



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

**Testimony in Support of HB 2804-6**  
**March 20, 2019**  
**The Humane Society of the United States**

On behalf of The Humane Society of the United States (HSUS), the largest animal protection organization in the country, and our Oregon members and supporters, please accept this testimony in **SUPPORT of HB 2804-6: The Humane Pet Store Bill.**

HB 2804-6 is an animal and consumer protection measure that will shift the pet market in Oregon toward more humane sources. It will prohibit the sale of commercially-raised dogs and cats in pet stores, effectively cutting off the puppy mill – pet store supply chain. This legislation is important for Oregon for the following reasons.

HB 2804-6 will protect consumers from unknowingly supporting cruel puppy mills and backyard breeders.

The HSUS has conducted numerous hidden-camera investigations which consistently reveal that pet stores supply unsuspecting consumers with puppies from inhumane large-scale commercial breeders, despite claims by pet stores that they would “never obtain dogs from puppy mills.” Across the board, pet stores claim that they obtain animals from small-scale, humane breeders. The reality is that pet stores do not have the option to obtain dogs from responsible breeders because responsible breeders do not sell puppies to pet stores. The HSUS reviewed Codes of Ethics for the National Breed Clubs representing all dog breeds recognized by the American Kennel Club (AKC), and found that over 95% of those National Clubs include statements to the effect that their breeders should not and/or do not sell to pet stores.

Responsible breeders don’t sell to pet stores because they demand to know where their puppies will end up. Only those who place profit over the well-being of their dogs would hand over their puppies to a truck driver to be transported to a pet store, displayed like a product, and sold to anyone with a credit card. The AKC itself states that it is important for the public to visit a breeder’s home, see at least one of the puppy’s parents, make sure the premise is clean and that the dogs are healthy, and ensure the dogs and breeder interact appropriately.<sup>1</sup> None of that is possible if a puppy is sold in a pet store.

In Oregon, records show that at least one pet store sources puppies from one of the largest puppy mill brokers in the nation—Pinnacle Pet—that is based in the heart of puppy mill country in Missouri. Other puppy-selling pet stores in the state claim to source from local breeders, but refuse to provide breeder information to the public for verification. And, even if the breeders are local, that doesn’t mean they are humane. Local, humane breeders would have no reason to sell through pet stores rather than directly to the public. Plus, if pet stores really are buying puppies from local breeders, they are incentivizing backyard breeders who are too small to be regulated by the current puppy mill law.

HB 2804-6 will protect consumers from ending up with sick and behaviorally challenged puppies.

At the HSUS, we receive a constant stream of complaints from consumers who have spent thousands of dollars in veterinary bills caring for their sick pet store puppies. Puppies in pet stores are often sick because they are born into deplorable conditions, taken from their mothers very early, exposed to a wide range of diseases, and very susceptible to genetic disorders. Yet, repeatedly, customers report that pet shops claim all their animals are healthy and came from only the highest quality breeders.

A 2013 study published in the *Journal of American Veterinary Medicine*<sup>2</sup> concluded that obtaining dogs from pet stores versus noncommercial breeders represented a significant risk factor for the development of a wide range of

---

<sup>1</sup> <https://www.akc.org/press-center/articles/responsible-breeders/>

<sup>2</sup> McMillan, Franklin D, DVM, DACVIM; James A. Serpell, PhD; Deborah L. Duffy, PhD; Elmabrok Masaoud, PhD; Ian R. Dohoo, DVM, PhD, “Differences in behavioral characteristics between dogs obtained as puppies from pet stores and those



undesirable behavioral characteristics, especially aggressive behavior and biting. Due to the results of the study, the authors stated they cannot recommend puppies be obtained from pet stores.

Behavioral problems are common with pet store puppies because up until the point of sale they likely knew nothing but life in a cage. In contrast, when sourcing directly from a responsible breeder, the public can expect a puppy to transition smoothly from the breeder's family to their own. Many pet store puppies were also taken from their mothers and littermates before they learned important behaviors.

#### HB 2804-6 will protect against public health risks.

According to the Centers for Disease Control (CDC), 118 people across 18 states were infected with an antibiotic-resistant strain of *Campylobacter* in 2017.<sup>34</sup> The CDC linked this outbreak to contact with pet store puppies, and reported that 26 of those infected had to be hospitalized. The outbreak was so serious, said the CDC, because the *Campylobacter* bacteria involved were resistant to commonly recommended, first-line antibiotics. In fact, the CDC found that 95% of pet store puppies studied received one or more antibiotic courses before arriving or while at the store, and that just 1% of puppies that received antibiotics were given them for treatment only. The rest were given preventatively.

Significantly, the CDC stated that the risk for multidrug-resistant *Campylobacter* transmission to pet store employees and consumers continues. This is not surprising considering the observations of one CDC official, Dr. Robert Tauxe about the pet store investigation<sup>5</sup>:

“The puppy story is not over – it is difficult to control with a whole system that lacks hygiene at many points and seems to use antibiotics instead.”

“We are collecting data on antibiotic exposure. Prophylaxis appears to be nearly universal...during transport and distribution, and at stores. We don't know what happens at the breeders. There seems to be no concept of stewardship.”

Six pet store companies, including a national chain, were at the center of this *Campylobacter* outbreak. An industry selling healthy puppies does not find itself at the center of an outbreak like this. And, notably, no other pet sales or adoption outlet has ever been at the center of nationwide public health crisis of this scale.

#### HB 2804-6 is business-friendly.

Prohibiting pet stores from selling puppies is a reasonable restriction and will be minor in its overall impact on business. National chain pet supply stores and the majority of boutique pet supply shops are already in compliance with this legislation. The minority that do sell puppies can change their business model and tap into the \$70 billion pet market—only 2% of which is live puppy sales. Plus, the problems puppy-selling pet stores pose for consumers and animals – illness, genetic problems, communicable diseases, deceptive sales tactics, etc.--more than justify the guardrails in this legislation to ensure consumers and the animals they love are protected.

This legislation would merely require pet shops to adhere to a humane business model, not put them out of business. The puppy-selling pet store model is outdated and socially unacceptable. Of the top 25 pet store chains in North America, only one sells puppies and kittens.<sup>6</sup> The others are thriving by selling products and offering

---

obtained from noncommercial breeders,” Journal of the American Veterinary Medical Association 242, No.10 (2013), 1359-1363.

<sup>3</sup> [https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm?s\\_cid=mm6737a3\\_w](https://www.cdc.gov/mmwr/volumes/67/wr/mm6737a3.htm?s_cid=mm6737a3_w)

<sup>4</sup> <https://www.cdc.gov/campylobacter/outbreaks/puppies-9-17/index.html>

<sup>5</sup> Records obtained by the HSUS via Freedom of Information Act Request to the CDC

<sup>6</sup> <http://www.petbusiness.com/February-2016/The-Top-25-Pet-Retailers-in-North-America/>



quality services, such as grooming, training and boarding. The largest and most successful pet store chains in the country do not sell puppies, but rather partner with local shelters and rescues to hold adoption events. PetSmart claims that consumers who adopt a dog or cat at one of their events spend five times more than the average consumer at their store and often become loyal customers.

In California and Maryland, the two states that have enacted laws similar to HB 2804, prominent local pet store chains enthusiastically supported the measures. For instance, the owners of Pet Food Express' 60+ stores, in a letter to California legislators, wrote: "*We support AB 485 because we want to see all pet stores operate responsibly. Not only is it the right thing to do, but it's the key to a successful business.*"

**Oregon pet stores are also enthusiastically supporting this legislation. Nature's Pets (Salem, Canby, West Linn, Gresham, Sherwood, Portland, Beaverton, McMinnville, Hillsboro), Healthy Pets Northwest (Portland, Hillsboro, McMinnville), Hip Hounds (Portland), For Paws (Portland), and Tre Bone (Portland) have submitted letter of support.**

Stores that have signed the HSUS Puppy Friendly Pet Store Pledge declaring they do not sell puppies and will not do so in the future include Nature's Pet Market's 15 locations, Mud Bay's 14 pet stores in the state, and Geren's Farm Supply in Boring. Since 1981, Geren's has served its community with feed, hay, farm supplies, pet food, pet supplies and lawn and garden items.

#### HB 2804-6 will promote humane businesses, responsible breeders and adoption.

Just as there are humane pet stores that stand in contrast to those clinging to a model that relies of the sale of puppies from puppy mills, there are also responsible breeders who stand in stark contrast to puppy mills. This legislation will not impact responsible breeders because they already do not sell to pet stores. Rather, they sell directly to the public so they can meet prospective buyers in person. While the HSUS encourages adoption, we recognize that some will want to buy a puppy from a breeder. That is why we support responsible breeders and work closely with them, especially those in our Breeder Resource Advisory Council. We also offer resources to the public to ensure they are buying from a responsible breeder<sup>7</sup> rather than a puppy mill, including the "How To Identify a Responsible Dog Breeder"<sup>8</sup> checklist that people can print out and take with them to breeder visits.

The legislation also supports shelters and rescues by encouraging consumers to adopt and allowing pet store to partner with shelters and rescues, rather than allowing them to consider selling puppy mill puppies. It would lessen the burden on shelters that take in pet store dogs. Many pet store dogs end up in shelters because they are often sick and expensive to care for and come with a wide range of behavioral problems—a result of a lack of necessary socialization.

#### HB 2804-6 addresses the puppy mill sales and import problems that current puppy mill laws do not regulate.

Several years ago, Oregon enacted a law to regulate commercial breeders with the goal of putting an end to puppy mill cruelty within the state. We applaud Oregon lawmakers for addressing the production side of the puppy mill problem, but the sales side continues to be an issue. Under current law, there is nothing stopping pet stores from sourcing puppies from out-of-state mills, and records show that at least one Oregon pet store is doing just that. Out-of-state mills do not need to adhere Oregon's commercial breeder law and Oregon officials have no authority over these entities.

Even if some pet stores are sourcing from in-state breeders, it does not mean those breeders are regulated. Some might have less than ten sexually intact dogs eight months of age or older, meaning they do not need to be regulated by the state, and others might be falling under the radar of the state. There is also nothing in current law

---

<sup>7</sup> <https://www.humanesociety.org/resources/how-find-responsible-dog-breeder>

<sup>8</sup> <https://www.humanesociety.org/sites/default/files/docs/find-responsible-dog-breeder.pdf>



**THE HUMANE SOCIETY**  
OF THE UNITED STATES

preventing new pet stores from opening shop and selling puppy mill puppies to the public. In fact, since California's law banning the sale of commercially-raised puppies in pet stores has recently gone into effect some very problematic pet stores chains might be looking North for a new market. Oregon should ensure that it is not open for business when it comes to problematic puppy-selling pet stores.

Unfortunately, the federal government's regulation of commercial breeders should not give anyone any reassurance. A USDA license says nothing about the quality of a breeder. USDA standards continue to allow commercial breeders to keep dogs in cramped, stacked, wire cages only six inches larger than each dog for their entire lives. Neither exercise nor socialization is mandated and females are bred as early and often as possible. When dogs are no longer able to reproduce, breeders often abandon or inhumanely euthanize them.

To make matters worse, these shocking low standards of care of are not properly enforced, citations for violations are few and far between, and breeders with egregious and numerous violations remain licensed year after year.<sup>9</sup> As if that is not bad enough, in February 2017 the USDA abruptly removed breeder inspection reports from its website, claiming privacy concerns. After public outcry and a note from Congress directing the USDA to restore the records, some reports have been restored, but breeder names, business names and license numbers are blacked out so neither the public nor state enforcement agents can connect breeders with violations. As such, the public remains in the dark about animal mistreatment at specific commercial breeding facilities.

Laws similar to HB 2804-6 have been upheld in federal courts.

Federal courts agree that state laws that prohibit pet store sales of commercially raised dogs and cats do not violate the Dormant Commerce Clause, which protects interstate commerce. These state laws have been challenged and upheld in Arizona, Florida, Rhode Island, New York and Illinois, where courts have opined that the laws are facially neutral and that they do not treat in-state and out-of-state entities differently. These court decisions have asserted that puppy mill prohibitions only have a minimal impact on interstate commerce, with strong local benefits that justify the minimal impact.

HB 2804-6 will place Oregon on the right side of the puppy mill issue.

Nearly 300 localities in the U.S., as well as the states of California and Maryland, have passed laws similar to HB 2804. Already this year, Rhode Island, Massachusetts, Pennsylvania, Maine, and Washington have introduced similar bills, and we expect several others to do so soon. Oregon is poised to join California and the aforementioned states in taking a strong stand against puppy mill cruelty.

**We urge a "yes" vote on HB 2804-6. The morals and values of Oregon simply cannot be represented by allowing the sale of dogs from puppy mills – an industry so intrinsically linked to unnecessary animal suffering.**

Sincerely,

**Amy Jesse**

Public Policy Director, Puppy Mills  
The Humane Society of the United States  
[ajesse@humanesociety.org](mailto:ajesse@humanesociety.org)

**Kelly Peterson**

Oregon Senior State Director  
The Humane Society of the United States  
[kpeterson@humanesociety.org](mailto:kpeterson@humanesociety.org)

---

<sup>9</sup> [https://www.washingtonpost.com/science/2019/02/26/usda-is-issuing-far-fewer-citations-zoos-labs-breeders-animal-welfare-violations/?utm\\_term=.b2bbe9ab4e22](https://www.washingtonpost.com/science/2019/02/26/usda-is-issuing-far-fewer-citations-zoos-labs-breeders-animal-welfare-violations/?utm_term=.b2bbe9ab4e22)