

**RE: Senate Bill 301**

Dear Chair Kornheiser and Members of the House Committee on Ways and Means,

Thank you for the opportunity to speak with you today. My name is Taylor Livelli, and I represent the Pet Advocacy Network. The Pet Advocacy Network represents the interests and expertise of retailers, companion animal suppliers, manufacturers, distributors, pet owners and others involved in the many aspects of pet care throughout the state of Vermont and across the United States. The Pet Advocacy Network serves as the nation's largest pet trade association, and promotes animal wellbeing, responsible pet ownership, and environmental stewardship at the state and federal levels. The Pet Advocacy Network engages with multiple stakeholders at the state and federal levels and advocates for state and federal legislation to ensure the safety and wellbeing of pets.

**On behalf of the responsible pet care community, we ask that you remove the amendment on the proposed legislation (S. 301) that would ban the sale of dogs, cats, and wolf-hybrids by retail pet shops.**

The proposed ban removes the vital consumer protections provided by pet stores. Retail pet stores are the most licensed, highly regulated, and regularly inspected way a family can seek out a pet companion that fits their lifestyle and needs. A ban like the amendment to S. 301 does nothing to address the problem of substandard breeding practices that are unfortunately all too common in unregulated marketplaces.

When California enacted a similar retail pet sale ban statewide, 17 of 21 animal and consumer protections provisions were eliminated and some of the strongest Pet Purchase Protections in the country were eradicated.<sup>1</sup> Protections included mandatory veterinarian exams and quarantine for sick animals, the requirement to post the pet's sources and the purchaser's rights, protections, and warranties.

Additionally, grandfather clauses, like the one proposed in the amendment to S. 301, are an extension of a ban that only appears to protect responsible existing businesses. However, this bill restricts these businesses' ability to expand or transfer ownership, allowing for increased bad breeding and unregulated pet sales. It also prohibits responsible future business owners from having the opportunity to sell cats and dogs in their stores that are subject to state regulations. This type of legislation sets a dangerous precedent, introducing legislation banning the regulated sale of dogs and cats without exemptions.

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<sup>1</sup>The Real Consequences of California Pet Sale Ban



All of us in the responsible pet care community are dedicated to ensuring appropriate care of animals is the primary focus of any law or regulation. We believe there is a solution that both protects responsible small businesses and ensures that pets come only from responsible and ethical breeders.

**We would welcome the opportunity to work with Vermont in raising the standard to ensure proper animal sourcing protecting dogs and cats.**

Proposed legislation that would properly eliminate bad actors could include:

- Creating strong pet shop “sourcing” restrictions (The U.S. Department of Agriculture (USDA) licensed breeders that meet specific criteria and small hobby breeders) to protect consumers
- Creating mandatory puppy microchip to enhance consumer protections
- Requiring retailers to provide consumers access to electronic animal care sheets

These requirements would ensure that when a pet store purchases an animal, they do so only from a responsible breeder, conducting due diligence into the breeder they choose.

The pet sale bans plaguing state legislatures are misinformed and incorrectly promise the elimination of bad actors throughout the breeding industry. Instead, these bans lead to the expansion of unregulated sellers who are not under federal, state, or local oversight or jurisdiction.

While well-intentioned, **retail pet sale bans will not stop bad breeders who are unregulated, unlicensed, and are not held accountable to any animal care standards.** We agree that bad breeders who mistreat or neglect animals must and should be put out of business, but prohibitions on the retail sale of dogs or cats and other animals are not the answer.

These bans will harm highly regulated pet stores while eliminating a transparent and trusted source of pets that provides purchasers with legal protections while driving prospective pet owners to unregulated, unlicensed, and potentially unscrupulous pet sellers.

**Which is why these types of bans ultimately fail to stop the unregulated breeders and bad actors, and that is why we ask that you REMOVE the amendment to S. 301.**

The reality is that pet stores - and the licensed, responsible breeders they work with - are a highly regulated and best-in-class source of pets. Pet stores are currently subject to federal, state, and local statutory requirements including:

- The U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) establishes and enforces humane care standards under the federal government’s Animal Welfare Act to regulate the transportation, purchase, sale, housing, care, handling and treatment of animals for use as pets.

- Breeders with five or more breeding females that are not USDA-licensed are prohibited from selling to pet stores.
- USDA-licensed breeders are routinely inspected to ensure they are complying with humane standards for veterinary care, shelter, food, and clean water.
- Pet stores are also regulated by state laws regarding animal care and warranties and are required to keep records related to the health, veterinary care and source of the animals they sell.

Vermont offers consumer protection for those who purchase animals from a pet store through consumer pet warranty laws. In Vermont, an individual can:

1. Return an animal for refund of purchase price; or
2. Exchange for an animal of equivalent value; or
3. Retain animal and reimburse for vet fees not to exceed purchase price

These protections last seven days for illness and one year for congenital issues.<sup>2</sup>

Beyond the legal requirements, our members feel a responsibility to the animals themselves. They work with families to find the ideal pets for their situations to ensure lifelong pet relationships and keep pets from being surrendered to shelters and rescues. Pet stores are a valuable and transparent option for prospective pet owners while providing peace of mind and the opportunity for families to personally interact with and choose a pet that best fits their circumstances. The proposed ban would remove that option from them entirely.

The best option for pet ownership for some families is the pure- or purpose-bred puppies offered by pet stores. Due to health considerations, some may need a specific breed. For example, 30 percent of Americans suffer from pet allergies.<sup>3</sup> For families with young children, they may be unable to take on the behavioral risk of bringing a pet with an unknown history into their home – 47 percent of rehomed dogs are relinquished because of pet problems, including aggressive behaviors.<sup>5</sup> If a future pet owner needs or wants a specific breed due to such common circumstances, their options will be severely limited without pet stores.

The pets in existing stores have been raised under federal and state care standards, have detailed medical histories, and are often protected by a consumer warranty.<sup>4</sup> Pet stores have a significant incentive to adhere to the highest standards of care and sourcing because they depend on their reputation and positive word of mouth to stay in business.

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<sup>2</sup> Vermont Statutes. <https://legislature.vermont.gov/statutes/section/20/194/03921>

<sup>3</sup> Asthma and Allergy Foundation of America. <https://www.aafa.org/pet-dog-cat-allergies/>

<sup>4</sup> ASPCA (American Society for the Prevention of Cruelty to Animals), Pet Statistics. <https://www.aspca.org/helping-people-pets/shelter-intake-and-surrender/pet-statistics>

In 2021, the pet care industry contributed a total estimated state tax revenue of \$13.9 million generated by pet-related businesses in Vermont. It created 2,952 jobs in Vermont in pet-related goods and service industries and 4,059 jobs linked directly or indirectly to the pet support sector.<sup>5</sup>

There are more animal care complaints, citations and convictions associated with animal rescue operations than with regulated, licensed professional breeders, the vast majority of whom run their businesses in a responsible and ethical manner. Pet sale bans would reduce the availability of highly regulated pet stores that participate in the ethical and transparent sale of companion animals.

We urge this committee to focus on the well-being of all companion animals by evaluating and strengthening the enforcement of existing laws and applying them to more sources, including pet stores, rescues, shelters, and licensed breeders.

A pet sale ban will only boost the unregulated black market for pets. Without pet stores providing the opportunity to personally interact with and select their new pet, families may turn to online sources, where they could fall victim to the “puppy scams” that have surged in recent years—tricked into sending unrecoverable money for a nonexistent dog. While there are reputable and responsible online sellers, the Better Business Bureau has stated that fake online puppy sellers and puppy scams have dramatically increased by 39 percent since 2017, and up to 80 percent of sponsored online ads for puppies may be fake.<sup>6</sup> Victims of these puppy scams often have no legal recourse because they purchased from a source without regulatory oversight and without a purchase warranty to protect them.

Without the legal recourse of a warranty, such as those offered by many stores and required in Vermont, families are left with huge, unaffordable veterinary bills. In California, veterinarians saw an increase in consumers purchasing sick animals from unregulated sources shortly after the state banned the sale of dogs, cats, and rabbits at pet stores in 2019.<sup>7</sup>

According to the American Veterinary Medical Association, 22 states already provide legal recourse to people who purchase animals from pet stores and are later found to have a pre-existing illness or medical condition.<sup>8</sup> In this way, pet stores are further incentivized to work with quality breeders to ensure that the dogs they offer are healthy and well-bred.

Rather than penalizing law abiding and responsible pet store owners, the best way to put the bad actors out of business is to evaluate, improve and increase enforcement of federal and state animal care laws,

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<sup>5</sup> 2021 Economic Impact Data sourced from: Center for Economic Analysis, Michigan State University through the Animal Policy Group and Animal Health Economics, LLC.

<sup>6</sup> Puppy Scams: How to Protect Yourself from Fake Online Pet Sellers. (2017, November).

<https://www.bbb.org/article/scams/14213-puppy-scams-how-to-protect-yourself-from-fake-online>

<sup>7</sup> ABC 10 San Diego

<sup>8</sup> American Veterinary Medical Association. <https://www.avma.org/advocacy/state-local-issues/resource-guidance-pet-purchase-protection-laws>

including setting and enforcing sourcing restrictions and establishing strong and uniform standards of care while applying them to all sources, including pet stores, rescues, shelters, and licensed breeders.

A ban like the one enacted in California would hurt pets, families, and small businesses. Rather than enacting extreme bans, Vermont should instead update and enforce existing regulations to go after bad breeders who break the law and hold all regulated breeders to the same standards of care.

**We would welcome and appreciate the opportunity to work with you to craft legislation that both protects pet choice while also ensuring the health and safety of animals.**

**We ask that you remove the pet sale ban amendment to S. 301 and instead work with us to find ways to address bad actors without harming animals, consumers, and small business owners.** The Pet Advocacy Network thanks the Vermont House of Representatives for the opportunity to express our views on the proposed pet sale ban.

Thank you,  
Taylor Livelli  
Government Affairs Manager

