

AVMA Model Ord + Hier & Voigt Comments + Irvine editing—8/29/2020
American Veterinary Medical Association
Model Bill and Regulations to
Assure Appropriate Care for Dogs Intended for Use as Pets
(Approved April 9, 2010)

Model Bill

Section 1 – Title and Purpose

This Act shall be known as the [name of state and Act]

Hier Comment: I don't seem to see a listed "Purpose" here.

Voigt Comment: While there is no listed purpose here, it is discussed somewhat under the 'Background and Context' attached to the bill. The bill is allegedly intended to provide a basic standard of care, but one can see after reading this bill it's anything but basic. I also found it interesting that it was stated in the 'Background and Context' (hereinafter referred to as 'Background') that "most facilities meet or exceed this level of care." So why is this kind of legislation necessary if that's the case?

Section 2 – Definitions

When used in this Act, these words and phrases shall be defined as follows:

1. "Board/Agency" means [insert appropriate regulatory board, agency or department].

Voigt Comment: Won't most states have to create a board or agency to handle this? Won't creating and employing a new board/agency and all that entails become a great cost to the state? However according to the 'Background' this bill should "maximize the allocation of limited resources." Hmmm.

2. "Director" means the director of the Board/Agency or his or her designated employee(s).

3. "Dog" means any member of *Canis lupus familiaris*¹

Hier Comment: So where does that scientific name leave wolf-dog crosses? They are illegal in Michigan. Well, they have a footnote on it, but that doesn't really address the problem.

4. "High-volume dog breeder" means any person who, during any calendar year whelps more than six (6) litters of dogs. A veterinarian who provides whelping services within a veterinarian-client-patient relationship, and has no ownership interest in the bitch, is not included in this definition.

Hier Comment: They cite this as being the AKC definition. Unfortunately, it is woefully inadequate as the person who in a year breeds 6 litters of Chihuahuas, and numerous other breeds, will be lucky to have a dozen puppies. Yet the person who breeds 6 litters of Coonhounds may have 60 puppies. "One size fits all" does not work. Unfortunately, the reason the AKC board came up with this magic number – which was certainly never voted on by the Delegates, who are given full power by the charter to determine all rules applying to registration and dog shows – was because the true high volume breeders who breed dogs COMMERCIALY, as opposed to HOBBY breeders, who breed for competition and breed improvement, objected to being inspected and AKC acquiesced to the threats of COMMERCIAL breeders taking their business elsewhere by subjecting SMALL SCALE (six litters a year is small scale in terms of breeding to develop a line) HOBBY breeders to inspections in their homes. And, of course, as a result of this invasion of privacy, many HOBBY breeders have left the fancy. We have seen the disastrous results of this short-sighted policy in the last 15 years in the meteoric decline in AKC registrations from 1.5 million per year to slightly over 600,000 last year. This inspection policy by AKC means that the market for the COMMERCIAL breeders has increased and the resultant quality of the puppies and dogs available to the public has decreased.

NO SO-CALLED "Model Law" is acceptable that, in effect, defines conscientious HOBBY breeders as "High-volume dog breeders." Certainly, HOBBY breeders who keep specified numbers of dogs should be subject to municipal kennel licensing regulations. But the flaw of this "Model Law" is that it states it does NOT intend to differentiate between types of breeders. This is exactly what the COMMERCIAL breeders want because most private citizens who participate in dog breeding as a HOBBY will not subject themselves to all the onerous record-keeping, facilities requirements, and so on. The tone of such legislation presumes that most people are not capable of adequately taking care of more than one dog at a time without oversight by the government. We really need to get the AG people in on this because they are finally coming around to the realization that dog's are used as the proving ground for restrictions on animal Ag. The part further on about requiring a veterinarian's certification before breeding a dog is exactly the type of nonsense the animal rights nuts would like to foist on all livestock breeding.

Voigt Comment: I agree with all Anne stated here. I have not read the AKC High Volume Breeders Committee report yet, but I would be very curious to see how they arrived at that number. I'm sure they are very much regretting

it now as they seem to be wooing the commercial breeders in order to increase registrations (illustrated by the litter registration deals I saw earlier this year..I believe it was register 10 litters get one free or something of that nature.)

The number of pups whelped per year is in no way relative to the welfare of dogs belonging to the breeder. A person can just as easily neglect or abuse one dog as they can 60 dogs. I have a serious problem with these arbitrary numbers. A breeder near and dear to me, of fine hunting dogs, whelped 6 litters this year due to demand. This breeder does not advertise, his dogs are sought after due to word of mouth and because they are hunting machines. All buyers are screened, and he requires that dogs are to come back to him if they are ever unwanted. The pups are hand-raised, and his kennel is impeccable—some dogs also live in the house. Is he a ‘bad’ or commercial breeder simply because of the number of dogs he’s bred this year? On the flipside, there’s a woman down the road from me who has started breeding I believe Chihuahuas and probably has maximum 10-15 dogs total. The dogs live in a rusty wire pen, uncovered and unsheltered from the elements. The dogs are left out all night in any kind of weather. Now explain to me what numbers have to do with welfare.

Anne mentions working with the Ag people. Good luck is all I can say. This is what I’ve been preaching to our people since I’ve been working at UKC, and look at what just happened in Ohio. Dog breeders just got thrown to the wolves by Ag. Where were the dog breeders when the livestock rights, I mean farming regulations, were passed here in Michigan? The groups are getting more and more divisive, which is exactly what the animal rights people want. I’d love to see more unity between even just the various dog groups...coonhound owners supporting pit bull owners and visa versa. To see something like what just happened in Ohio is very disheartening to say the least.

5. “High-volume dog retailer” means any person who sells, resells or transfers ownership of more than fifty (50) dogs during any calendar year, including sale, resale and transfer of dogs to pet stores, breeders, kennels and dealers, and sale, resale, and transfer that occur via the Internet.

Hier Comment: This is an interesting definition because it says “any person.” “Person” is defined in 9 below to include shelters,pounds, and rescues. I certainly believe that private shelters and rescues should be subject to inspection and licensing if they are dealing in this large volume of transfers within a years time. I particularly like the use of the word “transfer” as it would include any offering for “adoption” by such organizations. If the true concern for this “Model Law” is animal welfare, than ALL organizations that deal in dogs should be subject to the same regulations, regardless of whether or not they are not-for-

profit or tax exempt. I don't know where so-called "foster homes" come into this picture, however, as these people are dealing in transient dog populations. However, I believe "pound" is generally used to refer to government-run facilities and I would doubt they are subject to all the machinations of this "Model Law."

Voigt Comment: This is my biggest pet peeve with any of these anti-breeding laws: vague and unclear definitions. How is this measured? Do all 50 dogs being transferred have to fall into the category of pet stores, breeders, kennels, and dealers? What if a breeder sells 49 to the public but 2 dogs to a kennel—are they a high volume dog retailer? Transfers 'via the Internet' is very vague as well. Most breeders have websites...if the breeder is contacted 'via the Internet' and later sells a pup due to that contact, does that count? While I agree there are plenty of bad breeders that hide behind pretty websites on the Internet, that in itself does not define or make a breeder automatically suspicious in my book.

I vehemently agree with Anne that one of the few positives is that shelters and so-called rescues would fall under the purview of this bill. Just because an organization obtains non-profit status and calls themselves a rescue does not place them above reproach. There are many groups out there breeding dogs and calling themselves rescues. I experienced one first hand a few years ago at an expo. This group had only entire litters of puppies (most mixed bred) and were asking an 'adoption fee' of \$500 for these allegedly rescued mutts. Really?!

6. "Facility or operation" means any land, premises, shed, barn, building, trailer, vehicle or designated area used or intended for use as part of the high-volume dog breeder's or high-volume dog retailer's business; including but not limited to the breeding, housing, exercise, care, or sale of dogs.

Hier Comment: Let's just completely trash the 4th Amendment of the HOBBY breeders. "Premises" includes one's domicile. This opens one's entire property up to warrantless searches. Additionally, the phrase "including but not limited to the breeding..." gives full rein to look without a proper warrant and would certainly include one's private papers or computer. This wording treats everyone as though they were operating a BUSINESS, when, in fact, IRS itself clearly makes a legal designation of what constitutes a HOBBY. Furthermore, it is disturbing that any so-called "Model Law" would want to institutionalize into the lexicon the terms "high-volume dog breeder." This is such a negative term and is used as an attack phrase by animal rights radical activists who believe ANY planned dog breeding is "high-volume."

Voigt Comment: I completely agree, and don't see how this could survive a constitutional challenge.

7. “Inspector” means any person who is employed by and has been trained by the Board/Agency to perform inspections pursuant to this Act.

Hier Comment: this “Model Law It has been frequently rumored that AKC is desirous to have their inspectors appointed to this task in the hopes of securing these government contracts, to help off-set their significant corporate inspection costs. This wording is troublesome as it says “any person,” and thus could include AKC inspectors or HSUS inspectors. While” states “employed by,” it is unclear whether or not this encompasses contracted work.

Voigt Comment: Furthering what Anne stated, this is very scary as HSUS inspectors could potentially be employed by the state. I recently read a hog-dog case out of South Carolina where an HSUS investigator was ‘employed’ by the state. The investigator went undercover to a hog bay contest, and took video footage, which was partially admitted at trial. It is absolutely terrifying to me to think of any HSUS person working in a governmental capacity.

8. “Licensee” means a high-volume dog breeder or a high-volume dog retailer who has received a license from the Board/Agency pursuant to this Act.
9. “Person” means any individual, corporation, company, partnership, shelter, pound, rescue, firm, estate, trust or other legal entity.

Hier Comment: I am in favor of including all shelters and rescues in any law regarding animal welfare and license fees.

10. “Regulations” means rules or regulations adopted by the Board/Agency to implement this Act.
11. “Veterinarian” means an individual licensed as a veterinarian under [insert appropriate state law.]

Section 3 – Exemptions

This Act does not apply to:

1. Any person licensed or subject to inspection by the United States Department of Agriculture pursuant to the federal Animal Welfare Act (Title 7 U.S.C. Sec. 2131 et seq.) and its regulations (Title 9, C.F.R.).

Voigt Comment: This says to me that the AWA is sufficient. Between AWA and state/local cruelty laws, why is this bill necessary?

2. Any evacuation or management activity associated with any State or Federally declared emergency.

Section 4 – License

- A. High-volume dog breeders and high-volume dog retailers shall obtain a license issued by the Board/Agency and display the license in a place clearly visible to the public. An applicant for a license shall submit an application on a form prescribed by the Board/Agency, together with an annual license fee in an amount to be determined by the Board/Agency, but no higher than \$_____ per year. Such fee is nonrefundable.

Hier Comment: Why does a HOBBY breeder need to display any piece of paper in a place “clearly visible to the public, especially if the breeder does not open his kennel to the “public.” Again, this entire “Model Law” makes the erroneous presumption that anybody who breeds a certain number of litters per year is doing so principally for sale of dogs to the public and for COMMERCIAL purposes. This is an extremely dangerous clause in that it does not place any limitations on what the applicant is required to do or report to obtain a license. For example, zealous jurisdictions could possibly demand the applicant be required to undergo and pay for a criminal background check or be fingerprinted. Further, it goes beyond just being a kennel license; it is basically a dog breeding license. Additionally, the fill in the blank fee will become just that – an ever increasing tax on the dog owner. Presumably, this “high-volume” tax is in addition to any kennel licensing fees one must pay to local municipalities. For example, a boarding kennel owner must have a kennel license, but if not trafficking in dogs or breeding dogs, would not have to have the ADDITIONAL license for breeding.

Voigt Comment: Agreed. Most hobby breeders do not have their kennels open for the general public. Would a ‘license’ posted on a website suffice? And what of the actual commercial kennels that sell solely to retailers/pet stores—what is the purpose of having a license on display to the public?

- B. The Board/Agency shall conduct a qualifying inspection for an initial license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this Act. The Board/Agency shall issue the license upon receipt of the application and annual license fee and upon satisfactory completion of a qualifying inspection.

Hier Comment: Why does anyone with a kennel need another inspection, presuming they had the local authorities inspect the kennel to receive the initial kennel license?

Voigt Comment: Completely agree. Not only should the local inspection suffice, but all local (and proper) enforcement of neglect and cruelty laws should suffice and should render a bill such as this unnecessary. In areas or states where overbreeding and neglectful conditions are problematic, education of law enforcement/animal control should be

conducted, and/or state cruelty and neglect laws should be strengthened. There really exists no need for these sorts of laws.

- C. A license will not be issued to any applicant who has pled no contest or has been found to have violated any Federal, State or local laws or regulations pertaining to animal cruelty within one (1) year of application, or more than one (1) year if the Board/Agency determines the circumstances render the applicant unfit to be licensed.
- D. An applicant who does not receive a license shall be afforded the opportunity for a hearing before the Director of the Board/Agency to present evidence that the applicant is qualified to hold a license.

Hier Comment: "Qualified to hold a license?" Initially, the only qualification was the number of dogs. The person already has to have a kennel license to obtain this additional license. How can they be qualified to have a kennel license and then not qualified to have what amounts to a breeding license?

Voigt Comment: In addition, where does this random number of being convicted within 1 year come from? If this is truly about animal welfare, how does 1 year from conviction of animal cruelty rehabilitate a person such that they are capable of caring for and breeding dogs? If a person was convicted of dog fighting 2 years before applying for a breeding license, then I guess they're ok to start up a pit bull breeding kennel.

Also, how are these convictions going to be found? Will a criminal background check be run on all applicants?

- E. A license to operate as a high-volume dog breeder or high-volume dog retailer shall be renewed by filing with the Board/Agency annually a renewal application and a license fee. The Board/Agency shall consider income and volume related to dog breeding and retailing activities in setting the annual license fee.

Hier Comment: Now we get to the crux of the matter - "The Board/Agency shall consider income and volume related to dog breeding and retailing activities in setting the annual license fee." In other words, the fees will be arbitrarily set. What exactly is the fee for the HOBBY breeder, who by IRS regulations, is allowed to deduct all expenses UP TO the income received? Will the Board/Agency demand to see the dog owner's IRS filings, even if the owner does not operate for COMMERCIAL purposes? Even COMMERCIAL operations have Constitutional protections for demands to produce their financial papers without a subpoena. Furthermore, if one presumes that the fee is to cover the cost of inspections, than inspection fees should be based solely on the number of dogs owned as it relates to the time needed to

inspect the kennel. Income of the retail establishment or owner, whether commercial or private, is irrelevant. Otherwise, we are talking about a business tax separate from any other business taxes already established in the state. Additionally, what if a breeder does not sell but transfers for no remuneration any excess dogs, or perhaps donates dogs to organizations such as Leader Dogs for the Blind. How is "income" from dogs calculated in those circumstances? Further, if "income" will be the criteria for determining licensing fees, then all so-called "adoption fees" from shelters and rescues must also be assessed in like manner.

Voigt Comment: I don't like to see any sort of arbitrary power such as this conferred onto an administrative agency, where they are given free rein to make rules instead of enforcing rules already set by the legislature. Also, will the renewal fee be different from the initial fee? Why not keep them the same, or even better, make the renewal fee less than the initial fee. It also states that, besides income, 'volume' will be considered as well. So, the more dogs bred, the higher the tax being paid? Or is this fee punitive?

- F. A license is not **transferrable (sic)** to another person or location. When there is transfer of ownership, management or operation of an enterprise, the new owner, manager or operator, whether an individual, firm, partnership, corporation or other legal entity, shall have [insert time period] from such sale/transfer to secure a new license from the Board/Agency to operate.
- G. A licensee may be put on probation requiring him or her to comply with the conditions set out in an order of probation issued by the Director, may be ordered to cease and desist due to a failure to comply, may be ordered to pay a civil penaltyⁱⁱ or may have his/her license suspended after:

Hier Comment: "Probation?" Probation is a legal term used in criminal cases. Poor choice of words, or perhaps, purposeful choice of words.

Voigt Comment: Is any kind of due process given before probation? Precisely what does probation entail? If probation is to be inserted into this bill, a definition must be included.

1. The Director determines the licensee has not complied with the provisions in the Act or its regulations; and

Hier Comment: "The Director determines" - based upon what evidence? A malicious complaint from an animal rights fanatic?

2. The licensee is given written notice to comply and written notice of the right to a hearing to show cause why an order should not be issued or his/her license suspended; and

3. The Director finds that issuing an order or suspending the license is appropriate based on the hearing record or on the available information if the hearing is waived in writing by the licensee.

Subjection dog owners to administrative hearings while they are told to cease and desist is extremely problematic, in light of the fact that they may win the appeal. What is to become of their animals in the meantime. Further,

“Available information” from whom?

H. A license may be revoked after:

1. The Director determines the licensee has committed serious, repeated, or multiple violations of any of the provisions in the Act or its regulations;
2. The licensee is given written notice to comply and written notice of the right to a hearing to show cause why the license should not be revoked; and
3. The Director finds that issuing an order revoking the license is appropriate based on the hearing record or on the available information if the hearing is waived in writing by the licensee.

I. The facility or operation of any licensee that has been suspended shall close and remain closed until the license is reinstated. Any facility or operation for which the license has been revoked shall close and remain closed until a new license is issued. Any licensee whose license is revoked under the provisions of this Section shall not be eligible to apply for a new license until one (1) year has elapsed from the date of the order revoking the license or, if the revocation is appealed, one (1) year from the date of the order sustaining the revocation. Any person who has been an officer, agent or employee of a licensee whose license has been suspended or revoked, and who is responsible for or participated in the violation(s) upon which the suspension or revocation was based, shall not be licensed within the period during which the order of suspension or revocation is in effect.

The problem with this is that the person still owns the dogs. If the animals are truly in peril because of lack of care, then they can be confiscated under current cruelty laws, WITH A PROPER WARRANT. However, this draconian solution applies to “ANY” violations of the “Model Law.” Thus, if it was determined that the area for “locomotory activity” did not permit the animals to reach a “running stride” or if the inspector determined there was not enough “conspecific socialization,” the law-abiding dog breeder could be shut down on a whim, even if all the dogs in his care were the picture of health. Because the dog breeder has been classified under this “Model Law” as basically a COMMERCIAL breeder, is this individual prohibited from breeding or selling any dogs if the breeding license is revoked? And if the law only applies to those who breed 6 or more litters per year, then the person is exempt if they go ahead and only breed less than six. If the issue is truly about animal welfare, then the number of litters per year is irrelevant. Thus, this is, in fact, a breeding license for the dog owner and the number 6 is subject to reduction at any time.

While some due process is provided for in license revocations, a lot is left unclear. Are any appeals processes provided for? I worked for the Liquor Control Commission, which regulated sellers/servers of ALCOHOL (a lot more threatening to the health and safety of the public in my book!) and much greater due process was given, even for the smallest of violations. Hearings were an

option for even the smallest violations. I don't get the impression that this bill provides for hearings for violations, but only when the breeder's license is at stake.

As to a suspension, what does 'closing' a facility mean? Does it just mean no more dogs can be sold? Or does it also mean dogs cannot be bred during that time? Or, is the breeder to get rid of all of their dogs?

With regards to employees/agents/officers of a breeder who's license has been suspended or revoked, who determines if they are 'responsible for or participated in the violation(s)'? Are they granted a hearing as well ?

J. The Director may terminate proceedings undertaken pursuant to this section at any time if the reasons for such proceedings no longer exist. A license which has been suspended may be reinstated, a person with a revoked license may be issued a new license, or a licensee may no longer be subject to an order of probation if the Director determines the conditions which prompted the suspension, revocation, or probation no longer exist.

Or, if the case is moot because the breeder no longer breeds 6 or more litters per year. In other words, to avoid all the hassle, HOBBY breeders will be forced to breed 5 litters or less per year, until that number is mandated at the magic number for enforcement. This is a harm to the public because the HOBBY breeder produces the best quality product for the public.

K. A licensee shall have the right to appeal adverse decisions by the Director in accordance with the [insert state Administrative Procedure Act].

L. Any hearings or other proceedings conducted pursuant to this section shall be conducted in accordance with the [insert state Administrative Procedure Act].

This is super problematic for the average dog owner and HOBBY breeder because it impinges on his ability to have his case heard in an actual court, as it is not possible for the breeder to go to court until all administrative appeals have been exhausted.

Completely agreed. While administrative hearings have some advantages, there are also many downsides. The rules of evidence are typically very relaxed, which helps a person who represents him/herself, but usually the administrative agency has attorneys representing their side. Using Liquor Control again, I think many license holders came to hearings unprepared and without counsel because they had the impression it would be similar to small claims court, but then had to face attorneys who had the liquor code memorized. I also disagreed with many decisions that commissioners (who were the 'judges' for the hearing) made. Many of these hearings in administrative agencies are heard by commissioners with no legal background, which I find very disconcerting.

Section 5- Inspections

A. The Board/Agency shall inspect all licensees at least once in a twelve- (12) month period to determine whether the licensee is in compliance with the Act, and may conduct additional inspections upon receipt of a complaint or its own motion to ensure compliance with the Act. When an inspection produces evidence of a violation of the Act or its regulations, a copy of a written report of the inspection, including alleged violations, prepared by the inspector, shall

be provided to the applicant or licensee, together with written notice to comply within the time limit established by the Board/Agency.

“Upon receipt of a complaint” implies that all complaints are of equal validity. The owner of the kennel is already subject to inspection for his initial kennel license, as well as the potential for endless inspections that could occur based on unfounded complaints and harassment from animal rights groups. Agreed—why wouldn’t the local inspections suffice? Will complaints be investigated for validity? Will any kind of warrant be required before barging onto private property? Will breeders be given any notice prior to the inspection?

B. If deemed necessary under the Act or its regulations, the Board/Agency may, for purposes of inspection, enter the premises of any applicant or licensee during normal business hours and in a reasonable manner, including all premises in or upon which dogs are housed, sold, exchanged, or leased; or are suspected of being housed, sold, exchanged, or leased. An applicant or licensee shall, upon request by the Board/Agency, provide assistance in making any inspection authorized under the Act and its regulations.

No need for the 4th Amendment here with language such as “suspected of being housed, sold... .” Not only that, one must be compelled to “provide assistance” - even based upon the inspector's suppositions.

C. For purposes of this section, the private residence of any applicant or licensee shall be available for purposes of inspection only if dogs are housed in a primary enclosure as defined in 9 C.F.R. 1.1 within the residence, including a room in such residence, and only the portion of the residence that is used as a primary enclosure shall be open to an inspection pursuant to this section.

In other words, if you have a dog crate in your house, you are subject to inspection.

I would think, without any warrants being deemed necessary coupled with the fact that most hobby breeders’ kennels are at their private residence, that this whole section would not be able to pass constitutional muster.

D. The Board/Agency shall have authority to investigate violations of this Act and regulations, including failure to obtain a license as a high-volume dog breeder or high-volume dog retailer, as required under this Act.

An individual who may ‘potentially’ fall under the purview of this bill is also subject to invasions, I mean inspections? I guess this means basically anyone who breeds dogs may be inspected at any time. Nice.

Section 6 - Standards

A. The Board/Agency shall adopt regulations to carry out this Act no later than [insert time frame] from the date of enactment of the Act.ⁱⁱⁱ

B. Licensees shall ensure that appropriate preventive and therapeutic veterinary care is provided as part of a veterinarian-client-patient relationship. A dog shall not be bred if a veterinarian determines the dog is unfit for breeding purposes. Justification^{iv} for a recommendation not to breed must be provided in the dog’s medical record.

Veterinarians are now official breed wardens under this “Model Law.” Most veterinarians do not breed dogs and apart from their medical training, are not qualified to make breeding decisions. Furthermore, such decisions are really none of their business. Additionally, this creates a great conflict of

interest, in that the unscrupulous veterinarian could require all manner of pre-breeding genetic screening, even for diseases or conditions not necessarily associated with the breed in question before granting permission to breed. Cattle breeders are not so restricted, nor the breeders of any other livestock. Neither are those who breed cats, birds, gerbils, or rabbits. Suddenly, all dog breeders must get a permission slip from a veterinarian. The footnote for this section states, "Valid justifications for a recommendation not to breed may include concerns about physical and/or behavioral health, the perpetuation of genetic defects, and frequency." However, the footnote says a "recommendation not to breed," but the "Model Law" states "shall not be bred." What if a veterinarian arbitrarily believes that breeding a brachycephalic, achondroplastic, giant, or toy breed is prima facie evidence of "perpetuation of genetic defects?" Furthermore, how many opinions must a dog breeder receive before going ahead with a planned breeding? What if another veterinarian disagrees with the opinion of another veterinarian on the suitability for breeding of any given dog? Whose opinion carries more weight? And how much will this opinion cost the dog breeder?

Agreed. I've found that most general practice vets don't have much beyond the rudimentary education in reproduction, and as such could not speak to much more than the general health of a dog. Unless the vet is a reproductive specialist his or her view on breeding a dog is mostly opinion. Furthermore, many vet schools are really pushing the whole spay/neuter mentality and a lot of younger vets will try to talk clients out of breeding. I currently have my first intact dog that I hope to breed (should he be successful in all avenues—already a CH and a couple hunt titles under his belt—and pass health tests). I left my last vet because they started lecturing me about neutering him when he was 16 weeks old. My sister just graduated vet school and has the same kind of attitude. I don't need this kind of biased input on my breeding decisions. 'Unfit for breeding purposes' is not defined....Does this mean for example, an unhealthy bitch that could not safely carry a litter of pups? Or would the examples Ann be dogs unfit for breeding purposes? No offense to veterinarians, but this section of the bill is absolutely ludicrous.

C. Each licensee/facility must have a written plan for disaster response and recovery, including but not limited to, structural damage, electrical outages and other critical system failures.

More bureaucratic nonsense for the HOBBY breeder. Again, this presumes everyone breeding dogs is running a COMMERCIAL business. And who determines the acceptability of such plans?

Seriously? What happens if a breeder doesn't have these?

Section 7 – Records

A. Licensees shall maintain accurate records for at least five (5) years including:

1. The date on which a dog enters the facility or operation;
2. The person from whom each dog was purchased or obtained, including the name, address and phone number of such person, and license or registration number if applicable;

I don't think the dog breeder needs to be an unpaid employee of the state and provide phone numbers. Does "license and registration number" apply to the dog or to the person in this sentence?

3. A description of each dog, including the color, breed, sex, date of birth (if not known, the approximate age) and weight;
 4. Any tattoo, microchip, or other identification number carried by or appearing on the dog;
 5. For breeding females:
 - a. Breeding dates;
 - b. Whelping dates;
 - c. Number of puppies per litter; and
 - d. Sire for each litter.
 6. All preventive and therapeutic veterinary care provided for each dog; and
 7. The disposition of each dog and the date.
- B. A copy of a dog's record, as required in this section, shall be provided at the time of transfer of ownership. Registration of any tattoo, microchip, or other identification number shall also be transferred.
- C. Licensees shall provide copies of records listed in this section to the Board/Agency as requested to enforce provisions of this Act and its regulations.

These record keeping requirements are those of AKC. It is hard to understand why a government agency has any interest in 5 years worth of record keeping.

Section 8 – Enforcement and penalties

- A. In enforcing this Act, the Director may:
1. Issue an order of probation pursuant to Section 4;
 2. Issue a cease and desist order pursuant to Section 4;
 3. Suspend or revoke a license pursuant to Section 4;
 4. Seek other injunctive relief as may be necessary to enforce the Act and its regulations, including impounding and seizing dogs where the Director determines there is a significant threat to the health or safety of the dogs harbored or owned by an applicant or licensee, and upon a hearing conducted in accordance with the [insert state Administrative Procedure Act]. Costs incurred for the care of animals impounded or seized under this Section shall be recoverable from the owner of the animal if he or she is found to have violated provisions of this Act pursuant to the hearing.

This totally circumvents a breeder's Constitutional 4th and 5th Amendment rights. There is no mention of a warrant. Rather, dogs can be impounded and seized based solely on the determination of the Director and subjects the breeder to an administrative hearing, rather than immediate representation in a competent court of law. The administrative hearing only determines if the breeder is in violation of any provision of the "Model Law." There is no inquiry into whether the seizure was legal or proper under the Constitution or if the breeder's Constitutional rights were violated.

5. Impose a civil penalty of not more than \$_____ for a violation of the Act.

Here we go again. Hale breeders into administrative hearings for the purposes of fining them for "a violation" of the "Model Law. No matter how trivial the violation, one size fits all on the fines.

- B. Each act committed against an individual animal in violation of the Act or its regulations, and each day during which a violation continues, shall constitute a separate offense for purposes of this section.
- C. A failure to obtain a license pursuant to this Act shall constitute a _____ misdemeanor. The attorney general may bring an action to collect unpaid license fees and/or unpaid civil penalties.

It is amazing how many attempts there are under the guise of "animal welfare" to criminalize dog ownership activities.

- D. It shall be a violation of the Act for any person to:
 - 1. Deny access to any officer, agent, employee, or appointee of the Board/Agency or offer any resistance to, thwart, or hinder such persons by misrepresentation or concealment;
 - 2. Interfere with, threaten, verbally or physically abuse, or harass any officer, agent, employee, or appointee of the Board/Agency in the course of carrying out his or her duties;

Who are the "agents" or "appointees?" HSUS employees acting under color of law?

- 3. Fail to disclose all locations housing dogs owned or controlled by such person;
 - 4. Violate an injunction order or order of compliance issued under this section; or
 - 5. Fail to pay any administrative fine levied pursuant to this Act.
- E. Proceedings undertaken under this section shall not preclude the Board/Agency from seeking other civil or criminal actions. This section does not prohibit the Board/Agency from assisting a law enforcement agency in a criminal investigation. Nothing in this act shall be construed to prohibit prosecution under [state's animal cruelty law].

And there is nothing in this act that isn't already covered by most states' animal cruelty laws as to render this "Model Law" overreaching, oppressive, redundant, and completely unnecessary.

Section 9 – Funding

- A. The Dog Welfare Fund (hereafter Fund) is established for the purpose of funding:
 - 1. Inspection of licensees and applicants by the Board/Agency under the Act; and
 - 2. Enforcement by the Board/Agency of laws and regulations pertaining to high-volume dog breeders and high-volume dog retailers.
- B. The Fund shall be administered by the Board/Agency. The Fund consists of license fees collected from high-volume dog breeders and high-volume dog retailers and civil penalties collected under the Act.^v
- C. Money in the Fund is continually appropriated to carry out the purposes of the fund. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

And when breeders decide that they can escape this "continually appropriated" fund by breeding 5 litters or less per year, from whence will the money come? The purpose of all such breeding laws is not animal welfare but to continually reduce the number so that anyone who breeds a dog must undergo onerous canine "social services" inspections, licensing, and harassment. The purpose is to drive everyone out of the HOBBY.

I think the AVMA needs to stick to the practice of veterinary medicine and not go around to get a “consensus” of all the vested interests. Canine law does not appear to be the organization's forte.

Model Regulations

The following are regulations pertaining to the humane care and housing of dogs under the Act.

This whole section is redundant and ridiculous micromanaging. I agree with all of Ann's comments. Much of it is immeasurable and probably impossible to quantify or define under the law. Not to mention enforcement. The majority of this section is pretty much insane and a waste. Enforcement or strengthening of state/local general cruelty laws should be sufficient protection for dog welfare.

Any high-volume dog breeder or high-volume dog retailer, in order to qualify for, retain, or renew a license under the Act, shall adhere to the following minimum standards of care,

I. Definitions

- a. Dog – means any member of *Canis lupus familiaris*.¹
- b. High volume dog breeder – means any person who, during any calendar year, whelps more than six (6) litters of dogs.
- c. High volume dog retailer - means any person who, during any calendar year, sells, resells or transfers ownership of more than fifty (50) dogs, including sale, resale and transfer of dogs to pet stores, breeders, kennels and dealers, and sale, resale, and transfer that occur via the Internet.
- d. Infectious Disease – means any disease that may be contagious between dogs and/or humans, including bacterial, viral, fungal, and parasitic contagions.
- e. Licensed veterinarian – means an individual licensed as a veterinarian under [insert appropriate state law].
- f. Positive Physical Contact – means petting, stroking, or other touching, which is beneficial to the well-being of the dog

This is an inappropriate definition in any law. “Other touching which is beneficial to the well-being” is not necessarily measurable in a legal sense.

- g. Person – means any individual, corporation, company, partnership, shelter, pound, rescue, firm, estate, trust, or other legal entity.
- h. Primary Enclosure – any structure used to restrict a dog or dogs to a limited amount of space. This may include, but is not necessarily limited to, a room, pen, run, cage, compartment, or hutch. If a dog or dogs are housed on the premise of a house or building without restriction, than the premises shall also constitute a primary enclosure.

There you go. Free rein to enter a private individual's home without a warrant. If someone is breeding six or more litters per year in their home without a designated kennel area there are other problems besides the welfare of the dog.

- i. Staff – means a person appropriately trained to perform the duties required.
- j. Whelping Box – means a primary enclosure provided to a bitch prior to parturition, designed so that a bitch may lie fully recumbent, stand, turn around, and have some

freedom of posture and movement. The whelping box shall function to securely house the bitch and her litter, prevent dissipation of their body heat, and allow for daily positive physical contact with people.

I've had bitches that really don't want any "positive physical contact with people" the first few days after whelping. Standards of care or common practices do not have to be codified into oppressive, bureaucratic laws designed to micromanage dog breeders.

II. Housing

- a. Housing – Shall provide for sanitary and safe housing for dogs, and shall provide adequate space appropriate to the age, size, weight, and breed of the dog, and that allows the dog to engage in normal body movements, including the ability to sit, stand up, turn about freely, or lie fully recumbent in a natural position. The primary enclosure shall provide at least partial solid flooring. Nonsolid flooring must be safe for the breed, size, and age of the dog; be free from protruding sharp edges; and be designed to that the paw of the dog is unable to extend through or become caught in the flooring.
- b. Each dog, if housed in a primary enclosure, whether housed alone or with other compatible dogs, shall be provided a minimum amount of space, calculated as:
 - i. Find the mathematical square of the sum of the length of the dog in inches as measured from the tip of the nose to the base of its tail, plus 6 inches. Divide this product by 144 to calculate the minimum required floor space, in square footage, that must be provided by a primary enclosure.^{vi}

Are they serious? Can't eyeball it? And remember, ANY violation of this "Model Law" subjects one to onerous consequences and fines, so that calculation better be exact to the inch.

- ii. For nonbreeding dogs housed together, the primary enclosure shall provide 100 percent of the required space for each dog, if maintained separately.
- iii. Each bitch with nursing puppies must be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accord with generally accepted husbandry practices as determined by the attending veterinarian. If the additional amount of floor space for each nursing puppy is less than five (5) percent of the minimum requirement for the bitch, such housing must be approved by the Board/Agency.

Again, you had better be good at math if you are going to be a dog breeder under this regime. The "attending veterinarian" - who the heck is that? Does that mean the vet and the Agency have to approve your whelping box and space? Get real and get out of my house.

- iv. The interior height of a primary enclosure must be at least 6 inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

More HSUS determined parameters that have no basis in reality, under most circumstances.

- v. Innovative primary enclosures not precisely meeting the floor area requirements provided in paragraphs b(i), b(ii), b(iii), and b(iv) of this section, but that provide the dogs with a sufficient volume of space and the behavioral needs stated in section IV may be used at an operation when approved by the Board/Agency.

- c. Shelter – Shall provide protection from harmful extremes of temperature, air movement, moisture, light and other climatic elements to ensure proper health and well-being of the dog.
- d. Storage Facilities – Shall be designed and maintained as to provide adequate storage to protect food, medicines, supplies, and bedding from deterioration, contamination, and vermin infestation. Any potentially toxic substance should be stored in a manner to avoid contamination and potential for harm to the dogs.
- e. Structure – Shall be structurally sound, in good repair, have no sharp edges or points that could injure the dog(s), and shall securely contain the dogs while precluding access by other animals. Structural surfaces should be sanitizable or replaceable.
- f. Waste Disposal – All excreta, feces, debris, and food wastes must be removed from enclosures, at least once daily, and from under primary enclosures as often as necessary, to prevent an excessive accumulation of feces and food waste, to prevent soiling of dogs contained in the enclosure, and to reduce disease hazards, insects, pests and odors. Premises must be kept free of accumulations of trash, junk, waste products, and discarded matter. Waste must be handled and disposed of in a manner that poses minimal hazards to dogs and personnel, and reduces the likelihood of contamination of the soil or ground water with chemicals and/or microorganisms.
- g. Cleaning and Sanitation – Hard surfaces with which the dogs come in contact must be spot-cleaned daily and sanitized at least once every 2 weeks and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards. When steam or water is used to clean the primary enclosure, whether by hosing, flushing or other methods, dogs must be removed, unless the enclosure is large enough to ensure the dogs will not be harmed, wetted, or distressed in the process. Standing water must be removed from the primary enclosure and dogs in other primary enclosures must be protected from being contaminated with water and other wastes during cleaning.
- h. Lighting – The facility shall have sufficient lighting by natural and/or artificial means as to allow observation of the physical condition of the dogs being housed, and to permit inspection and cleaning of the facility. A diurnal lighting cycle should be provided.
- i. Environment – Dogs shall be protected from extreme temperatures so as to maintain their health and render their environment comfortable. When climatic conditions pose a threat to a dog’s health or well-being, taking into consideration such factors as the dog’s age, breed, overall health status and acclimation, appropriate measures must be taken to alleviate the impact of those conditions. Adequate ventilation shall be provided to minimize odors, drafts, ammonia levels, and to prevent the condensation of moisture.
- j. Pest Control – An effective program for the control of insects, external parasites affecting dogs, and birds and mammals that are pests, must be established and maintained so as to promote the health and well-being of the dogs and reduce contamination by pests in dog areas.
- k. Retreat Area – Dogs shall also be provided in their primary enclosure some form of a den, which shall comprise at least a solid floor and visual barrier, as to allow rest and retreat.
- l. Whelping box – All bitches with litters shall be provided an appropriate whelping box, which should provide means to contain the puppies during whelping, and provide some form of substrate, insulation or heat source so as to prevent dissipation of heat so that all

puppies are able to maintain appropriate body temperature. If a heat source is provided, care must be taken to protect the bitch and puppies from thermal injury.

This unnecessary micromanaging is already adequately addressed by existing neglect and cruelty laws.

III. Nutrition and Hydration

- a. Adequate food – A dog shall be fed at least once daily, or as otherwise required on the advice of a veterinarian. The food should be free from contaminants and be of sufficient nutritive value and quantity to maintain the normal condition and weight of the dog as germane to its age, sex, breed, and reproductive status.
- b. Potable water – Shall be provided at all times, unless otherwise directed by a veterinarian.

I never keep water in front of my dogs "at all times" and I don't need to be directed by a veterinarian to do so. I am perfectly capable of picking up water bowls when I put my dogs in their crates at night to sleep. This is more HSUS rubbish. Additionally, I have had dogs that habitually tip over water dishes. But, again, this draconian "Model Law" would put one in violation if, upon surprise inspection, a water dish wasn't before every dog at all times and one did not have a permission slip from the vet.

I don't have water sitting in front of me at all times and I have managed to survive. I don't think wolves remain near water at all times either. Absolute overkill.

- c. Food and water receptacles – Shall be readily accessible to all dogs and shall be located to minimize contamination and to protect them from precipitation. Any non-disposable receptacles shall be durable, cleaned daily, and sanitized at least once per week; disposable receptacles shall be replaced daily, and automatic feeders shall be cleaned and sanitized regularly to prevent the growth of mold and deterioration or caking of feed. Automatic watering devices shall be kept clean, be properly and regularly sanitized, and be tested daily to ensure they are functioning correctly.

IV. Behavioral Requirements

- a. General
 - i. The following behavioral needs shall be met at least daily, except as stated otherwise. All persons should have a documented protocol regarding how to meet the following necessary behavioral needs, and sufficient facilities and/or staff to meet them.

"All persons should have a documented protocol" is more bureaucratic rubbish record keeping that is unnecessary. The general health and condition of any dog can be countenanced by its behavior and physical condition, without the need to have anything written down in a log book. Dog kennel owners should not be expected to follow scientific protocol for record-keeping to account for all variables.

- ii. The goal shall be to allow dogs the opportunity to partake in species-specific behaviors. Dogs shall not be housed for extended periods of time in a manner devoid of any enrichment and/or activity and/or social contact.

"Opportunity" in this context is anthropomorphism. If the "goal" is to promote species-specific behaviors, then why are we spaying and neutering dogs to prevent the most basic species-specific behavior of all? This is not rhetorical as it points to the fact that all "opportunity" for any dog is under

the control of its owner, who presumably, with a higher intellectual capacity gets to make the decisions on which species-specific behaviors the dog is allowed to participate in. Is it an “opportunity” for the dog to eat its own vomit, eat grass, bark incessantly? What about dogs that live in and around stables that eat horse manure? Is that a species-specific “opportunity” that should not be denied?

Great points.

- b. Conspecific socialization – Dogs shall be provided with full-body physical contact with other compatible dogs daily, except as necessary for reasons such as veterinary treatment or quarantine, or prior to parturition for a bitch. Prior to weaning, a bitch and her litter shall fulfill all conspecific socialization needs among the group.

Why use plain English - “same-species” when “conspecific” will do? There is no evidence that dogs past socialization periods either want or need “full-body physical contact” with other dogs “daily.” If this were so, then we should legally mandate that no one can only own one dog that never leaves its owner's property. This statement was obviously written by someone who has never maintained a kennel. Additionally, this anthropomorphism continues over to micromanaging the bitch and her litter with the demand that the bitch fulfill her maternal duties. Well, what happens if the bitch dies in whelp, or will not nurse her puppies, or develops mastitis? What about puppies that are born prematurely and must be tube-fed or kept in incubators?

- c. Human socialization – Dogs shall be provided with daily positive human contact and socialization. Contact during feeding time alone is not sufficient to meet this requirement.

Apparently, one will have to keep a log book of this activity as well. How much petting during the day is sufficient?

- d. Enrichment
 - i. Dogs shall be provided in their primary enclosure some form of effective inanimate enrichment. For example, an object that allows the dogs to chew or to play.

Well, I guess if every citizen can be forced to buy health insurance or be fined and go to jail, it isn't too much of a stretch to require that toys be provided at all times. Heck, my dog was trying to get stuff out of our compost bin this week to chew on. Does that qualify?

- ii. Every effort should be made to provide dogs that are housed singly with visual enrichment, such as visual contact with conspecifics or humans, except as necessary for veterinary care, quarantine, or prior to parturition for a bitch.

Well, they didn't give the legal definition of “visual enrichment” in their definitions section. What a bunch of B.S.

- e. Locomotion
 - i. Persons shall ensure that each dog that is weaned has access to “locomotory activity”; this activity should allow for an animal to move sufficiently to develop and/or maintain normal muscle tone and mass as pertinent for the age, breed, sex and reproductive status of the dog. Provisions for locomotory activity should also allow the dog an opportunity to achieve a running stride.

Again, why use the plain English “exercise” when “locomotory activity” obfuscates more completely. It is simply not true that dogs need to achieve a “running stride” to exercise sufficiently. In fact, the trot is the gait of choice

for optimal conditioning of most dogs. Furthermore, this requirement would preclude ownership of larger breeds on premises that did not have sufficient acreage for running activities, even if the dogs received sufficient conditioning exercise by other means.

Completely agree. I guess I would be in violation with this rule with some of my dogs...I run them beside me on the bike at a trot.

- ii. The provided area for locomotion should be separate from the primary enclosure if the primary enclosure does not allow for fulfillment of adequate locomotion enrichment and social activities. The area must be kept clean, free of infestation by pests or vermin, and prevent escape of the dogs.

One would be hard pressed to know one was reading proposed dog law with phrases such as “fulfillment of adequate locomotion enrichment and social activities.”

- iii. Forced activity, other than for veterinary treatment, is neither sufficient nor appropriate for fulfilling these needs. Physical activity that is repetitive, restrictive of other activities, solitary, and not goal-oriented is neither sufficient nor appropriate for fulfilling all activity needs.

This is more animal rights anthropomorphic propaganda. “Forced activity” includes all dog training activities. Indeed, taking a dog for a walk on a leash is “repetitive, restrictive of other activities, solitary, and not goal-oriented.” If such activity is neither “sufficient nor appropriate,” then no one in a city should be allowed to own a dog. Additionally, many professional dog trainers condition their dogs on treadmills to keep them in optimum physical condition when conditions do not permit adequate outdoor exercise.

Are they really serious with this garbage? “Forced activity” that is “repetitive, restrictive of other activities, solitary” is the story of my dogs’ lives! Not only are they totally happy and fulfilled dogs, they are very fit and athletic specimens that are ready to compete in these ‘forced activities’ on any given weekend. Playing fetch with a tennis ball or frisbee sends them into paroxysms of joy....I don’t understand the issue with that. With all the extremely obese pets I see out there I think there’s not enough forced activity happening.

V. Grouping

- a. Dogs having locomotory activity in groups and/or social interaction must be compatible and free of infectious disease.

If that is the case, then let's close down all these municipal “dog parks.”

- b. Females in heat shall not be housed in the same primary enclosure with males, except for breeding purposes.
- c. Any dog exhibiting a vicious or aggressive behavior shall be housed separately, as needed to prevent injury to other dogs. As with quarantine, separation of dogs due to aggression should be accompanied by a program to resolve the underlying causes of this disorder.

My program for “resolving the underlying causes of this disorder” is euthanasia.

- d. Puppies four months of age or younger shall not be housed together in the same primary enclosure with adult dogs other than their dam or foster dam.

Nonsense.

- e. Isolation of any dog with an infectious disease or condition – If a dog is infected with a contagious disease or condition as determined by a licensed veterinarian, one must house the dog separately from healthy animals, and shall handle the dog in a manner that will minimize the likelihood of contagion. Handlers must wash their hands before and after handling each infected or contagious dog.

VI. Staff

- a. An adequate number of trained staff must be provided to ensure appropriate upkeep of the facility and that all minimum care requirements for the dogs can be met.
- b. The licensee shall not hire individuals who have pled no contest or have been found to have violated any Federal, State or local laws or regulations pertaining to animal cruelty within one (1) year of application for employment, or more than one (1) year if the Board/Agency determines the circumstances render the applicant unfit for employment.
- c. The licensee shall report to the Board/Agency any no contest pleas or convictions pertaining to animal cruelty involving any of his/her employees that occur during the time they are employed by licensee.

VII. Handling

Handling of all dogs should be done as carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm or unnecessary discomfort.

This is animal rights jargon. Who defines, among other things, "behavioral stress" and "unnecessary discomfort?" I submit that one cannot train dogs without subjecting the animal to at least some behavior stress. What about collar corrections while training or the use of an electronic collar to stop excessive barking or to train field dogs? This type of micromanaging, codified into the law, has more to do with control of all owner behavior rather than animal welfare. Furthermore, we already have neglect and cruelty statutes on the books that address any egregious abuse of animals.

VIII. Health and Veterinary Care

All persons shall

- a. Ensure that necessary routine and preventive veterinary care is provided under the direction of a licensed veterinarian, and maintain a written health care management protocol addressing routine veterinary care. At a minimum, regular preventive care should include examination at least once yearly by a licensed veterinarian for breeding dogs.
- b. Assess each dog's health and welfare daily; this should include observation of body condition (e.g., appropriate weight, skin/coat/nail condition), behavior, and whether the dog is eating, drinking, urinating, and defecating normally.
- c. Provide prompt treatment of illness or injury under the direction of a licensed veterinarian.

There are plenty of illnesses or minor injuries that can be treated by the experienced owner without the need to take direction from a veterinarian. Again, failure to seek veterinary treatment when necessary is covered under neglect laws.

- d. Maintain records of any veterinary care, including records of regular preventive veterinary care.
- e. Ensure that humane euthanasia is performed when necessary and only by a licensed veterinarian, or other certified personnel pursuant to state regulations, using methods cited in the *American Veterinary Medical Association's Guidelines on Euthanasia*^{vii} and in accordance with applicable federal and state laws.

It is still possible in many states to shoot one's own dogs.

- f. Upon written approval by a licensed veterinarian or the Board/Agency, any dog may be exempted from any of the standards of care mentioned in sections II - V. A reasonable expiration date must be provided for such exemptions at which time the exemption shall be re-evaluated to determine whether it is still appropriate.

One supposes that certain veterinarians would be subject to bribes to approve an exemption.

- g. All veterinary care provided pursuant to the requirements in this Act shall be provided within a veterinarian-client-patient relationship, and in accord with the state veterinary practice act, with provisions for both routine and emergency care.

In summation, we don't need any officious inter meddling "Model Law" templates that impose unreasonable and oppressive conditions on citizens who just want to own dogs. Most of the verbiage is already adequately encompassed by existing neglect and cruelty laws.

ⁱ The American Veterinary Medical Association does not support the keeping of canine (wolf) hybrids as pets (see policy at http://www.avma.org/issues/policy/canine_hybrids.asp) and, therefore, has not included them within this model. Those using the model may wish to consider whether the incorporation of canine (wolf) hybrids is appropriate for their application.

ⁱⁱ Egregious offenses may also be prosecutable under anti-cruelty statutes, which may provide for civil and/or criminal penalties.

ⁱⁱⁱ The Board/Agency may adopt the standards set out in the model regulations accompanying this model bill, or use as a guideline for the humane handling, care, treatment, and transportation of dogs the standards of Animal and Plant Health Inspection Service of the United States Department of Agriculture as set out in 9 CFR 3.1 et seq.

^{iv} Valid justifications for a recommendation not to breed may include concerns about physical and/or behavioral health, the perpetuation of genetic defects, and frequency.

^v To avoid setting licensing fees prohibitively high, monies in addition to those generated from licensing fees and civil penalties may need to be appropriated for effective implementation of the Act.

^{vi} Animal Welfare Act. 7 USC 2131. 1985. 9 CFR 3.1 et seq,

^{vii} Available at http://www.avma.org/issues/animal_welfare/euthanasia.pdf.