

S301 Senate 5/1/24

Mary McFaun, President
Vermont Federation of Dog Clubs
97 Sunset Rd., Barre VT 05641
mmcfaun@aol.com 802-595-9501

Senate Committee on Agriculture

115 State St.

Montpelier, Vermont 05609-0101

Dear Senator Starr and Members of the Senate Committee,

The Vermont Federation of Dog Clubs a nonprofit 501 c 4 organization, was formed about 20 years ago:

- a. To encourage and promote the welfare of dogs, to protect and advance the interest of dogs and persons connected with dogs
- b. To promote ethical and responsible practices with regard to dogs
- c. To actively assist or participate in developing local, state and national legislation concerning dogs and dog owners, and
- d. To foster education of the general public with respect to the proper care and maintenance of dogs and responsibility of dog ownership

We find enough concerning issues in the amendment to S301 to send you the following position paper.

Vermont Federation of Dog Clubs Position Paper, S301 amendment

The amendment to S.301 seems to us likely to have several unintended consequences.

Currently, as of April 1, 2024, the first day of the license year for Vermont pet stores there are 14 pet stores registered in Vt . Only one of them sells puppies, and that not on a regular basis . There seem to be sufficient protective safeguards in place to protect the public doing business with pet shops.

In Vermont, pet stores must comply with regulations for sourcing their animals. Since they have this choice of the animals they select, they are subject to the following regulations, which *shelters and rescues are not, no matter where they source their animals.*

Pet shops in Vermont are regulated and therefore must be licensed, meet minimum housing and care standards for animals, and provide documentation of the sourcing and history of any animals for sale. I include excerpts of relevant current statute here for reference.

20 V.S.A. §3901 – Definitions:

(11) “Pet shop” means a place of retail or wholesale business, including a flea market, that is not part of a private dwelling, where cats, dogs, wolf-hybrids, rabbits, rodents, birds, fish, reptiles, or other vertebrates are maintained or displayed for the purpose of sale or exchange to the general public.

Pet shops are able to select the animals for sale from their own sources which meet their own health standards. As such they are required to comply with 20 V.S.A. § 3906. Licensing of pet shops:

(a) No person may transact business as a pet shop, as defined in this chapter, unless a license for that purpose has been granted by the Secretary to that person. Application for the license shall be made in the manner provided by the Secretary. The license period shall be April 1 to March 31 and the license fee shall be \$175.00 for each license period.

V.S.A. 20 §3921. Sale of a cat, dog, or wolf-hybrid; restitution

(a) provides for the return of an animal sold by a pet dealer or shop within seven days due to illness or within a year if malformation or hereditary disease.

- May return for a full refund of purchase price.
- May return for an exchange.
- May retain animal and receive reimbursement for veterinary fees, not to exceed purchase price.

The Vermont Federation of Dog Clubs raises the following concerns with the amendment

It would remove regulated sources of animals for sale and replace these with unlicensed, un inspected sources.

It would limit the freedom of pet shop owners to manage, grow, or sell their personal business under the law.

It attempts to remove consumer options and choices by limiting consumer access to dogs and cats in a pet shop to animals sourced from rescue/shelter organizations only.

None of the 14 pet stores to sell animals in the state have been notified or invited to testify on this licensed bill. , nor have stores which sell pet products without selling live animals been involved.

No two rescues/shelters are alike. A number of them conduct their business following best practices. But as noted in many recent news articles as well as recent proposed legislation, other shelter/rescue organizations have been found at fault for placing unhealthy animals, costing consumers vet fees or the rescue/shelter refusing to take back animals with behavioral issues.

The amendment to S301 offers no recourse to consumers who acquire an animal from a rescue /shelter when the animal has been found to have contagious, hereditary, or congenital disease.

Many rescues/shelters receive shipments, coming from outside Vermont or even outside the United States, of animals which do not have vet certificates required for importation.

Animals shipped in close quarters are apt to pick up and spread diseases to other animals and/or to people.

Some shelters/rescues have become partners with other shelters mostly in the south and thus have some control over the animals they buy. Other shelters/rescues rely on a gray network of suppliers and have no control over what they get.

Vermont has a shortage of puppies and older adoptable animals due to the widespread information about free or low cost spaying and neutering services available in the state.

Limiting Vermont pet stores' sales to their sales of prior years and preventing new stores from selling dogs and cats at all seems also likely to be an antitrust law violation. Lastly, nothing in the amendment or could do anything to ensure humane care or conditions at out of state commercial breeding kennels.

The amendment in S301 clears up the confusing contradictory language in the former bill which we pointed out in our position paper of Feb 2 2024, but it does nothing to address the underlying problems mentioned above. Removing a regulated source of pets available to consumers and replacing them with an unregulated source is premature due to the lack of regulation of shelters and rescues in Vermont.

Recently New Hampshire Legislature voted not to take up a very similar bill.

We respectfully urge you to do the same with this amendment.

Mary Howland McFaun, President

Vermont Federation of Dog Clubs