

# Work Session: Retail Pet Sale Ban

June 5, 2018





# Presentation Overview

- Overview of Commercial Breeding Operations
- Regulatory Framework
- Local Jurisdictions with Bans
- Options Moving Forward



# Commercial Breeding

- Over 1900 facilities are licensed to breed dogs for the pet trade
- Over 165,000 dogs kept solely for the purpose of breeding in these facilities
- Over 2 million puppies sold annually from commercial breeding facilities (many are unlicensed)







# Commercial Breeding

## What is a Puppy Mill?

- High volume commercial breeder
- Place profits over welfare
- Crowded and unclean pens
- Little to no care and exercise
- Bred very frequently- as often as every season
- Puppies frequently sold earlier than recommended
- Estimated to be over 10,000 in US





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# Regulatory Framework

## Animal Protection through Public Policy:

- **Regulation of Commercial Breeding**
- **Pet Sale Bans**
  - Retail pet sale bans
  - Bans on the sale of animals in public places
- **Consumer Protections**
  - Pet store disclosure requirements to post health records & breeder information
  - Pet lemon laws that provide greater recourse for consumers who purchase an unhealthy or misrepresented pet

## Federal



- **USDA – Animal Welfare Act (AWA)**
- **Includes regulations for living conditions**
- **Audits & Inspections**
- **Licensing, sanctions and enforcement actions**

## State



- **Florida Statute Chapter 828**
- **Cruelty, sales, consumer protections and several welfare related provisions**
- **No laws specifically address puppy mills or limitations on retail pet sales**

## Local



- **Address Puppy Mill burden by limiting demand**
- **Promote adoption of shelter animals**
- **Do not typically affect hobby breeders or animal rescue agencies**

**Federal**



## Animal and Plant Health Inspection Service

- Conducts >15,000 inspections annually
- 4500 breeders and 1100 brokers
- About 100 inspectors

## 2010 Audit

- Enforcement process found to be ineffective against problematic breeders
- Misused guidelines used to lower penalties
- Penalties are minimal in most cases
- Large breeders circumvent AWA by selling over the internet

**State**



**Local**





# Federal



# State

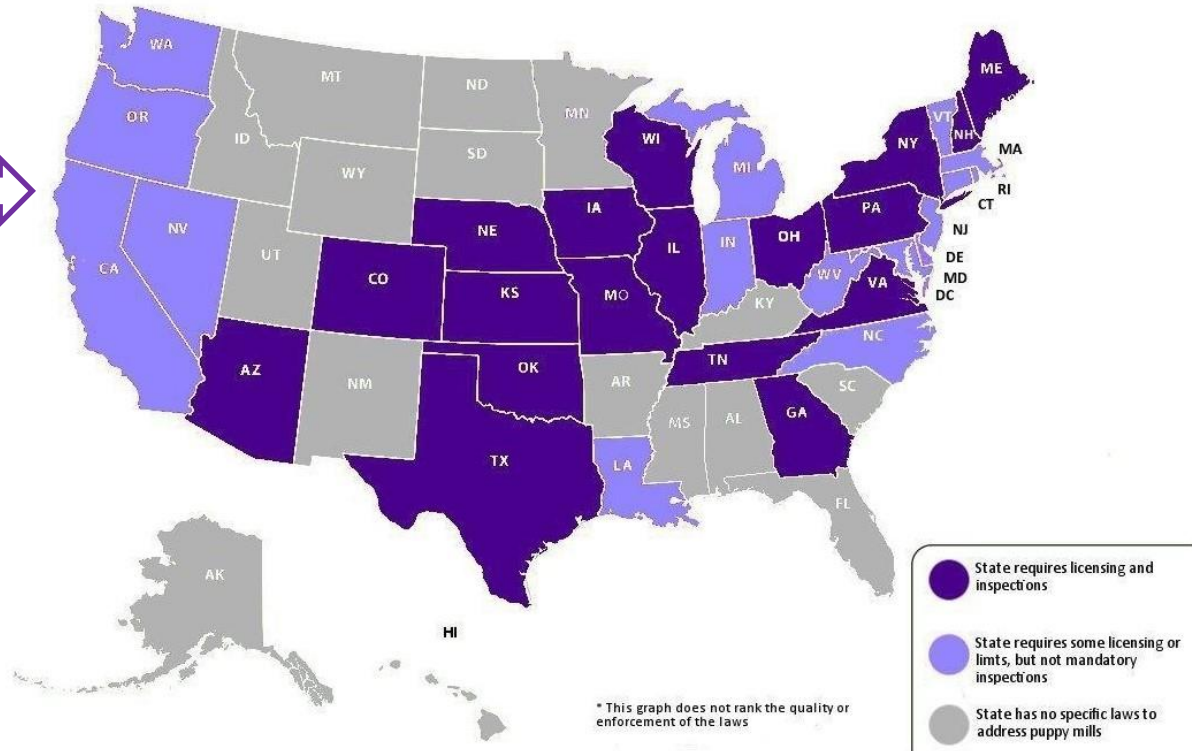


# Local



## State Puppy Mill Laws\*

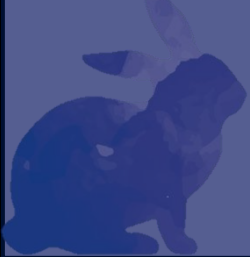
April 2013



Federal



State



Local



**80 jurisdictions in Florida ban retail pet sales**

- **Most are city governments, only 4 are counties**
  - Palm Beach County
  - Hillsborough County
  - Seminole County
  - Lake County
- **2 counties exempted existing businesses**
- **2 had no existing businesses in operation when ordinance change was made**



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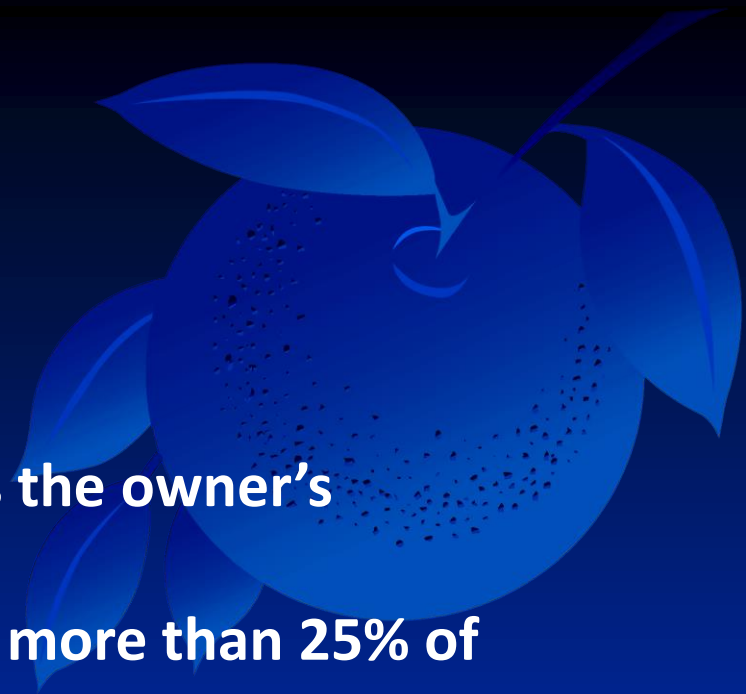
# Orange County Code

Defines a Non-Commercial Kennel as:

- Those where the breeding facility is the owner's domicile
- Sale of dogs or cats can produce no more than 25% of owner's income

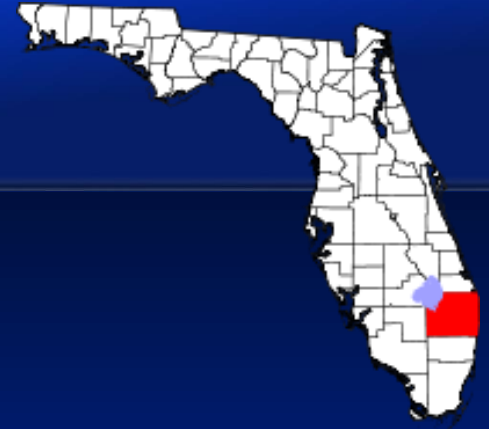
Otherwise breeders or pet dealers must register as a Commercial Kennel:

- Requirements are stipulated for care of the animals in their custody
- There are 7 retail pet dealers in Orange County selling dogs and cats





# Local Bans in Place



## Palm Beach County (Oct 2016)

### Restrictions

- Existing pet shops (8) can only obtain cats and dogs from USDA licensed breeders
- New pet shops cannot sell cats and dogs

### Allowed:

- Purchase of cats or dogs from “Hobby Breeders” (defined in the ordinance)
- Sale/donation of animals by the county, animal rescue organizations and existing permitted pet shops

### Penalties and Enforcement:

- First violation are subject to fines up to \$500
- Enforced by Palm Beach County Animal Services





# Local Bans in Place



## Seminole County (Feb 2018)

### Restrictions

- Prohibits retail sale of animals from “puppy mills” and “kitten factories”, and at other sites such as flea markets, yard sales and public areas
- Requires and Adoption-Based business model for retail sale of cats and dogs
- Pet shops must display a certificate of source with the animal being sold

### Allowed:

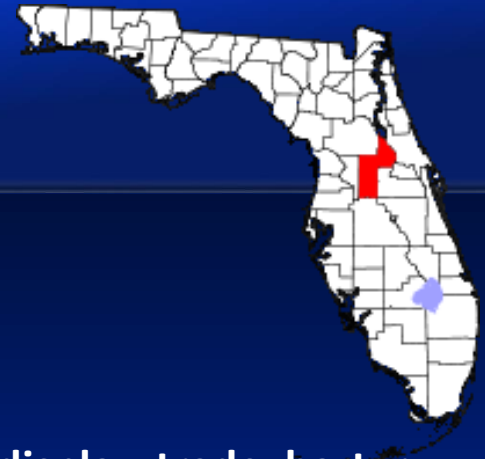
- Purchase of cats or dogs from “Hobby Breeders” (defined in the ordinance)
- Sale/donation of animals by the county (or its agents), animal rescue organizations, agricultural/educational organizations such as 4H

### Penalties and Enforcement:

- First violation are subject to a \$50 fine, increases up to \$500 for subsequent
- Enforced by Seminole County Animal Services



# Local Bans in Place



## Lake County (May 2018)

### Restrictions

- No owner, person, kennel, or animal establishment may sell, display, trade, barter, or auction dogs or cats in unincorporated Lake County and certain municipalities
- Includes flea markets, yard sales and public areas and right-of-ways regardless of owner authorization

### Allowed:

- An owner may enter into a private sale with another individual
- Sale/donation of animals by the county (or its agents), animal rescue organizations, agricultural/educational organizations such as 4H

### Penalties and Enforcement:

- A violation are subject to fines up to \$500
- Enforced by Lake County Office of Animal Services



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# Option Moving Forward

## **Status Quo:**

- Although “Puppy Mills” and “Retail Pet Sale Bans” are not specifically mentioned, Florida law and Orange Co Code both address animal welfare, cruelty and commercial breeding

## **Advocate for State Legislation:**

- Commercial Breeding/Puppy Mill regulations
- Preemption of local governments instituting retail pet sale prohibitions has been proposed in the past

## **Amend Code: Zoning (Ch. 38) or Animals (Ch. 5)**

- Draft ordinance taking into account best practices and past experiences in other Florida counties

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