

Happiness is a Warm Puppy Mill: Animal Rights and Wrongs

This IPRO report examines legislation that affects large-scale for-profit dog breeding facilities.

Overview

The aim of “puppy mill” legislation is to promote the welfare of animals kept in commercial dog breeding facilities. Federal regulations extend to certain kinds of dog breeding facilities and particular kinds of animals kept there. Action at the state level mostly takes the form of state licensing, frequent inspections, and appropriate enforcement. The standards are set either by the state legislature itself or the duty is delegated to a commission within that state’s department of agriculture. The enforced regulations address the animal’s need for adequate space, shelter, heat, ventilation, access to food and water, sanitation, and veterinarian care.

Federal Laws

The Animal Welfare Act (AWA) addresses the living condition of certain animals in certain facilities. The operator must obtain a license from the United States Department of Agriculture (USDA) and is subject to inspection by the Animal and Plant Health Inspection Service (APHIS). This law includes zoos, research facilities, dog wholesale distributors, and some dog breeders. It is important to note that the AWA covers puppy brokers and breeders who sell puppies to pet stores while it exempts breeders who sell directly to the public and most retail pet stores.¹

The AWA sets the minimum standard conditions, but it does not allow for any consumer recourse. If a customer purchases a sick or injured puppy, they may file a lawsuit under product liability or contract law.²

Costs of Regulating Commercial Dog Breeding Facilities

Unlicensed Breeders

Advocates against further regulation of license-holding breeders claim that more cracking down on licensed breeders diverts resources from an effort to shut down dog breeders operating without a license.³ In some states, such as Oklahoma and Missouri, unlicensed breeders are estimated to number over one thousand.^{4, 5}

Increased Demands

With tightening regulations and increasing inspection frequency, greater demands will be placed on the agency that administers the inspections and the officials who conduct them. This would result in

¹ Michigan State University College of Law. Animal Legal and Historical Center. 2011. Web. 17 September 2011. <<http://www.animallaw.info/articles/qvusawa.htm>>.

² Fumarola, Adam J.D. State University of New York at Buffalo School of Law, 2000

³ Kelly, Chris “Unlicensed Breeders at Heart of Prop B Problem.” *Missourian*. 1 February 2011. Web. 17 September 2011. <<http://www.columbiamissourian.com/stories/2011/02/01/guest-clm-chris-kelly/>>.

⁴ “How Costly in Unlicensed Dog Breeding to Oklahoma?” <<http://www.okvta.org/pqacost.pdf>>.

⁵ Sheridan Express. “Senate advances measure to go after unlicensed dog breeders in Missouri.” 10 March 2011. Web. 17 September 2011. <<http://sheridanexpress.blogspot.com/2011/03/senate-advances-measure-to-go-after.html>>.

needing to hire additional personnel. Iowa alone would require five additional inspectors.⁶ The current mean wage for a single department of agriculture inspector is \$41,240 (five inspectors would cost the state \$206,200).⁷

Benefits of Regulating Commercial Dog Breeding Facilities

Population Control and Euthanasia Reduction

In the United States, of the 75 million dogs owned as pets, 16 percent are adopted from shelters, and, 37 percent are purchased directly from the breeder or a pet store.⁸ The excess of dogs in animal shelters and a lack of adoptive homes leads to the euthanasia of four to six million dogs a year.⁹ Capping the number of breeding dogs kept at a facility would help control overpopulation.¹⁰

Increased Capacity to Act against Repeat Offenders

Tighter regulations focus on licensed dog breeders, many of whom, under current legislation, retain their licenses despite repeated violations. Further regulations would give a state the authority to suspend the licenses of, or shut down, facilities that otherwise would be the sole responsibility of the USDA, or would not be under the jurisdiction of any agency because they do not sell to a broker or directly to a pet store.¹¹

State-Level Action

Iowa

In March 2010, Governor Culver signed into law House File 2280, which expanded the authority of state inspectors who previously were not permitted to inspect USDA licensed facilities. The law also prohibits breeding facilities from purchase dogs for unlicensed sources as well as defines the minimum standards of care required in order to receive and retain a license.^{12, 13, 14}

Missouri

In November 2010, Missouri voters approved Proposition B (Puppy Mill Cruelty Prevention Act). The act caps the number of breeding females one facility can hold at 50. Included within the law are provisions that increase the minimum amount of space required for each dog, and such minimum

⁶ Critter Capers. "Puppy Mill Regulations in Iowa Tightening" 23 February 2010. Web. 17 September 2011. <<http://crittercapers.blogspot.com/2010/02/puppy-mill-regulation-in-iowa.html>>.

⁷ Bureau of Labor Statistics. "Occupations Employment and Wages" 17 May 2011. Web. 17 September 2011. <<http://www.bls.gov/oes/current/oes452011.htm#top>>.

⁸ Cory Menkin. Learning to Give. "Puppy Mills." Web. 17 September 2011. <<http://learningtogive.org/papers/paper351.html>>.

⁹ Holly Nash DVM, MS. Dogs Only. "Pet Population Control." 2003. Web 17 Sept 2011. <<http://www.dogsonly.org/DogPopulation.html>>.

¹⁰ The Humane Society of the United States. "Pet Overpopulation." 2011. Web. 17 September 2011. <http://www.humanesociety.org/issues/pet_overpopulation/>.

¹¹ The Humane Society of the United States. "HSUS Releases Update on Missouri's Worst Puppy Mills." 2011. Web. 17 September 2011.

<http://www.humanesociety.org/news/press_releases/2011/03/dirty_dozen_puppy_mills_030911.html>.

¹² House File 2280 – Enrolled. <http://coolice.legis.state.ia.us/linc/HF2280_Enrolled.pdf>.

¹³ Animal Law Coalition. "Iowa's Gov. Sign Puppy and Kitten Mill Bill." 6 February 2010. Web. 17 September 2011. <<http://www.animallawcoalition.com/companion-animal-breeding/article/1184>>

¹⁴ The Humane Society of the United States. "Iowa Gov. Culver Signs Bill to Combat Puppy Mills." 9 March 2010. Web. 17 September 2011.

<http://www.humanesociety.org/news/press_releases/2010/03/iowa_puppy_mill_bill_signed_030910.html>.

requirement for survival such as requiring that the animals be fed daily. Opponents argue that such requirements would put an undue pressure on their business and that the 50 dogs per facility cap is arbitrarily set.¹⁵ Missouri is known as the “Puppy Mill Capital of the US,” accounting for 30 percent of all puppy mills in the country.^{16, 17, 18}

Table 1
Top Dog Breeding States

State	Number of USDA Commercial Dog Breeder Licenses ¹⁹	Requirement of State Licenses ²⁰	Requirement of Facility Inspections ²¹	Fee Per Violation ²²
Missouri	1,072	Yes	Yes	\$100-500
Arkansas	431	No	No	-
Oklahoma	366	Yes	Yes	\$500-1,000
Iowa	320	Yes	Yes	\$75-175
Kansas	287	Yes	Yes	Up To \$405
Ohio	181	Yes	No	\$10 Minimum
Nebraska	122	Yes	Yes	\$125-250
Pennsylvania	120	Yes	Yes	\$75-750

Notes

The commercial dog breeding industry operates throughout the United States but the greatest percentage of puppies comes from Midwestern States. Shown are the top eight producing states allow with their policies toward state licensing and inspection. Keep in mind that the fee for a violation depends on the extent to which the facility fails to meet regulation, also that the failure for each animal is a separate violation.

This report was prepared in May 2011 by the Iowa Policy Research Organization (IPRO), a nonpartisan public policy undergraduate research group at the University of Iowa. For additional research on this or other issues, please visit our website at <http://www.uiowa.edu/~ipro/> or contact at rene-rocha@uiowa.edu.

¹⁵ Sean. Fired Up. “Kurt Bahr [...] Laments ‘Whims’ of his Constituents.” 21 April 2011. Web 17 September 2011. <<http://www.firedupmissouri.com/category/topics/proposition-b>>.

¹⁶ Lloyd, Janice. USA Today. “Puppy Mill Measure Prop B Passes in Missouri.” 3 November 2010. Web. 17 September 2011. <<http://yourlife.usatoday.com/pets/pawprintpost/post/2010/11/Puppy-mill-measure-Prop-B-passes-in-Missouri/129772/1>>.

¹⁷ Stephens, Loth. Missourian. “Prop B Narrowly Passes.” 3 November 2010. Web. 17 September 2011. <<http://www.columbiainmissourian.com/stories/2010/11/03/election-night-prop-b/>>.

¹⁸ Frum Forum. “Tea-Party Opposed Anti-Puppy Mill Laws” 6 October 2010. Web. 17 September 2011. <<http://www.frumforum.com/tea-party-opposes-anti-puppy-mill-laws>>.

¹⁹ Missouri Alliance for Animal Legislation. 2011. Web. 17 September 2011. <maal.org/index>.

²⁰ Michigan State University College of Law. Animal Legal and Historical Center. Rebecca Wisch. 2011. Web 17 September 2011. <<http://www.animallaw.info/articles/ovuspupmymilltable.htm>>.

²¹ Animal Legal and Historical Center. Rebecca Wisch. 2011. Web 17 September 2011. <<http://www.animallaw.info/articles/ovuspupmymilltable.htm>>.

²² The Humane Society of the United States. May 2011. Web. 17 September 2011. <http://www.humanesociety.org/assets/pdfs/legislation/state_puppy_mill_laws.pdf>.

