store ordinance addresses a public health risk.

Pet stores have been linked to zoonotic disease outbreaks, including an ongoing antibiotic-resistant *Campylobacter* outbreak which has infected more than 150 people across at least 20 states, hospitalizing dozens and leaving one teenage girl in a wheelchair. There have been more than 20 cases in Florida including 5 in Orange County. The Centers for Disease Control and Prevention (CDC) continues to voice concern over this ongoing outbreak and the puppy mill and pet store practices that caused it. These outbreaks are not surprising as puppy mill puppies are confined in small, unsanitary, and stress-inducing conditions then shipped long distances to be sold in pet stores where they are placed in yet another small cage typically with other vulnerable and potentially sick puppies. These conditions exacerbate disease transmission between both the puppies and their handlers, putting pet store staff, veterinarians, transporters, and consumers all at risk.

A humane pet store ordinance promotes pet adoption and does not impact responsible breeders.

Pet stores that sell puppies add to pet overpopulation and place an unnecessary burden on rescues and shelters including the government and taxpayers who fund them. In contrast, pet stores that host adoption events save lives by bringing homeless pets to a retail setting where consumers might not otherwise be exposed to them. Responsible breeders only sell directly to the public so they can screen prospective buyers. They would never hand over their puppies to a truck driver to be transported to a faraway pet store, displayed like a product, and sold to anyone with a credit card. Plus, most breed clubs discourage selling to pet stores.

A humane pet store ordinance will close a gap in current law.

Florida does not regulate the source of pet store puppies and federal regulation of commercial breeders is minimal. Most pet stores pride themselves on only sourcing from USDA-licensed breeders, yet USDA standards allow dogs to be confined in stacked, wire cages only six inches larger than the dogs themselves for their entire lives without exercise, play, socialization, and basic veterinary care. Many licensed breeders fail to even meet these low standards, yet the USDA continues to license them year after year. In recent years, the USDA has made clear it cares far more about protecting the puppy mill industry than regulating it. *See USDA fact sheet.*

A humane pet store ordinance would protect consumers from hidden, high interest rates.

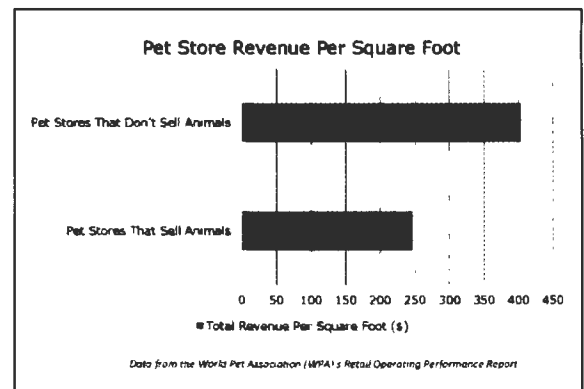
Pet stores often prey on low-income consumers by pushing extremely high interest rate lending options on those who cannot afford a puppy outright. Pet stores in Orange County use LendingUSA, a financing company with a history of duping customers into accepting long-term high-interest contracts to cover their pet purchase costs. In fact, a lawsuit filed recently in Florida by a Petland customer detailed the LendingUSA financing terms she claims she agreed to unwittingly. She allegedly purchased a \$3,500 puppy only later to find out that, due to the predatory terms of the agreement, her total costs would amount to \$26,655 after just 5 years. Some pet stores also push their own credit card. For instance, Petland's credit card has a 29.99% interest rate, which is much higher than the average APR for new credit cards in the U.S. (19%) and is even higher than the average penalty APR for those who fail to make monthly payments (26%).

A humane pet store ordinance is business friendly.

The vast majority of pet stores in Orange County are already in compliance with this policy because they do not sell puppies. There are around one hundred pet stores in the county that don't sell puppies, while just seven do. The most successful pet stores—both large chains and small shops—profit from selling products and offering services. Many stores also host adoption events with local shelters and rescues to serve their communities and drive consumers to their stores. Any pet store owner currently selling puppies would be wise to instead tap into the nearly \$100 billion pet market made up of products and services.

Pet Store Industry Trends and Success Stories

- American Pet Products Association (2020): Americans spent a record-breaking **\$95 billion** on their pets in 2019 with pet food, treats, products, services, and veterinary spending dominating. After reporting declining live animal sales for years, dog and cat sales are now excluded because they are “a relatively small contributor to overall sales.”¹
- Pet Business (2019): Of the 2019 “Top 25 Pet Retailers in North America” only one such retailer sells puppies, while the rest of the pet store companies are thriving by selling quality products and offering in demand services.
- Consultancy EY-Parthenon (2018): The pet industry has become a “potentially explosive market” as Americans are increasingly spending more on fancy food, treats, clothing and premium services; 78% of people prefer to shop for their pets in brick-and-mortar stores.
- World Pet Association Retail *Operating Performance Report* (2019): Pet stores with animals reported \$246 in total revenue per sq. ft whereas pet stores that only sell dry goods reported \$403 per sq. ft. (See Graph above.)



Super Pet, Tampa, converted from selling commercially bred dogs and cats to now working with local shelters and rescues. The owners of the store stopped selling puppies for both ethical and commercial reasons. Matt, one of the owners said the most heartbreaking aspect of puppy mills is the ongoing suffering of the puppies' parents.²

PetSmart, with about 100 stores in FL: “At PetSmart, we never sell dogs or cats. Together with PetSmart Charities, we help save over 1,300 pets every day through adoption.”³

Petco, with about 64 stores in FL: “We encourage anyone looking to add a new pet to their family to consider adopting a homeless animal, rather than purchasing one... Petco and the Petco Foundation partner with thousands of local animal welfare groups across the country and, through in-store adoption events, help find homes for more than 400,000 animals every year.”⁴

Pet Supplies Plus, has 22 stores in FL. The stores have a wide assortment of natural pet foods, goods, and services. PSP ranked No. 50 in *Entrepreneur* magazine's 41th Annual Franchise 500® list as the Top Full-Service Pet Supplies Franchise for the sixth year running for its exceptional performance in areas including financial strength and stability, growth rate and system size.⁵

¹ <https://www.prnewswire.com/news-releases/americans-pet-spending-reaches-record-breaking-high-95-7-billion-301012852.html>

² <https://humanepro.org/magazine/articles/making-change-better>

³ <https://www.petsmart.com/adoption/people-saving-pets/ca-adoption-landing.html>

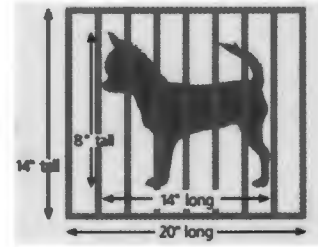
⁴ <https://about.petco.com/fact-sheets>

⁵ <https://www.prnewswire.com/news-releases/pet-supplies-plus-reports-strong-mid-year-development-numbers-301083818.html>

USDA'S LOW STANDARDS AND POOR ENFORCEMENT

A USDA-licensed facility may legally:

- ✓ Confine dogs in cages only 6 inches larger than their bodies for their entire lives
- ✓ Provide only coated wire flooring in cages
- ✓ Deny dogs adequate exercise and socialization
- ✓ Keep dogs in frigid or sweltering temperatures for up to 4 hours
- ✓ Breed dogs repeatedly and excessively, without limits
- ✓ Provide no regular veterinary care beyond annual walk-through of facility



A USDA license has never meant a facility was humane, as standards have always been shockingly low and enforcement has always lacked. For instance, back in 2010, the Office of Inspector General released a report stating that the enforcement process was ineffective against problem dealers because inspectors did not cite or document violations properly, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Things have only gotten worse since this 2010 report was released.

USDA'S PRIORITIES ARE CLEAR: PROMOTE AND PROTECT PUPPY MILLS

- **May 2020:** USDA told stakeholders it had only 95 inspectors charged with inspecting more than 8,000 pet dealers, exhibitors, and research facilities and that they had inspected over 1 million animals in 2019. USDA also admitted it had not revoked a single dog breeder license in the previous two years.
- **May 2020:** The HSUS released our annual Horrible Hundred Report with documented instances of breeders with numerous and egregious violations spanning years who remain licensed and breeders who had been cited by state officials for numerous and severe violations but received clean inspection reports from the USDA.
- **March 2020:** USDA updated its “teachable moments” policy that instructs inspectors to *teach* violators rather than cite them. Anything that is not “causing noticeable pain or distress to an animal” at the time of inspection can now be a “teachable moment” and not recorded on an inspection report.
- **February 2020:** Due to a Congressional directive, USDA began restoring unredacted inspection reports on the online database that it had unexpectedly purged three years earlier. Restored records confirm USDA is recording violations far less than it used to. Most citations are for “no access,” indicating a rise in the number of facilities refusing to give inspectors access.
- **August 2019:** Washington Post reported that USDA leaders told inspectors of a new policy that emphasized “education, not enforcement” and treating regulated entities “more as partners than as potential offenders.”
 - A USDA veterinarian who oversaw inspectors in 27 states told *the Post* the weakened enforcement had caused an “untold numbers of animals” to experience unnecessary suffering.
 - A USDA inspector for 20 years, who left at the end of 2017 told *the Post*: “It feels like your hands are tied behind your back. You can’t do many things you’re supposed to when it comes to protecting animals.”
 - *The Post* reported that since 2016 citations by the USDA have plummeted 65% and enforcement cases have declined 92%.
- **October 2018:** Washington Post reported the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint; a USDA spokesperson told *the Post* this was in part due to “working more closely with alleged violators” rather than taking enforcement actions.
- **May 2018:** USDA introduced a self-reporting policy: an incentive program that allows licensees to avoid penalties for violations by self-reporting them, even if the violations resulted in animal deaths.
- **May 2018:** USDA released a new version of its inspector manual that differed from previous versions by removing the requirement that a licensed veterinarian must sign each breeder’s program of veterinary care and replacing 31 pages on identifying and confiscating suffering animals with just a few lines of text.

The HSUS continues to push back against the USDA for its failure to follow its congressional mandate to protect animals, but the best way to stop puppy mill cruelty is for state and local elected officials to cut off puppy mill sales outlets and place strict requirements on puppy mills themselves.



**THE HUMANE SOCIETY
OF THE UNITED STATES**

ORDINANCE NO. _____

AN ORDINANCE PERTAINING TO THE SALE OF DOGS AND CATS BY PET SHOPS, TO BE KNOWN AS THE HUMANE PET STORE ORDINANCE, ADDRESSING THE OVERPOPULATION AND HEALTH AND WELFARE OF DOGS AND CATS; AMENDING CHAPTER 5, ARTICLE II OF THE ORANGE COUNTY CODE, "ANIMAL SERVICES," BY ADDING AT THE END A NEW SECTION, SECTION 5-53, TO PROHIBIT THE SALE OF DOGS OR CATS BY PET SHOPS AND ESTABLISH PENALTIES FOR VIOLATIONS THE PROHIBITION.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Amendment to Chapter 5, Article II of the Orange County Code.

Chapter 5, Article II of the Orange County Code is amended by adding thereto a new section, Section 5-53, to read as described under Section 3 of this Ordinance.

Section 2. Findings.

WHEREAS, Most puppies and kittens sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills" and "kitten mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than 2 million puppies per year in the United States.

WHEREAS, The documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation.

WHEREAS, Pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick.

WHEREAS, Pet stores often mislead consumers as to where the puppies and kittens in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away.

WHEREAS, According to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies.

WHEREAS, Current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the sale of puppy and kitten mill dogs and cats in pet stores pose. Federal oversight of the commercial breeding industry is severely lacking.

WHEREAS, Prohibiting pet stores from selling dogs and cats is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills and decrease the burden that pet store puppies and kittens that end up in animal shelters place on local agencies and taxpayers.

WHEREAS, The huge majority of pet stores, both large chains and small, family-owned shops, are already in compliance with the proposed ordinance as they already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events.

WHEREAS, This ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public.

WHEREAS, The Orange County's Board of County Commissioners believes it is in the best interest of Orange County to adopt reasonable regulations to reduce costs to Orange County and its residents, protect citizens who may purchase cats or dogs from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Orange County.

Section 3. New Section 5-53 ("Sale of Dogs and Cats by Pet Shops") is added to the end of Chapter 5, Article II of the Orange County Code, to read as follows:

Sec. 5-53. Sale of Dogs and Cats by Pet Shops.

(a) Definitions.

In this section, the following terms shall have the following meanings:

- (1) *Dog* means any member of the species *Canis familiaris*.
- (2) *Cat* means any member of the species *Catus felis*.
- (3) *Animal rescue organization* means a not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of dogs or cats into permanent homes, and that does not breed animals nor obtain animal in exchange for payment or compensation from any person that breeds or brokers animals.
- (4) *Public animal shelter* means a facility operated by the County, or any other political subdivision of a state, for the purpose of impounding seized, stray, homeless, abandoned, unwanted, or surrendered animals, or a facility operated for the same purposes under a written contract with the County or political subdivision.
- (5) *Pet shop* means a brick-and-mortar retail store where animals are kept, sold, or offered for sale on the premises. A public animal shelter or animal rescue organization shall not be considered a pet shop for purposes of this Section.
- (6) *Sell* means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer a dog or cat.

(7) *Offer for sale* means to display or otherwise proffer a dog or cat for acceptance by another person.

(b) Sale of dogs or cats by pet shops prohibited.

It shall be a violation of this section for a pet shop to sell or offer for sale a dog or cat.

(c) Adoptions.

Nothing in subsection (b) shall prohibit a pet shop from offering space to a public animal shelter or to an animal rescue organization, as defined in subsection (a), to display dogs and cats for adoption.

(d) Proceeds from adoptions.

(1) It shall be a violation of this section for any part of any fee associated with the display or adoption of dogs or cats, including but not limited to adoption fees or fees for the provision of space, to be paid to or received by the host pet shop or to be paid to or received by any legal entity affiliated with or under common ownership with the host pet shop.

(2) It shall be a violation of this section for a host pet shop to have any ownership interest in any of the dogs or cats displayed for adoption.

(e) Penalties.

Each sale or offer for sale made in violation of subsection (b) of this section and each violation of subsection (d) of this section shall constitute a separate violation, and each violation shall be subject to the violation procedures described in Section 5-51 and penalties described in Section 5-52 of this Article.

(f) Severability.

If any provision or clause of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

(g) Effective date.

████████████████████

January 25, 2021



**THE HUMANE SOCIETY
OF THE UNITED STATES**

Honorable Mayor and County Commissioners,

On behalf of the Humane Society of the United States (HSUS), I am writing to respectfully encourage Orange County to join the more than 370 localities across the nation - including nearly 80 in Florida - in prohibiting the sale of dogs and cats in pet stores. This is a reasonable restriction that will merely require puppy-selling stores to adhere to a more humane model already proven successful by the vast majority of Orange County stores that do not sell puppies.

The benefits of an ordinance include:

- Protecting consumers from ending up with sick and behaviorally challenged puppies
- Reducing a public health risk
- Protecting consumers from financing schemes that many consider predatory
- Reducing the demand for puppy mill puppies
- Encouraging puppy-selling pet stores to tap into the far more lucrative parts of the nearly \$100 billion pet market, which is largely products and services
- Encouraging Orange County residents to adopt their next pet from a local shelter or rescue or to seek out a responsible breeder that they will meet in person to ensure the conditions align with their values

Pet shop ordinances protect consumers from a deceptive sales model

The HSUS has conducted numerous hidden-camera investigations¹ which consistently reveal that pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders, despite claims by pet stores that they would “never obtain dogs from puppy mills.”

Across the board, pet stores claim that they obtain animals from small-scale, humane breeders. The reality is that pet stores do not have the option to obtain dogs from responsible breeders because responsible breeders do not sell puppies to pet stores. The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all 178 dog breeds recognized by the AKC and found that 96% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores. Deceptive

Pet shop ordinances protect consumers from ending up with sick and behaviorally challenged puppies

At the HSUS, we receive a constant stream of complaints from consumers who have spent thousands of dollars in veterinary bills caring for their sick pet store puppies. Puppies in pet stores are often sick because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and very susceptible to genetic disorders. Yet, repeatedly, customers report that pet shops claim all their animals are healthy and came from only the highest quality breeders.

A 2013 study published in the *Journal of American Veterinary Medicine*, entitled “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,”² concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of undesirable behavioral characteristics, especially aggressive behavior and biting. Due to the results of the study, the authors stated that they cannot recommend that puppies be obtained from pet stores.

Pet shop ordinances prevent public health risks

Pet stores have been linked to zoonotic disease outbreaks, including an ongoing antibiotic-resistant *Campylobacter* outbreak which has infected more than 150 people across at least 20 states, hospitalizing dozens and leaving one

¹ <https://www.humanesociety.org/resources/investigations-reports>

² McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those obtained from noncommercial breeders,” *Journal of the American Veterinary Medical Association* 242, No.10 (2013), 1359-1363.

teenage girl in a wheelchair.^{3,4} The outbreak was so serious, said the CDC, because the *Campylobacter* bacteria involved were resistant to commonly recommended, first-line antibiotics. This is not surprising considering the reckless use of antibiotics in the puppy-selling pet store industry with the goal of having sick puppies appear healthy on the sale floor. In fact, the CDC found that 95% of pet store puppies studied received one or more antibiotic courses before arriving or while at the store, and that just 1% of puppies that received antibiotics were given them for treatment only. The rest were given preventatively.

Pet shop ordinances are business friendly

Pet shop ordinances are designed to require pet shops to adhere to a humane business model, not to put pet stores out of business. In fact, the largest and most successful pet store chains in the country (PetSmart and PetCo) do not sell puppies, but rather partner with local shelters and rescues to hold adoption events at their stores. PetSmart claims that consumers who adopt a dog or cat at one of their events spend 5 times more than the average consumer at their store and often become loyal customers.

The puppy-selling pet store model is outdated and socially unacceptable. Of the top 25 pet store chains in North America, only one sells puppies and kittens.⁵ The others are thriving by selling products and offering quality services, such as grooming, training and boarding, which dominate the nearly \$100 billion pet market. Even stores that used to sell puppy mill puppies are thriving on the humane model. For instance, the owners of Super Pet in Tampa converted from selling commercially bred dogs and cats to now working with local shelters and rescues. One of the owners said the most heartbreaking aspect of puppy mills is the ongoing suffering of the puppies' parents.⁶

Pet shop ordinances support responsible breeders

Pet shop ordinances prohibit the sale of pet shop dogs acquired from puppy mills. Ordinances do not affect responsible breeders. We find that across the country responsible breeders are in favor of pet shop ordinances because they understand better than anyone how horrible the pet shop and puppy mill industries are for dogs and consumers. Responsible breeders would never sell their puppies to pet shops because responsible breeders want to know where their puppies will end up.

The HSUS established a Breeder Advisory and Resource Council (BARC)⁷, comprised of responsible dog breeders from around the nation who share an interest in curbing the mistreatment of dogs in puppy mills. Even the AKC, who is funded by the puppy mill industry, agrees with the HSUS and responsible breeders everywhere, that “the best way for a person to obtain a new pet is through personal interaction with the pet’s breeder and the pet under consideration.” When purchasing a puppy from a pet store, this is simply not possible.

Pet shop ordinances support shelters and rescues

Pet shop ordinances support shelters by encouraging consumers to adopt. Also, ordinances lessen the burden on shelters that take in pet store dogs. Many pet store dogs end up in shelters because they come with a wide range of behavioral problems—a result of a lack of necessary socialization. Data shows that shelter intake and euthanasia rates decline in cities that prohibit the sale of puppy mill dogs. In some cities, such as Albuquerque, NM and Los Angeles, CA these declines are dramatic.

Federal and state laws do not protect consumers or dogs

Pet stores claim that they do not obtain dogs from puppy mills because they only source from USDA certified facilities. But, as the USDA explains on its website’s FAQ page, “we do not ‘certify’ establishments. . . a USDA license is not a ‘seal of approval’ but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities.”⁸ The USDA has repeatedly asserted that their regulations and standards are *minimum* requirements that should be built upon by the states

³ https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm?s_cid=mm6737a3_w

⁴ <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>; <https://www.cdc.gov/campylobacter/outbreaks/puppies-12-19/index.html>

⁵ <http://www.petbusiness.com/February-2016/The-Top-25-Pet-Retailers-in-North-America/>

⁶ <https://humanepro.org/magazine/articles/making-change-better>

⁷ http://www.humanesociety.org/issues/puppy_mills/facts/breeders_advisory_resource_council.html#UqI9lBXtnVQ

⁸ <https://acisearch.aphis.usda.gov/LPASearch/faces/CustomSearch.jsp>

and that regulated businesses should exceed.⁹ USDA standards allow commercial breeders to keep dogs in cramped, stacked, wire cages only six inches larger than each dog for their entire lives. The USDA does not require that dogs be regularly let outside of their cages for exercise, nor does it mandate socialization. Dogs can be kept in extreme temperatures for prolonged periods of time. Females are bred as early and often as possible. When dogs are no longer able to reproduce, breeders often abandon, shoot, or drown them. Thus, even if a breeder complies with all USDA requirements, a breeder can keep animals in extremely inhumane conditions.

Not only are the standards of care abysmal, so is enforcement. The last time the USDA audited itself, the Inspector General reported that the USDA does a poor job of enforcing these minimum standards, stating the agency “was not aggressively pursuing enforcement actions against violators” and “assessed minimal monetary penalties” against violators.¹⁰ Enforcement has only gotten worse since this 2010 audit. According to a feature story last year in *The Washington Post*, the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint. The USDA told the publication that this was in part due to “working more closely with alleged violators” rather than taking enforcement actions, a clear indication that the USDA no longer sees its role as a regulator of licensees.¹¹

The USDA has also adopted new policies that further demonstrate lax enforcement. For instance, teachable moments whereby USDA inspectors are no longer citing breeders for violating the law, but rather teaching them how to come into compliance. The USDA also redacted pertinent information on animal welfare inspection reports for three years to minimize transparency and protect animal abusers. Only after a directive from Congress were the reports restored. The actions the USDA has taken undermine the AWA and allow breeders in violation of it to avoid consequences of animal cruelty and neglect.

Conclusion

The morals and values of Orange County cannot be represented by allowing the sale of dogs from puppy mills – an industry so intrinsically linked to unnecessary animal suffering. Orange County customers should not be duped into supporting the cruel puppy mill industry and into buying sick and behaviorally challenged puppies. Orange County residents should not have to accept the importing of puppies from puppy mills while their tax dollars are spent sheltering and euthanizing homeless dogs.

Thank you for considering such an important ordinance.

Sincerely,

Jenna Jensen
Public Policy Specialist, Stop Puppy Mills Campaign
jjensen@humaneociety.org
P 301-258-1506 C 202-689-9621
humaneociety.org



⁹ See 7 U.S.C. § 2143(A)(8), stating that the federal Animal Welfare Act does not preempt state laws; U.S. Department of Agriculture, Animal Plant and Health Inspection Service, “Fact Sheet: Animal Care. The Animal Welfare Act,” in <http://ca-biomed.org/pdf/media-kit/oversight/USDAAWA.pdf> (accessed 5 Dec, 2013).

¹⁰ U.S. Department of Agriculture, Office of Inspector General, “Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers,” Audit Report 33002-4-SF (May 2010), 1.

¹¹ <https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/>