

Puppy Uniform Protection and Safety Act PUPS (S3424)

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Without knowing the history, it is difficult for some to immediately understand the significance of this new/old Federal proposed bill. The many, many years of history of animal "politics" is too involved and lengthy for this review. However, following are some recent updates on proposed bills that included dog-breeding constraints.

There have been varied attempts over the past 15-20 years to control in-home breeding by hobbyists and domestic animal retailers. For a more detailed history, please go to:

<http://www.libraryindex.com/pages/2155/History-Human-Animal-Interaction-TWENTIETH-CENTURY.html>

The following has occurred in this century.

2001, PPA, the Puppy Protection Act (S1478) was proposed (Santorum, R-PA). This bill would have given strict regulations on retail breeders. Retail breeders are defined as those breeders who do sell directly to the public. The bill failed.

2001, The Doris Day Animal League (now merged with HSUS) sued the U.S. Agriculture Department to require regulation of in-home (retail) breeders. After 3 years and appeals, the Supreme Court refused to hear it, and the appeal stood. The lawsuit failed.

2005 PAWS (S1139) was proposed (Santorum, co-sponsored by Durbin/Specter). HSUS joined DDAL (and for a time AKC!) in pushing for regulation and in-home inspection of small and hobby breeders. AKC dropped out when the 3rd party inspections was removed. Failed

2008 PUPS 1 "Baby's Bill" S3519 Durbin (Sam Farr (D-CA), Jim Gerlach (R-PA), Lois Capps (D-CA), Terry Everett (R-AL)) proposed this law regulating retail breeders, with backing by HSUS and Television personalities. This the first time that numerical limits are mentioned and also the first time that internet sellers are mentioned. The bill stalled in Committee. Failed.

2010 PUPS 2 S. 3424 Durbin (Vitter R-LA, Wyden D-OR) is the most recent reincarnation of these series of proposed bills attempting to regulate in-home breeders and retail sales of domestic animals. This PUPS bill repeats earlier efforts to regulate numbers, internet sales, and including for the first time, telephone sales.

Clearly, there has been an historical effort to regulate home breeders. Originally the effort was to put any breeder with 3 or more intact bitches, the threshold for USDA licensing, under federal regulations.

Animal Rights groups have for centuries opposed any subjugation of animals for human use, so these interim goals incrementally step toward their end goal.

Now, to PUPS: Here is the background on which this most recent reincarnation occurred. Since 1992, the Office Inspector General, United States Department of Agriculture (OIG) has audited the inspecting agency - Animal Plant and Health Inspection Service (Aphis) of the Animal Welfare Act. On every inspection, there were lapses in APHIS inspections which IOG noted and requested improvement of those APHIS inspections. In a report of May 2010, IOG again found critical lapses in APHIS inspection controls.

USDA inspectors were not enforcing violations when they found them in the breeding kennels. Whether the problem was oversight and/or education of the inspectors, lack of sufficient funds for adequate

numbers of inspectors, the solution proposed to INCREASE the number to be inspected certainly won't cure the problem.

This bill seeks to include all dog breeders, owners and co-owners, with one intact bitch or more which is 4 months or older, AND offers to sell more than 50 dogs a year. By including co-owners, this could mean a co-owner with one female, no litters and no money from any sale could be required to be regulated under USDA and be required to abide by their kenneling requirements.

Regarding Internet and telephone sales, the wording as it stands can be interpreted to mean that those thousands of websites that proudly show their dogs, their wins, their progeny, their success as responsible breeders could be called internet sellers and fall under USDA regulations. That can be extrapolated to discussing a sale over the telephone or through an email. While this seems preposterous, the manner in which various groups are jumping on every opportunity to halt animal breeding of any form, the chance that it would happen is totally probable.

PUPS is NOT about already licensed USDA breeders. This bill seeks to federally regulate retail breeders, those breeders who sell directly to the public, which includes the home breeder, the larger hobby breeders and variations thereof. PUPS in no way changes any status of the breeders already licensed under USDA.

The parts of the bill that would affect commercial breeders have to do with space requirements, exercise periods and other changes that would cost the breeders enormous amounts of money to change over to the bill's requirements, if enacted. It is beyond the scope of this short piece to analyze those proposed changes, but the overall effect remains the same as those changes directed toward home and hobby breeder. That is, to make dog and cat breeding so onerous and/or expensive that many will simply give up.

BUT read the whole report and read the proposed bill.