

October 20, 2020

PA Senate Judiciary Committee

Testimony regarding animal welfare laws in the Commonwealth

Submitted by Mary Jane McNamee, JD, VMD – Chair PVMA Legislative and Regulatory Affairs

Introduction:

- Thank you very much for inviting me to this conversation – PVMA and I appreciate the Committee’s time and attention.
- We are all testifying today because we share a common goal and recognize the importance of the human-pet bond.
- How we treat our animals is a direct reflection of our humanity and society.
- Stewardship of the human-animal bond is a responsibility that we should and do take seriously, and requires contemplation, discussion, and compassion mixed with a healthy dose of Pennsylvanian common sense.
- Legislating these human-animal bond issues requires scientific knowledge and data regarding veterinary medicine, animal behavior and husbandry, while bearing in mind that many of these issues create a strong emotional response.
- Our goal, as veterinary professionals and scientists, is to approach the problems with rational objective thinking, as well as creativity.
- We welcome this opportunity for collaborative discussion and recognize the importance of communicating various perspectives, thereby sharing viewpoints and ideas.
- PVMA supports the ongoing discussion and collaboration of stakeholders and legislators in exploring and discovering practical and impactful ways to strengthen the human-animal bond.
- While we may disagree on how to achieve this common goal, the sincerity of all the stakeholders is no doubt genuine.

Over the past 30 years or so, PVMA has worked with the Legislature to enact laws that improve this bond and made a measurable difference for animals in the Commonwealth. This is a testament to the Legislature’s ability to come to consensus over a shared, common goal.

Three Types of Animal Welfare Laws:

1. Those directly pertaining to the **keeping and breeding of animals**, i.e. Dog Laws\*
2. Those that deal with the **harming of animals** in various degrees i.e. Consolidated Animal Cruelty Statutes Title 18.
3. Consumer protection laws that relate to the **commercial sale of pets**, i.e. Puppy Lemon Laws

- This is an excellent framework to use when contemplating how the Commonwealth should proceed in codifying animal welfare, as laws need to dovetail and work cooperatively, not in conflict. Therefore, PVMA supports further discussion and formal collaboration in addressing animal welfare issues [SB1267] and appreciates Senator Yaw's leadership in this direction with the **creation of a much-needed Animal Welfare Task Force**. In this way, we can build upon the laws that the Legislature worked so hard to enact. It makes sense to take a comprehensive look at what works, what doesn't and why. We support a coordinated and systemic approach to improve upon and expand the laws that exist.
- Laws need to be impactful, or they are ineffectual and impotent. Enforcement is key. Adequate funding needs to be in place, so enforcement can occur. The PVMA is in support of efforts to directly improve the humane treatment of pets in our state, particularly through **increased strengthening, funding and enforcement of our existing Pennsylvania Dog Laws**. We ought to rebuild the Dog Law Fund and also be very strategic about how and where those funds are directed. [SB 663 and HB 1504]. Many of the issues before us are dependent on limited time and funding, and not simply on enacting more laws.
- For example, Lebanon County, where I reside, currently does not have a Humane Officer. The **Dog Law Bureau's officers and veterinarians are expected to do too much with too little resources**. Attempting to further regulate the sale of animals through a retail sales ban unnecessarily adds to that burden [SB44]. Not only is enforcement an issue, but PVMA calls into question how a retail sales ban will make a real difference to pets in the state. We are of the opinion that it will do little to nothing to cut off breeding facilities' source of revenue or to curtail irresponsible commercial breeders.
- This is in effect like putting a tourniquet on your finger when you are bleeding from your arm. We veterinarians are the healers of your beloved pets, but we are also scientists, engaged in the practice of medicine, where **evidence and fact must have a place**. Simply put, there is no real evidence or data that only irresponsible, or bad breeders sell their pups to retail pet stores. There are no hard facts to support the claim that banning the sale of dogs, cats and rabbits in pet stores will make any difference to illegal kennels or cut off their source of revenue. There is nothing to stop commercial breeders from continuing to sell and transport pets out of state or at auctions nor curtail their breeding of these animals. Additionally, an unwanted consequence may be that more breeders will necessarily choose to sell to consumers through dog brokers or shield themselves via online sales. These brokers are extremely well versed in hoodwinking consumers into thinking they are buying from a private, responsible breeder of high-quality pets.
- Additionally, **there are reputable dog breeders that act in good faith and with a respect for the breed**. Considerable behavioral history, medical history and ancestry is known when it comes to purebred animals. A retail ban may remove these good quality, purebred dogs from sales through pet shops, and replace them with pets for which there is little or no known medical or behavioral history. At the same time, the retail ban takes away property right

opportunities for breeders of high-quality animals who can no longer sell their pets in retail shops and fails to offer a way to recapture the losses they will experience. The risk is that breeders of high quality, purebred and boutique breeds will be forced to sell their animals only through their own marketing efforts, remarkably reducing their prospects to reach consumers through retail pet shops.

- On the other hand, **improving consumer protections, under the Puppy Lemon Law, strengthens the human-animal bond** [SB302]. For example, extending the time period for warranty exams benefits Pennsylvanians and makes practical sense from a veterinary medical perspective.
- PVMA continues to support efforts to **improve and focus animal welfare efforts under Title 18**, such as efforts to increase penalties, or to clarify enforcement requirements and definitions. We support expanding the education and training of humane officers and law enforcement regarding these laws, as well as the public.
- We are in support of efforts to **expand the Dog Laws to all potential bad actors**, including non-commercial breeding and selling of dogs [HB2036]. It is time to extend the standards and penalties provided under the Dog Laws to other enterprises engaged in the keeping and breeding of animals, whether for profit or not. There are rescue organizations, shelters or humane societies that are knowingly breeding puppies for the purpose of retail sale in pet stores or are obtaining puppies from breeders, even if at auction, for the purpose of retail sale in pet shops. There should be very stiff penalties imposed on organizations that are falsely representing animals as rescues, as this is another way in which consumers are being defrauded. Additionally, “rescue” is a subjective term and may need to be further defined. Is an animal purchased at auction really a “rescue?” In our opinion, legal action against the rescue organization under the IRS exemption regulation is not enough to deter this activity.
- The majority of PVMA’s members are actively engaged in the practice of veterinary medicine in the state. We are in the trenches, observing first-hand the sometimes appalling and irresponsible keeping, kenneling and breeding of pets. The reality is **these woeful animals can and do come from anywhere, including private breeders and rescues, and not solely from pet shops**. Campylobacter and parvovirus outbreaks can and do occur anywhere that animals are kenneled, or where new animals are constantly introduced to a population, regardless of where the pet is purchased or adopted.
- Many unhealthy pets are bred here in Pennsylvania, by illegal, unlicensed breeders. But make no mistake – many of these sick and ill-treated animals enter the state through internet sales, brokers, agents and rescues. **Our fear is that more animals will come into Pennsylvania from out of state breeding sources and animal auctions, over which the Commonwealth’s Department of Agriculture has little to no control**. PVMA is concerned that prohibiting retail sales will necessarily push consumers further into the grasp of online sales. These online sites engage in the most misleading consumer practices and false advertising. And dog brokers are

extremely well-versed in hoodwinking consumers into thinking they are buying from a private, responsible breeder or from a reputable, accredited rescue when nothing could be further from the truth.

- PVMA recognizes that **animals can suffer from inhumane conditions which may lead to health and behavioral issues and that this is not limited to breeding facilities.** These issues may exist in sheltered and rescued animals, and we cannot presume that all health and behavioral issues will be known nor that this legislation will curtail that. Adopting a rescue animal comes with the same unknowns – often more unknowns – as these animals may come from out of state breeders and public auctions. It isn't only about the number of dogs, but rather the quality of care provided and the standards that these facilities are required to meet that is at issue for many of us deeply concerned about animal welfare.

The Pennsylvania Veterinary Medical Association is PA's only statewide professional membership organization for the veterinary profession representing almost 4,000 veterinarians, certified veterinary technicians, assistants, practice managers, and other support staff. Currently, our membership comprises about 40% of the Commonwealth's veterinarians. Our members come from every political party, every county, and from diverse cultural and religious perspectives.

Our mission is to ensure the vitality of the profession by promoting excellence in veterinary medicine, advancing animal health and welfare, and protecting and enhancing human health. As veterinary professionals, we are committed to the One Health Initiative – the overarching public health principle that human, animal and environmental well-being are interconnected. Our mission is to strengthen and to protect our profession, which includes protecting our patients. Because we are a science-based profession, we look to measurable data and science in determining our best-placed course of action. In doing so, our goal is to improve the lives of animals and people, through healing and advocacy. We owe it to the Commonwealth's citizens and pets to do the very best we can for them. For us, that means taking the most direct approach, with the limited resources at our disposal.

Respectfully,

Dr. Mary Jane McNamee  
1990 Villanova University School of Law  
1997 University of Pennsylvania School of Veterinary Medicine

\*In this testimony, I may use "pet", "animal" and "dog" interchangeably, but recognize that many of our laws pertain to dogs while only some extended to cats, horses and other non-food animals.