



## Executive Summary

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**Issue Description:** Prohibition of Retail Sales on Puppies and Kittens

**Meeting Date:** November 5, 2018

**Attendees:** Eric Baker and Jennifer Cannon

**Action Requested at this Meeting:** Review stakeholder input and draft code to prohibit the retail sales of puppies and kittens bred off site or not affiliated with an animal welfare organization.

### Background

Currently, pet shops located in unincorporated Kitsap County can legally sell puppies and kittens obtained from large-scale breeding operations referred to as “puppy mills” and “kitten factories”, respectively. The US Department of Agriculture estimates that over 10,000 of these “wholesale breeding” establishments are in existence nationwide and many operate under horrible conditions consisting of overcrowded cages, over and in-breeding, absence of sanitation and vet treatment for serious health issues, and lack of socialization and exercise. The County has an opportunity to join nearby local jurisdictions in deterring animal cruelty by closing the gap in the prohibition of puppy/kitten mill retail to more fully promote animal welfare and health and encourage best practices and community awareness in the purchasing and breeding of dogs and cats.

Although state and federal laws deter animal cruelty, the difficulty with enforcement and policy loopholes led over 200 local jurisdictions to implement additional restrictions.<sup>1</sup> Three of these are jurisdictions located in Kitsap County (Cities of Bremerton and Poulsbo, and Bainbridge Island). These neighboring jurisdictions have passed ordinances to ban pet store sales from puppy/kitten mills by only allowing sales from animal rescue league or shelters and requiring recordkeeping to disclose where they originated. Although existing County code includes provisions to promote animal welfare by requiring commercial pet facilities and hobbyist breeders to gain licenses necessitating adherence to some animal welfare provisions, pet shops currently can sell dogs/cats obtained from any variety of sources including puppy/kitten mills.

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<sup>1</sup> There was a 2010 investigation completed by the Office of Inspector General that exposed horrible conditions perpetuating even in licensed “wholesale” breeding facilities. Washington state law prevents persons from owning more than 50 breeding dogs and requires suitable housing and animal welfare measures for those owning 10 to 50 breeding dogs (RCW 16.52.310). In addition, state law requires veterinary inspection and heartworm testing certificates for dogs/cats imported from outside the state (RCW 16.54.170).

- Commercial Pet Facilities: At commercial pet facilities (such as pet shops), pets are boarded or bred for the primary purpose of compensation or resale. These facilities must be licensed and must comply with operation requirements to promote health and proper veterinary care.
- Hobbyist Breeders: A “Hobbyist” is someone who owns or maintains five adult cats/dogs at the same location, where one or more are not spayed or neutered. The existing code limits hobbyist breeders from owning more than five breeding dogs/cats and selling more than two litters or 20 cats/dogs per year and allows small-scale animal breeding primarily for non-commercial purposes. They must obtain a license and adhere to several animal welfare provisions promoting pet health and proper veterinary care.

### **Stakeholder Engagement**

A range of stakeholders were interviewed in early fall to inform the development of Code enhancements. A series of interviews were held with those representing varied interests including the Kitsap County Human Society (animal control officers enforcing Code), licensed hobbyist breeders, animal welfare advocates, a licensed commercial pet store, and local government staff knowledgeable about local puppy mill ban best practices. The findings from these interviews are summarized in Attachment A.

### **Ordinance Development**

Code adjustments were drafted based on summarized stakeholder input, best practice guidance, a preliminary review of existing policy and procedures and legal concerns. Generally, they include:

- Prohibition on the retail sales of puppies or kittens EXCEPT where they are bred on site or they are obtained from a certified animal welfare organization.
- Clarifies differences between classifications of animal facilities (hobby breeders versus pet shops).
- Specifies types of animal records hobbyists and commercial pet facilities must maintain for their animals.

### **Attachments**

- Attachment A: Kitsap County Animal Code Retail Sales of Cats and Dogs, Draft Stakeholder Outreach Summary

# ATTACHMENT A: KITSAP COUNTY ANIMAL CODE RETAIL SALES OF CATS AND DOGS



## Draft Stakeholder Outreach Summary

Kitsap County is developing new policies to more effectively promote animal welfare and support best practices and community awareness in the purchasing and breeding of dogs and cats.<sup>1</sup> The county is looking at ways to effectively close the gap in the prohibition of puppy/kitten mill retail since pet shops currently can legally sell pets obtained from breeding operations that could be considered “puppy mills” or “kitten factories”. The conditions at puppy/kitten mills tend to be unsafe, overcrowded, and unsanitary.

### Neighboring Jurisdictions Insights

Recently, nearby local jurisdictions adopted ordinances to ban pet store sales from puppy/kitten mills by only allowing sales from animal rescue leagues at pet stores. Staff contacted the Cities of Bainbridge, Poulsbo, and Bremerton to learn about stakeholders, best practices, and enforcement. These jurisdictions reported that enforcement has been unwarranted since pet retail is virtually nonexistent. As described below, local ordinances have also required additional recordkeeping and prohibit sales of cats/dogs younger than eight weeks.

- The **Bainbridge Ordinance** (adopted in June 2017) prohibits pet store sells of dogs or cats sourced from puppy or kitten mills by only allowing sales obtained from an animal shelter or rescue league. The pet shop must maintain and display records on the name and address of the animal shelter/rescue league at least two years prior from acquisition.
- The **City of Bremerton** was the second city in Washington to ban pet sales from puppy/kitten mills (adopted in August 2017). Distinct from the others, Bremerton outlines “operational requirements” (i.e. food shall be stored to prevents contamination) for “commercial pet facilities, grooming parlors, and animal welfare facilities” and requires adherence to veterinary certification pursuant to WAC 16-54-170.
- The third local government to adopt a ban is the **City of Poulsbo** (adopted in February 2018). Poulsbo differs by excluding small-scale breeders (less than five breeding female dogs/cats) from the pet retail restrictions.

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<sup>1</sup> Animal welfare could be defined as the human responsibility for animal well-being such as proper housing, management, nutrition, disease prevention/treatment, and responsible care. Currently, county code includes provisions to promote animal welfare by requiring commercial pet facilities (e.g. pet shops, grooming parlors) and hobbyist breeders (small breeding operations) to gain licenses and fulfill requirements regarding the conditions, operations, and veterinary care.

## Local Breeder Stakeholder Input

Currently, Kitsap County requires small breeders referred to as “hobbyists” to obtain a license and adhere to animal welfare provisions promoting pet health and proper veterinary care. A hobbyist breeder is someone who owns five to ten adult cats/dogs at the same location, where one or more are not spayed or neutered.<sup>2</sup> Staff obtained a list of all the currently licensed hobbyist breeders located in unincorporated Kitsap County from the Kitsap Humane Society and interviewed six hobbyist breeders located in diverse county locations.

### **Locations for Selling Puppies and Kittens:**

- All interviewees sold their pets from their home and screened potential owners (about space/conditions for the pets, demeanor/personality preferences, reasons for pet ownership). Many stated they would never sell their pets at pet stores due to concerns of being unable to screen the potential owner and follow-up (vetting can take many visits).
- One respondent said they sold pets occasionally at a veterinary office since they can conveniently have vets check the pet’s health.

### **Breeding Needs:**

- Most of the hobbyist breeders had less than 10 breeding dogs (one had up to 12 since they sell different breeds).
- One respondent said that reputable breeders could have a couple of litters per year (no more than 3 litters and only if in a co-owned situation). Several didn’t need as many males as females since they often get males from outside the area (promotes diversity to strengthen the breed).

### **Ethical Practices of Breeders:**

- All the respondents said they would never sell their pets at pet stores. Reasons ranged from the need to adhere to breed standards and regulations that do not allow them to sell at pet stores (could lose breed club license); match the pet with compatible homes; and inability to screen potential owners and develop a close relationship with the owner that continues past adoption. One respondent spoke of how reputable breeders are always there to provide guidance. In addition, consumers typically want to meet the pet’s mother.
- Most breeders have their own website and application process and most screen and do home checks. Many feel a responsibility to educate pet owners.
- Several respondents will take dogs back if the adoption does not work out (e.g. lifestyle changes) and will provide a health guarantee.
- Some respondents spoke of adherence to strict AKC breeding requirements (e.g. don’t breed males more than 3 times), one of which necessitates specific testing of the parents. Gaining specific testing is important since it promotes consumer protection and ensures

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<sup>2</sup> Existing code limits hobbyist breeders from owning more than 10 breeding dogs/cats and selling more than two litters or 20 cats/dogs per year and allows small-scale animal breeding.

only the pets with outstanding health breed. Various breeders adhere to a code of ethics requiring a signed contract to not sell to puppy mills.

- One respondent gives puppies up for adoption only after 8 weeks of age and another said that removal of a puppy from their litter mates at 7 weeks or younger is unhealthy.
- A respondent spoke of the need to mentor new breeders.

#### **Process for Obtaining License:**

- After gaining the correct information, most respondents said the application process was easy. Several complimented the Kitsap Humane Society staff on their helpfulness. Some heard about license requirements from the Kitsap Sun. Respondents appreciated getting email reminders to renew licenses.
- One respondent felt the rules were too restrictive particularly on who can adopt since some potentially great owners do not have access to a fenced yard (e.g. apartments).
- Suggestions Regarding the Licensure Process: Make it easier to find the application on the website, provide online application, track the dog information (such as microchip numbers) with streamlined online system that automatically populates previously gained information, and only require new tags for new dogs (retain the records of previously tagged pets).

#### **Other Points:**

- A variety of outlets were used for advertising such as through websites, Craigslist and petfinder or puppyfinder.com. Many relied on advertising pets through word of mouth, breed associations, and through events. Some have waiting lists for their pets.
- Several breeders are involved with rescue organizations (temperament, behavior/health issues, and being placed in the wrong home). Educational materials were shared.
- Many were supportive of a puppy mill/kitten factory ban and several actively worked to educate people about issues. Mass breeding increases genetic problems and can result in sad problems such as puppies dying when only 1 to 3 years old. In addition, a respondent said a local pet store sells in-bred dogs. Puppy mill dogs typically are not AKC registered and have insufficient testing.
- One interviewee felt it was overly restrictive to limit the overall number of pets since many people inherit pets and another respondent noted people find it hard to adopt compatible animals from the Humane Society since they tend to have pit bulls and labs.

## **Animal Advocate Stakeholder Input**

Staff interviewed a few animal advocate stakeholders to learn their concerns with a puppy/kitten mill ban ordinance and gain recommendations for promoting animal welfare.

#### **Concerns with Ordinance:**

- Respondents said the best way to support is to not allow retail pet sales. This has proven to be effective. The overall goal is to prevent the sale of pets from puppy mills since this will impact the supply. People are supporting mills unknowingly.

- Exceptions could be allowed where pets are sold at adoption events hosted by license nonprofits like the humane society. Respondents expressed concerned about existing pet stores being grandfathered from having to comply.
- Respondents spoke about the inability to define puppy mills since it could be considered slang. Consequently, ordinances must work around this definition issue.
- One respondent spoke of a loophole in the WA state law that requires vet inspections over a certain age and described how people get away with this by selling the pets at a younger age when the vet inspection isn't required.
- One respondent said that pets younger than 6 to 8 weeks old should not be sold since this is not good for the health and behavior of the babies.
- A respondent spoke of statewide bans in CA and said they were meeting with WA state officials about this possibility. Grassroots change is being pursued since change at the national level takes longer.

### **Recommendations for Animal Welfare:**

- Respondents were not against responsible breeding – no breeders need to sell at pet stores and it doesn't make sense to have a broker/middle man (where do these dogs go at night?).
- Respondents supported building up education for consumers. Most consumers purchasing pets from pet stores are impulse shopping and unknowingly, are supporting the cruel puppy mill industry. A respondent spoke of difficulties with County consumers doing their own due diligence to research the pet-store-puppy origin.
- A respondent spoke of one remaining store that steadfastly refuses to cease selling puppy-mill puppies. This has led them to pursue a retail sale ban for seven years.
- The puppy mill dogs are brought in from the Midwest and they come through the mail – this wouldn't be allowed in WA state since its fraudulent.

### **Other Points:**

- Respondent connected staff with national experts and offered to provide a list of responsible breeders. They appreciated that the County is still considering this simple, effective ordinance and would like to be informed about movement with this issue. They have only heard of support for this from the public and commissioners.
- Respondent shared a model ordinance and educational/awareness materials.

## **Animal Control Stakeholder Input**

Staff interviewed several animal control stakeholders to learn their concerns with a puppy/kitten mill ban ordinance and gain recommendations for promoting animal welfare.

### **Concerns with Ordinance:**

- Regulations for hobbyist breeders was intended to apply to smaller breeders, as opposed to large-scale breeding.
- Both hobbyist breeders and enthusiasts are limited to 10 animals. They require documentation from hobbyist breeders such as records of vaccination for pets, isolation

room for sick pets and they inspect the confinement area, structure of kennels, heating/cooling facilities and sanitation.

- Animal control does annual inspections of hobbyist breeders facilities and for commercial pet stores and then do spontaneous inspections upon receiving complaints. Most of the complaints are about the animal welfare and the settings where the animals are kept.
- Respondents said requiring documentation for up to two years prior would work well.
- The WA State Department of Agriculture requires accredited vet certificates for out of state animals (special form and stamp) and Kitsap County could tie to this law and possibly require microchips to ease tracking and enforcement.

#### **Recommendations for Enforcement:**

- Respondents expressed concern about enforcement limitations and suggested policies enabling them to issue infractions/penalties and revoke licenses for non-compliance.
- Respondents wanted staff to examine setbacks for cages or pet facilities on properties since the smell from animals and their waste can be a concern for adjacent property owners.
- Respondents discussed how those seeking commercial licenses are not aware of the zoning requirement for approval (they think they are fine with a business license) and the two-part approval process. Zoning approval is needed since animal noise can be a concern (the Department of Community Development deals with this). They asked whether there is a boarding threshold for zoning/regulatory enforcement.
- They commonly get calls regarding breeding licenses. The hobbyist breeder licenses must be renewed every two years.

## **Commercial Stakeholder Insights**

Staff interviewed one commercial stakeholder to recognize their concerns since only one commercial stakeholder was recognized as being a pet store that sold pets.

#### **Concerns with Ordinance:**

- People come to their store to look and interact with the puppies. They gain kittens from local residents and can't find puppies locally, so they get puppies from out-of-state licensed kennels that guarantee refunds for the puppies. The owner uses only clean reliable kennels with good records. They used to get puppies locally, but the local sources tended to be unreliable.
- Every puppy comes with a five-generation pedigree document that includes pictures of the mom and dad, name of breeder, and kennel. The kittens have less documentation. The pets all get the initial round of shots, dose of flea/heartworm treatment, and a free wellness vet exam. The new owners get all this documentation and vet records.