



THE HUMANE SOCIETY OF THE UNITED STATES



PUPS Act (H.R. 835 / S. 707) Q & A:

MYTH: The Act targets small, reputable dog breeders.

FACT: Small, responsible dog breeders will not be affected by PUPS.

- The bill only covers commercial breeders who sell more than 50 puppies a year to the pet trade. For most breeds, this would encompass at least 10 litters of puppies a year – more than a small hobby breeder would produce.
- Reputable breeders give their dogs the best care and plenty of space and exercise; in other words, good breeders are *already exceeding the proposed standards*.
- Good breeders oppose cruelty and support the basic oversight of mass breeding facilities.

MYTH: A breeder with a single 4 month old female dog could be affected by PUPS.

FACT: Only breeders who have one or more intact female dogs AND sell more than 50 puppies a year would be affected by PUPS.

- The PUPS Act does not include a limit on the number of female dogs of any age who can be kept or bred. The definition of “high volume breeder” is based on sales, not the number or the age of the animals kept.
- The definition of a breeding female as an “intact female dog age 4 months or older” is simply used in this legislation to distinguish between animals capable of breeding and puppies who are offered for sale.
- Breeders who sell more than 50 puppies per year will still be able to sell any amount of puppies as long as basic licensing and care standards are met.

MYTH: There are already laws to control puppy mills.

FACT: Current laws are not sufficient.

- Many puppy mills are legal in the United States.
- Some states have laws designed to provide dogs with the most basic of care but inadequate funding and loopholes in these laws often render them ineffective.
- State laws are helpful in addressing problems with puppy millers selling to unsuspecting consumers within their states. However, this is an interstate commerce issue on the federal level. For example, puppy mills breeding in Oklahoma are selling to consumers in Maryland. The only law that can regulate across state lines is federal law.
- Some puppy mills (those that sell wholesale, such as to pet stores) are regulated under the federal Animal Welfare Act. The Act is enforced by the United States Department of Agriculture (USDA).
- Due to a loophole in the regulations for the Animal Welfare Act, large commercial breeders who sell puppies directly to pet owners, including those who sell over the Internet, are exempt from any federal oversight. These unregulated Internet sellers and other direct sales facilities sell thousands of sick and sometimes dying puppies a year to unsuspecting consumers.
- This loophole is enormous. For example, in 2007 in Virginia only 17 breeders were required to be licensed by USDA and fell under USDA regulations. However, investigations by the The Humane Society of the United States (HSUS) revealed almost 1,000 commercial puppy breeders in the state. The vast majority of puppy mills fall into this loophole and often are not subject to any federal or state oversight. PUPS would help close this loophole.

- Some states have "Puppy Lemon Laws" designed to protect consumers by ensuring they can get their money back if their puppy dies or is severely ill soon after purchase. These laws do nothing however to address the cruelty that is typical in puppy mills.

MYTH: Additional staff and funding for the USDA/ APHIS's kennel inspections program must be addressed before PUPS can be considered.

FACT: The USDA kennel inspection program has undergone many changes since an internal May 2010 audit and Congress has approved a significant increase in funding for 2012. Meanwhile, the number of USDA-regulated commercial dog breeders has been steadily decreasing over the past 5 years – with a cumulative decline of more than 40 percent.

- It is believed that a primary reason for the decline in the number of USDA-licensed commercial breeders is the number of breeders who have dropped their USDA licenses to avoid complying with the Animal Welfare Act's basic standards. Many of these breeders now sell directly to the public over the Internet to avoid federal oversight – a problem PUPS was designed to address. Each licensee is required to pay a fee to USDA for the privilege of that license, which helps offset the cost of regulation and inspection of these facilities.
- In 2011, Congress approved a 20% increase in the USDA's annual budget to strengthen inspections and enforcement of the Animal Welfare Act in fiscal year 2012. This is on top of \$4 million in reprogrammed FY 2011 funds approved in October by Agriculture Appropriations leaders. The combination of enhanced funding and fewer facilities to regulate will allow the USDA to increase its responsibilities.
- The Animal Welfare Act is far from perfect but does provide some oversight, whereas opponents of the PUPS Act repeatedly argue against any and all bills designed to regulate large-scale commercial breeders, yet offer no alternative solution to address the cruelty of puppy mills.

MYTH: The Act will affect reputable dog rescue operations.

FACT: Nonprofit rescue organizations will not be affected.

- The portion of the Animal Welfare Act affected by the PUPS Act only covers dog dealers who sell pets for profit. Reputable rescue organizations do not profit from the sale of puppies or dogs. They charge minimal adoption fees to cover the bare expenses associated with providing veterinary care and shelter until the puppies or dogs are adopted.
- Reputable rescue organizations and animal shelters abhor puppy mills and their impact on the tragedy of pet overpopulation, which results in millions of healthy pets euthanized each year.
- Shelters and rescue groups often take in sick dogs who have been discarded by or seized from puppy mills. They overwhelmingly support the regulation of mass breeding facilities to reduce the suffering of these animals.

MYTH: The definition of "high volume retail breeder" as someone with "an ownership interest in or custody of one or more breeding female dogs" could affect the tradition of co- and joint ownerships common among dog show participants and other hobbyists.

FACT: Co-owning a significant number of dogs will not affect hobbyists because the legislation only applies to individuals who *also* sell 50 or more puppies per year.

- PUPS places no limit on the number of animals a breeder or hobbyist can own or co-own.

MYTH: The exercise language is too vague and should include provisions for breeders who choose to exercise their dogs on specialized training equipment.

FACT: When the law is implemented, the USDA will draft specific rules to clarify enforcement of the exercise language.

- Forcing a dog to run on special training equipment such as a treadmill is not a substitute for allowing dogs outside their cages once a day to move freely in a run or other spacious area, an important provision of PUPS.

MYTH: The HSUS is against all dog breeding.

FACT: The HSUS supports small, reputable dog breeders.

- Although The HSUS always recommends a shelter or rescue group as the very best place to get a pet, The HSUS also publishes several guides for the public to help them find and identify a good dog breeder, including our **Puppy Buyer's Guide** and our **Good Breeder Checklist**. These are available for **free** on our website.
- A reputable breeder: believes that dogs who are used for breeding should be kept as part of the family; believes that housing dogs in cages 24 hours a day for years on end is an inhumane way to treat such an animal, one who thrives on companionship; and supports excellence in care and attention for breeding dogs and their puppies.
- We support legislation that takes a comprehensive approach to protecting dogs in breeding facilities, such as: capping the number of breeding dogs that can be kept; allowing female dogs only between the ages of 18 months and 8 years to be used for breeding; breeding each female dog no more than once per year; prohibiting wire flooring and stacking of cages; and providing dogs with adequate space, shelter, exercise socialization and vet care.
- You can see the Puppy Buyer's Guide at www.humanesociety.org/puppy.
- You can see our Good Breeder Checklist at http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/find_responsible_dog_breeder.pdf. Please note that this is a list of good breeder characteristics, not a list of breeders.

MYTH: The American Kennel Club (AKC) opposes the PUPS Act because it is concerned about the welfare of dogs.

FACT: Over the past five years, The AKC has opposed almost all measures designed to crack down on puppy mills, largely due to concerns with losing lucrative registration revenues.

- The HSUS's July 2012 exposé of the AKC reported that it has opposed more than 80 different measures that would improve protections for puppy dogs over the past 5 years alone: www.humanesociety.org/akc.
- A number of puppy mills linked to the AKC have been shut down in recent years due to poor conditions, and some of their owners have been convicted of animal cruelty.
- Most recently, in October 2012, a renowned AKC-inspected breeder, Mike Chilinski, was convicted of 91 counts of animal cruelty after The HSUS and local authorities had to remove 160 malnourished and sickly dogs from his property.