



**NEW YORK
CITY BAR**

Contact: Maria Cilenti - Director of Legislative Affairs - mcilenti@nycbar.org - (212) 382-6655

**REPORT ON LEGISLATION BY THE
COMMITTEE ON LEGAL ISSUES PERTAINING TO ANIMALS**

**A.7285-B
S.5392-A**

**M. of A. Paulin
Senator Squadron**

AN ACT to amend the agriculture and markets law, in relation to a limit on the number of intact animals over the age of four months a person or business can own, possess, control or otherwise have charge or custody

THIS LEGISLATION IS DISAPPROVED

This proposed legislation (A.7285-B; S.5392-A) provides that no person or business that buys, sells or offers for sale dogs or cats to the public or at wholesale shall possess or own more than 50 dogs or cats with intact sexual organs over the age of four months.

While we applaud the efforts of the legislature to regulate puppy mills, and to acknowledge the public outcry about the poor treatment of dogs on puppy mills,¹ this bill offers no protection for dogs on puppy mills. Under this bill, a breeder could have more than 40 breeding females giving birth several times a year, resulting in the births of hundreds and perhaps thousands of puppies. As there is no limit on how often a female is bred, she could be bred without any rest period and with little or no veterinary care. This bill should, but does not address the living conditions and health of dogs on puppy mills.

These dogs are often kept 24 hours a day in small outside cages (sometimes stacked) open to the elements with wire floors so that urine and feces drop from the cage. This flooring is hard on the dogs, and many have serious foot and other health problems because of the wire flooring. Dogs get no exercise. Many adult dogs, as well as puppies, die on puppy mills from substandard care and lack of adequate veterinary care. Humane euthanasia is rarely practiced. Many members of the public who purchase puppy mill puppies from pet stores are heartbroken when their puppies become sick and sometimes die, even after veterinary intervention.

¹ After the 2008 Oprah show on puppy mills, Oprah.com reported that the show was flooded with calls from the public, from shelters stating that they were getting record numbers of people to adopt, and from pet stores calling to say that they didn't get their dogs from puppy mills.

In addition, we believe that the bill would have little actual effect as a large-scale puppy mill breeder could continue his business by simply changing the ownership so that each of his family members or friends owns 50 in-tact breeding animals.

Pennsylvania passed good legislation in 2008 to effectively improve conditions for dogs on puppy mills,² and New York should do the same.

We urge the legislature to consider introducing a bill which not only limits the number of breeding animals on a puppy mill, but also addresses the cruel conditions under which dogs on puppy mills live. Females should not be constantly bred, dogs should not be housed outside or in cages too small for them, or with wire flooring, dogs should get exercise, there should be regular veterinary check-ups and treatment for the dogs, and dogs should be humanely euthanized. Puppy mill legislation should offer real protection for the care of breeding female dogs and their puppies. The Committee on Legal Issues Pertaining to Animals would be pleased to work with the Legislature on such legislation.

Note that this comment does not address the breeding of animals other than dogs, such as cats, birds, and small mammals; legislation is also necessary to address the inhumane practices involved in the commercial breeding of these animals.

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² Act 119 of the 2007-2008 Legislative Session (Pennsylvania House bill 2525). Among other protections for dogs, the statute doubles the minimum floor space for dogs, eliminates wire flooring, and requires access to an outdoor exercise area twice the size of the dog's primary enclosure. The law also requires veterinary examinations for each dog at least once per year and during each pregnancy, and euthanasia must be done by a veterinarian.