



## *Protecting animals and the human-animal bond*

March 23, 2021

The Honorable Miguel Santiago  
California State Legislature  
State Capitol Building  
Sacramento, CA 95829

Position: Oppose

Location: Assembly Business and Professions  
Committee

### **Re: AB 702 (Santiago) Animal breeding: permits (As Introduced February 16, 2021)**

Dear Assemblymember Santiago:

NAIA Trust is a national nonprofit organization dedicated to the wellbeing of animals, to preserving the human-animal bond, and protecting the rights of responsible animal owners. NAIA Trust conducts research, offers fact-based awareness campaigns about animals, and engages in legislative advocacy when needed. NAIA Trust has a diverse membership that includes pet owners, hobby dog breeders, rescuers, animal businesses, sportsmen, veterinarians, scientists, and other animal professionals. NAIA's expertise in animal welfare and husbandry is recognized nationwide and our scientific studies and data are widely relied upon. We have over 4,600 members and affiliates throughout California.

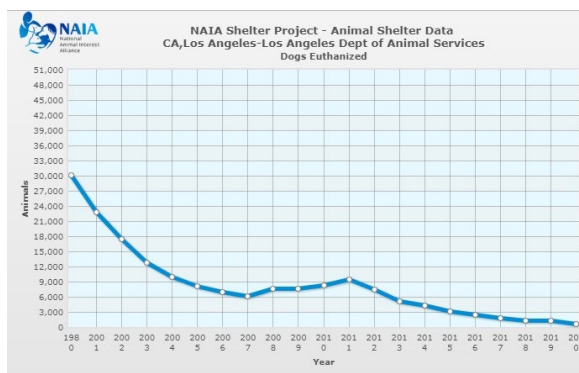
I am writing on behalf of NAIA and its associate NAIA Trust in opposition to AB 702. NAIA and NAIA Trust were founded in 1991 and 2001 respectively to help find solutions to complex and often emotional issues regarding animals. According to the bill's sponsor, AB 702 is "one more tool in the toolbox to bring an end to overbreeding and euthanasia in our shelters, while protecting consumers and animals." If those are the goals, this bill is no longer necessary and would cause great harm if passed.

#### **Legislating to end the euthanasia of adoptable pets is no longer needed.**

Virtually all credible sources on pet population dynamics estimate that shelter pet euthanasia in the United States has

declined by approximately 90% since its peak in the 1970s. California's success mirrors that achievement. The Los Angeles Department of Animal Services provides a local example of the trend. The graph to the right shows that shelter dog euthanasias there dropped from 30,116 in 1980 to 643 in 2020, a reduction of nearly 98%. In recognition of this trend reversal, [Best Friends Animal Society](#) just announced that [Los Angeles City shelters have reached no-kill status](#), a benchmark denoting that they no longer euthanize any adoptable dogs or

cats. (Note: A shelter may designate itself as a "no-kill" shelter when its "live release



rate” reaches 90%. Unadoptable pets are ones that are too sick, too old, or too aggressive to be placed with the public.)

Another reason why AB 702 will not produce the results it seeks is because only a small number of the dogs in shelters are identified as purebred, the dogs most likely to be deliberately produced. The [most comprehensive study conducted on the make-up of shelter dogs](#) (and validated by a second study using DNA identification), shows a ratio of 95% mixed-breed dogs to 5% purebreds. When Pitbulls and Chihuahua are removed from the purebred column, only 3.3% are purebred.

Although it is not widely recognized, the advances already achieved in eliminating shelter pet surpluses have led to [a well-documented shortage of American-bred dogs in the US today](#), a situation that renders AB 702 not only unneeded but harmful. Numerous studies show that it takes between 8 and 9 million dogs annually just to replace the household dogs that die each year. All reliable data available show that United States dog breeders of all types – commercial, hobby, performance, and casual – do not produce enough dogs to meet the demand for pet dogs. As a result, national and international dog relocation and importation programs have formed to supply American pet buyers and adopters.

The number of dogs imported each year has climbed steadily from a trickle in 2000, to [287,000](#) dogs in 2006, to a flood today. [The CDC estimates that over one million dogs were imported into the US in 2018](#). That’s at least one-eighth of the U.S. dog marketplace. Public health officials see this as a growing problem because [imported pets often arrive illegally, carrying pathogens that can be transmitted to people, pets, livestock, and wildlife](#). According to the [World Health Organization](#), 61 percent of all human diseases, including 75 percent of new diseases discovered in the last decade, are zoonotic in origin. Reducing the number of pets available from small-scale breeders, as this bill would do, will exacerbate the shortage of dogs, discourage breeding in the US, encourage more importation, and further outsource dog breeding to other countries.

Every month, thousands of foreign dogs, many from developing countries, arrive at various US airports. One importer announced today that [his company is opening a shelter in NJ to provide a hub for his rescue operations](#). Is this operation a shelter or a store? In any case, this sort of unregulated trade will not improve the quality of dogs available to the California consumers. [These market trends make legislation like AB 702 imprudent and dangerous at this time](#).

### **New consumer protection laws are unnecessary and would be harmful.**

In addition to civil remedies and enforcement options that are available to California pet consumers, since 1995 the [Polanco-Lockyer Pet Breeder Warranty Act](#) has offered consumer protection to purchasers acquiring their dogs from breeders selling 20 or more dogs or 3 litters or more during a 12-month period. This threshold distinguishes between clearly commercial activity and activity arising from an avocation or from pet owners who allow their pets to have occasional litters.

AB 702 takes direct aim at the small-scale in-home dog breeders whose dogs are typically part of the family and seldom produce more than one or two litters a year. Included in this group are hobby breeders (also known as breed enthusiasts), who breed dogs as part of a chosen lifestyle, not as a business. These breeders dedicate endless time, love and personal resources to assure the health and wellbeing of their dogs and the preservation of their breeds. Hobby breeders are widely recognized as producing the healthiest and best socialized dogs in the pet marketplace. Dr. Michelson, whose remarks are cited in the SCIL press release introducing AB 702, refers to these hobby breeders as the thoughtful breeders who love their dogs and prioritize the care of their animals. His comments when juxtaposed with multiple negative references to the

[breeding] industry in the same document raise questions about which group this bill intends to regulate. In any case, if AB 702 becomes law, California will become the only state (see Michigan State University's resource, [Animallaw.info](http://Animallaw.info)) to regulate these small-scale breeders. This resource explains that enforcing such a law would be virtually impossible.

Supply and demand are out of balance in the current US pet marketplace. The demand for pet dogs far outstrips the US supply. This shortage has already increased prices, attracted new out-of-state and out-of-country suppliers, and increased [pet scams](#). **It is therefore important to recognize that AB 702 will have zero effect on the demand for pets.** It will simply shift the supply of pets (that the public continues to demand) to other sources. AB 702 will lower the number of puppies and kittens produced by hobby breeders and other small in-home breeders and replace them with pets from underground pet sellers, imported dogs, Craig's list, online scammers, and shelters and rescues. **AB 702 will harm consumers by degrading the pet marketplace.**

#### **AB 702 is misdirected, overreaching and unenforceable.**

AB 702 mandates that anyone whose dog or cat produces even one litter, obtain an animal breeding permit. It then sets out the requirements necessary to obtain such a permit. It turns out that the requirements are so unreasonable they would prevent many responsible, humane, and experienced breeders from qualifying for a permit. Requiring breeders – a term which AB 702 applies to anyone whose pet produces even one accidental litter – must provide proof of a business license and state and federal tax numbers. This is a problem for at least two reasons: In many neighborhoods, businesses are strictly prohibited from operating and business licenses are not available. Second, even if this obstacle did not exist – **the overwhelming majority of citizens that would be regulated under this legislation are not businesses.**

It is also wrong for AB 702 to prescribe breeding practices. Not only are the reproductive practices mandated in AB 702 outdated and potentially harmful to the animals involved, but they also deal with medical subjects that are the proper domain of veterinary professionals, working with their clients. Medical knowledge continues to grow, and legislation should never attempt to substitute current opinions for the medical expertise of veterinary professionals working in an evolving field.

Among numerous other mandates, AB 702 requires permit holders to **offer proof** that they have complied with a wide range of care and conditions standards but leaves the door open for the local jurisdiction to develop the enforcement mechanism. Perhaps the applicant can satisfy this requirement by simply signing a statement saying that they have complied but seeing how a nearly identical ordinance has been implemented elsewhere raises concern.

AB 702 is modeled after the [Long Beach municipal code](#) governing pet breeding. This ordinance allows the government to inspect the property of the permit holder without notice at any reasonable time. Assuming similar regulations under AB 702, the occurrence of a single litter produced by even one of their citizen's pets, intentional or not, is *just cause* for this invasion of privacy. There does not need to be an exigent circumstance, a consumer complaint, a reasonable suspicion, or probable cause that anything harmful is occurring. Just having a single litter is enough to justify a citizen losing their privacy under AB 702.

It is worth noting that after many years on the books, no one in Long Beach has obtained a breeder's permit; nor are their shelter statistics out of line with other LA county shelters that had no such Draconian law.

#### **AB 702 is also faulty because it dictates the priorities of local governments.**

It seems improbable that a state law can make better judgments than a municipality can about its own animal care and control operations. It also seems unlikely that many local governments would welcome the opportunity to replace their programmatic and budgetary priorities with the ones that are mandated by AB 702.

**AB 702 threatens the human-canine bond.**

The special relationship that people enjoy with dogs is the closest and longest lasting association between two species that is known to exist. It is unique. It is so close, long-lasting and special that scientists refer to this partnership as an example of co-evolution, starting with domestication at least 16,000 years ago. AB 702 threatens this deeply rooted relationship by attempting to reduce it to little more than a government-controlled business. The unintended consequence of trying to transform this relationship, which is a matter of the heart – not of the bottom line – cannot be done without causing great harm to everyone involved: the dogs we all love, the consumers who will lose the ability to select a healthy well-bred dog of their choice, and the breeders.

It is our earnest request that AB 702 will not be moved forward. If the goal of California AB 702 is to improve the wellbeing of California pets and protect consumers from bad operators, it is doomed to fail. California's AB 702 is misdirected. The sponsor's press release refers to the group it hopes to regulate as the **breeding industry**, but it targets the small in-home dog and cat enthusiasts. Passing this bill will eliminate some of California's most qualified, humane and responsible breeders while increasing the underground supply of pets produced by fly-by-night operators, unregulated, sight unseen breeders, and it will continue to outsource the state's supply of pet dogs and cats to other states and countries, which lack the veterinary care standards Americans expect.

Thank you for considering the serious issues raised in this letter. We stand ready to share our expertise in any way that would help in developing legislation and/or programs capable of improving the California pet marketplace.

Sincerely,



Patti Strand, Chairman  
NAIA Trust

cc: Ms. Angela Pontes, Deputy Legislative Secretary, Governor's Office  
Mr. Patrick Le, Consultant, Assembly Business and Professions Committee  
Mr. Bill Lewis, Consultant, Assembly Republican Caucus  
Ms. Stephanie Gerstle, Assemblymember Santiago's Office  
Ms. Kathryn Lynch, Legislative Advocate  
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