

Approved

2/16/88

Date

4/9/88 Senate

MINUTES OF THE <sup>Joint</sup> HOUSE <sup>Senate</sup> COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by REPRESENTATIVE ROBERT H. MILLER at  
Chairperson

1:30 a.m./p.m. on February 10, 1988 in room 526S of the Capitol.

All members were present except:

Senator Vidricksen  
Representatives Eckert, Jenkins, Rolfs, Peterson, Charlton & Sebelius

Committee staff present:

Mary Torrence, Revisor's Office  
Mary Galligan, Research Department  
Lynda Hutfles, Committee Secretary

Conferees appearing before the committee:

Dr. Bromwell, Bureau of Animal Welfare, Illinois  
Dr. Debbie Anderson, Topeka  
Shawn Gideon  
Bill Mick, Kansas Federation of Houndsman  
Berry Newland, Petland, Inc.  
Don Jones, Jones Kennel of Netawaka  
H.D. Wullschleger  
Sally Fricky, Garnett

The meeting was called to order by Chairman Miller with continued hearings on SB563, Puppy Mills. Proponents will be allowed 30 minutes and the opponents 45 minutes for testimony.

Dr. Bromwell, Chief Veterinarian for the Bureau of Animal Welfare for the State of Illinois gave testimony in support of the bill. The only people who should be offended by proper regulation are those who have a sub-standard or non-complying entity.

Senator Bond asked Dr. Bromwell how the State of Illinois inspectors and the federal inspectors coordinate their regulation and enforcement. Dr. Bromwell said they are totally complimentary to each other.

Dr. Bromwell explained how the state and federal inspectors work together and distributed a copy of a letter from Dr. James E. Christy relating the spirit of cooperation between the U.S. Department of Agriculture and the Illinois Department of Agriculture. See attachment A. Dr. Bromwell stated that the federal agency has budgeted one inspector per year and the State of Illinois inspects on a quarterly basis. The agency is funded out of the state general fund.

When asked how the bill compared with the Illinois law, Dr. Bromwell said they are the same philosophically. The research facilities are dealt with differently and he said he had reservations about that. The federal government has employees who make inspections of these research facilities. Technically, the average lay person is not trained to do these inspections.

There was discussion of the definition of "puppy mill" and "hobby breeder". The State of Illinois receives 23-26,000 puppies, age 8 weeks old, from Kansas. It is a big business. You are judged by the quality of animal you send. Brokers who sell substandard dogs, can sell them for a price.

Dr. Debbie Anderson gave testimony in support of SB563, which would ensure the basis of routine care for dogs and cats who are kept for breeding stock. Dr. Anderson had a small Shih Tzu with her who was sold as a healthy dog suitable for breeding for \$150. The dog had various eye problems, a problem with its hip and congenital defects which should not exist in a dog used for breeding purposes. See attachment B.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

room 313S, Statehouse, at 1:15 a.m./p.m. on February 10, 1988, 19   

Shawn Gideon gave testimony in opposition to the bill. He said that they are not opposed to good legislation which will help improve the pet industry, but are opposed to legislation which will handicap the industry. Mr. Gideon stated they are opposed to double licensing. Originators of the bill do not have adequate knowledge of the subject addressed in this bill. Mr. Gideon suggested that a committee be formed to address the subject at hand comprised of commercial breeders, veterinarians and any others needed for professional assistance and advise. See attachment C.

Bill Mick, Kansas Federation of Houndsman, who is an Animal Control Officer in the City of Holton, gave testimony in opposition SB563 and HB2747.

Berry Newland, Petland, Inc., gave testimony in opposition to the bill saying that duplication in licensing does nothing to ensure quality pets. Their first interest is in finding quality pets and they spot check facilities from whom they purchase their pets. If complaints are received and the kennel does not pass inspection, the kennel is stricken from their corporate list. Mr. Newland said that the spot check system is fairly new. He said he would send the chairman a list of Kansas kennels which had been stricken. Four or five different people from the President of the company to field representatives do spot checks during the summer months. This bill will put an unnecessary burden on kennels in Kansas.

When asked if Petland had a written standard for quality of animals to purchase Mr. Newland said they did not; the standard is in the eyes of the inspector. They look at the general health of the animal. Petland guidelines are equal to the guidelines in the bill.

Don Jones, Jones Kennels, Netawaka, gave testimony in support of the general intent of the legislation. He feels that anyone who deals with dogs or cats within the state that is not federally licensed should be licensed by the state. Mr. Jones said he could not support the bill due to the wording and the inclusion of sections that are not agreeable to by the USDA licensed kennels. Suggested amendments are included in the statement. See attachment D.

H.D. Wullschleger expressed his opposition to SB 563.

Sally Fricky, Garnett, owner of a small kennel, gave testimony in opposition to the bill. She raises nice healthy puppies. Ms. Fricky had a Pekingese and a Malamute with her to demonstrate how healthy her puppies are. She said the licensing issue was very complex and felt passage of this bill would drive out small kennels.

Written testimony was submitted by:

Dr. Brian T. Donohue, KSU - See attachment E

Vickie Jacobs, Lawrence Jahawk Kennel Club - See attachment F

Representative Hensley asked where the bill would go from here and the Chairman said it would be in the Senate Committee where they will take it up for discussion and action.

The meeting was adjourned.

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/10/88

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
DONALD TOTT	Hoyt	-
FRANCES TOTT	"	-
MARJORIE CUDNEY	MARYSVILLE	DAR-MAR INC.
Sharoni Stoggenberg	Marysville, Va	Self
Ruby Boyd	Beattie	Boyd Kennel Inc
MARGARET M. MIDDLETON	LAWRENCE	Morning Star Kennels
BERKLEY W. KERR	RRI SILVER LAKE, KS.	KERR KENNELS
Margareth Kerr	" " "	" " Appdi
Sandra R. Mink	P.O. Box 152	Alma, Ks APPDI
Seraldine Don	Burlingame	Self
Erna Jan Witt	Route #2 Box 403 Wamego	Self
V.W. Gonsen	Route 8 Box 49 Manhattan	Gonsen Kennel
Susan Whip	Rt. 1 Box 232 Pittsburg, Ks.	Whip Kennels
Margaret Blain	Rt. 1 Box 235 Pittsburg, Ks.	Blain Kennel
Quita Steinhilber	Wamego	self
Tom Steinhilber	Wamego	self
Maureen Dick	Kossville	self
Judy Murray	Maple Hill	self
Lyle Kramer	Vermillion	self
Wale Khor	Burlingame	self-
Paul Hush	Manhattan	Manhattan Mary
Ed Hartman	McCune	self
Shirley Warton	Frederonia	Self
Maureen Lerner	Altamont	Self
Patty Bracken	Fall River	Self

GUEST LIST

FEDERAL & STATE AFFAIRS COMMITTEE

DATE 2/10

(PLEASE PRINT)

NAME	ADDRESS	WHO YOU REPRESENT
Floyd Reinken	Downs	Self
Edward E. Schuyler	Belpre	Self
R L PARKER	TOPEKA	KDHE
Jim Boyers	Topeka	Self
Opal Leathurstom	Whiting	Self
Delbert Gideon	Parsons, ks.	Potagall Cattle "APPDZ"
Arnold Gideon	" "	" "
Shawn Gideon	" "	" "
Kenneth Kergan	Baileyville KS	Self + Nemaha Co
Richard Leathurstom	Whiting, ks	Self
Mary Schuyler	Belpre ks	Self
Oliver Muehling	Baileyville	Self
		"
		"
Cliff Heckathorn	Topeka	Ks Head Injury Assoc.

JOINT HOUSE & SENATE FEDERAL & STATE AFFAIRS COMMITTEE

OLD SUPREME COURT ROOM

FEBRUARY 10, 1988

1:15-2:30 p.m.

PROPONENTS: 30 minutes  
OPPONENTS: 45 minutes

**PROPONENTS:** (30 Minutes)

Dr. Brumwell  
Dr. Anderson  
~~Donna Hess~~

**OPPONENTS:** (45 minutes)

~~Shawn~~  
~~Arnold Gideon~~  
Bill Mick, Kansas Federation of Houndsman  
Berry ~~Newell~~<sup>Newland</sup>, Petland, Inc.  
Don Jones  
H.D. Wallschleger  
Sally Frickey, Garnet



United States  
Department of  
Agriculture

Animal and  
Plant Health  
Inspection  
Service

Veterinary  
Services

614 E. Carpenter  
Springfield, Illinois  
62702

February 8, 1988

Dr. David Bromwell  
Chief Veterinarian  
Bureau of Animal Welfare  
Division of Animal Industries  
State Fairgrounds, Agriculture Bldg.  
Springfield, IL 62706

Dear Dr. Bromwell:

There are several breeders and dealers in dogs and cats in Illinois that are covered by the animal welfare laws of both the U. S. Department of Agriculture and the Illinois Department of Agriculture. Since the regulations for both laws are similar, it allows for cooperation between our two agencies to assure that the animals are treated humanely. Our inspectors can work together so that inspections are scattered or to complement each other in the licensing process.

Our compliance people can and do work together when there is repeated or chronic deficiencies at a dealer's premises. This allows for additional ways of correcting the problems or preparing a violation case for possible prosecution.

Our two programs have complemented each other here in Illinois where we have just a few dealers. I don't know that they would work as well in Missouri, where there are so many more dealers. I'm hoping the two programs will continue to be complementary in the future as they have in the past.

Sincerely,

James E. Christy  
Area Veterinarian in Charge  
Veterinary Services



APHIS—Protecting American Agriculture

Joint H+S. F+SA  
2/10/88 AH A

Ladies & Gentlemen,

I am Dr. Debbie Anderson. I am a 1979 graduate from KSU College of Veterinary Medicine. I own Westport Animal Clinic in Topeka. I am here to speak in favor of Senate Bill 563.

Ten days ago I was presented with a registered Shit Zu. This dog was sold by a commercial breeder in S.E. Kansas as prime breeding stock. The dog on presentation, was severely matted, had moderate corneal abrasions and a lame right rear leg. The dog was shaved, Radiographs were taken and an ophthalmic exam were done. Findings were as follows:

1. A right rear leg that has no autubulum and a deformed femoral head - in lay terms the dog has no right hip. The tibia and fibula are severely deformed on the right side as a result of compensating for the missing hip. The aptella or knee on that side is also deformed and rides over the lateral femur - a response to the deformed hip.

2. The ups were found to have corneal irritation due th trichiasis, distiachissis - an abnormal placement of the eyelashes on the eyelid. The eyelashes are continually rubbing the cornea - causing a great deal of pain and irritation. If this condition were treated earlier, she would have had less pain & less damage to her eyes. Trichiasis and Distichiasis are both hereditary and this dog should not be bred. Unfortunately, this dog's litter mates are courrently in a S.E. Kansas kennel being bred. All of these dogs have the genes for trichiasis and distichiasis.

3. Earmites were found in the ears.

4. Tapeworms were also seen in the stool of this puppy. These findings were also confirmed by sonsultation with Dr. Doug Jernigan who rendered a second opinion.

This puppy is an example of the quality of dog that all too often comes from our Kansas commercial breeders, and ends up in pet stores here and across the country.

I contacted a classmate of mine, Dr. Steven Hodes who practices in Mine Hill, New Jersey. He stated that the only time he sees a case of distemper is if it is a puppy from Kansas or Midwest. He also stated that there has been such bad press and a furor over the health problems encountered in puppies, imported from other states, that New Jersey is close to enacting legislation that will make it near to impossible for commercial breeders to import puppies or kittens into New Jersey.

Joint # + S Fed + S.A.  
7/6/88 Att B

The commercial breeders in this state and others in the Midwest have not been able to self-regulate themselves - as a result, they are gaining a reputation across the country for selling poor quality puppies and kittens. Our puppies and kittens are of such poor quality that other states are soon going to ban Kansas puppies and kittens from their states. This will harm the commercial breeders of Kansas. Regulations in Senate Bill 563 which would provide for regular inspection, would increase the quality of our state's puppies, and thus prevent markets from closing their doors to puppies from Kansas.

In the course of my career as a veterinarian, I have worked with both small and large animals. There is no danger in the Senate Bill 563 regulations being applied to the food animal segment of our agricultural economy. There is no need, as these segments are already regulated by the demands of the food processors who require strict amts of fat to lean ratios etc. This demand by the market place ensures that food animal producers will take proper care of their livestock in order to have a profitable business.

Dogs and cats unfortunately, are sold sight unseen to out of state buyers who are at the mercy of the commercial breeders and dog brokers of our state, with no assurances as to the background or quality of care given to these puppies.

From a strictly consumer point of view, the Shit-Zu previously mentioned, would have a market value of \$400 - 500 dollars in New Jersey. The eye surgery and anesthesia fees would be \$220. Now the new owner has \$720. invested in a dog that still has a bad hip and eyes with corneal scarring. And we haven't even mentioned the cost of treatment for tapeworms and ear mites, and grooming. And I also ask you to consider not only what the dog has gone through - but also what the new owner would feel. He is most probably emotionally attached to this new puppy - or his 7 yr. old daughter is - but he is also frustrated by the poor health and extra expenses incurred in caring for his new puppy. This in turn causes bad feelings toward the pet shop where the puppy was purchased. The pet shop in turn will be angry with the supplier of this poor quality dog.

I haven't even mentioned the fact that Senate Bill 563 would ensure the basis of routine care for the dogs and cats who are kept for breeding stock in this state. Every animal is entitled to a life with adequate H<sub>2</sub>O, food and protection from the elements. At the very least, an animal is entitled to a life free from pain. This Shit-Zu puppy has not even been given that. She is a sweet and patient animal who was given a very poor lot in life, filled with continual pain from her eyes, and for quite some time a painful hip. Perhaps she is so patient and sweet because she has lived with pain all her life. Or perhaps she is a patient and good natured pet because she senses she was one of the lucky ones - to escape the poor living conditions found in all too many of our commercial breeding establishments.



# KENNELS



Rt. 1. Box  
Ks. 66  
Ph. 316

AKC.

We will furnish letter papers for  
Good quizzle white. Shih Tzu  
female. paid \$50<sup>00</sup> cash,

This dog will  
be ok for

Breeding as far  
as I know.

Testimony in opposition to Senate Bill 563 as presented by Arnold Gideon. We operate Potagold Cattery which has been in continuous operation for over ten years. To the best of our knowledge we operate the largest commercial cattery in the United States. I am also chairman of the legislative committee of the American Professional Pet Distributors, Inc. House Bill 2747 was approved for introduction by the organization's board of directors.

The bad image of the pet industry of Kansas was created not by a product, but rather, by individuals. These people thrive by creating catastrophic headlines. They tell you it is for the good of the animal, that they are an animal producers friend and that they are working for you, the producer. We need to gag everyone who is involved in promoting a bad image for the state of Kansas.

I repeatedly hear the word "humane". Webster's definition of "humane" is "human-like". We are discussing livestock. A federal court judge recently declared dogs as livestock when raised in a rural setting for profit. Hogs, cattle, sheep, and other agri-species are also defined as livestock. When voting for or against this bill, please remember you are deciding if livestock should be treated human-like.

The supporters of Senate Bill 563 seem to be having a good time presenting the press and news media with false statements, uneducated assumptions, and misrepresentation. It has been a common occurrence to see news footage of good facilities accompanied by simultaneous, negative oration. As one prominent, elected, state official wrote in a circulation of letters supporting SB 563 "The matter that I am referring

2/10/88 AHC

to is the existence of commercial breeders of puppies and kittens that refuse to acknowledge the need for minimum standards of care for their animals." This is a direct quote of a mailing distributed by a misinformed party. Such statements as these are enough to infuriate any member of the pet industry. The very fact that we do know how to raise dogs and cats is the reason we objected to House Bill 2220 last session. It was bad! HB 2220 was not opposed by a few undesirable breeders, but was opposed by the majority of an industry of good breeders.

We are not opposed to good legislation which will help improve our industry, but we are opposed to legislation which will handicap the industry. Such is the case of Senate Bill 563. When one lady who helped draft this bill was asked what she knew about commercial dog production, she replied, "I have read books". I am told this is a bill to protect the consumer. Senate Bill 563 does absolutely nothing to insure the consumer of receiving a good dog or cat. In fact, there is nothing in Senate Bill 563 which would prohibit a producer from placing 2 dead animals in a kennel and shipping them to a pet shop or other final consumer.

Let's compare dogs and cats to apples. If you purchased a rotten apple grown in Washington, would you complain to the grower? The best you could do is to complain to the retailer from whom you purchased the apple. If you purchased a low grade apple and were unhappy, you wouldn't complain to the apple grader. No representative of the state of Washington would stand up and say the reason for you buying a bad apple

was because the state of Washington raises bad apples. We hear complaints about the quality of animals sold. Show quality animals are not necessarily good pets. Many show quality animals actually have deficiencies or qualities which make them undesirable as pets. Pet quality animals make the best pets.

We are opposed to double licensing. Double licensing is like having two aggressive bosses. If it works, it is fine. If one or the other becomes too dominant, it is unbearable. If both try to be dominant, you quit and move on. Double licensing is a direct parallel. Consider the cost of double licensing. I have developed a chart which illustrates the inevitable. If you would please turn your copy of my testimony to the back page, you will find an accompanying chart. What percent of gross or net income should an industry be expected to pay for licensing? We do not need, nor can we afford, double licensing.

Within Senate Bill 563, lines 161 through 172 define a "hobby kennel" as anyone who whelps or queens three, four, or five litters per year. Lines 277 through 280 state that "hobby kennels" shall be certified. Are you actually suggesting that an inspector should have the right to invade a little old lady's house in search of her two bitches? I think people should have the right to supplement their income, and 4-H members or individuals with other such organizational projects should be allowed without the harassment of licensing and inspection.

Lines 450 through 454 state "such rules and regulations shall include, but not be limited to provisions relating to humane treatment of animals in the possession, custody or care of a licensee or registrant or being transported to or from licensed or registered premises." Webster's applicable definition of "humane" is "human-like". No economically feasible cattery or kennel can, to any significant degree, supply "human-like" facilities for its animals.

Lines 455 through 458 "require that each licensee and registrant file with the commissioner such evidence as necessary to ensure that animals entering or leaving the state are free from disease and parasites. Ladies and Gentlemen, the cost of tests necessary to confirm such evidence would more than likely exceed the value of the animals being shipped.

Lines 473 through 477 state "Any violation of or failure to comply with any provisions of this act, or any rule and regulation adopted hereunder, shall constitute a class A misdemeanor. Continued operation, after a conviction, shall constitute a separate offense for each day of operation." This paragraph allows for no time to liquidate my business and I would undoubtedly end up in jail while the Commissioner would spend his time feeding my cats.

Senate Bill 563 is actually hilarious. It states that kennels shall be sanitized at intervals not exceeding 24 hours. It states that the Commissioner may regulate the humane treatment of animals.

My elderly aunt runs a cat house. Two queens reside in

her cat house which would require that she be certified at a cost of \$25. A king occasionally visits her two queens. Can you imagine the local health officer which has been trained by the Kansas State Commissioner of Animal Health, invading the privacy of her cat house to see if she were treating her two queens in a human-like manner. He would also need to know if they had been properly sanitized within the last 24 hours and if they were free from disease and parasites. Now if he could not find both cats, undoubtedly, he would need to know when one of them died or how many she had killed, why she had killed them, whom she had contracted to do the job and what method the killer had used. If this sounds utterly ridiculous, look at the bill, it is all there.

The pet industry is not opposed to legislation which would improve the industry. The opposition to Senate Bill 563 is due instead to the originators of the bill having inadequate knowledge pertaining to the subjects addressed within the bill. We therefore respectfully suggest that a committee be formed to address the subject at hand. May we suggest that the committee be comprised of commercial dog and cat breeders, hobby breeders, veterinarians, and any others needed for professional assistance or advice.

A.	B.	C.	D.	E.	F.
Total Dollars of Income	Proposed USDA Licensing Fees	Allowable State Licensing Fees	Cost of USDA Plus State Fees	Cost of Total Fees for State and USDA Licensing in percent of Gross Income	Percent of Net Profit Required to Pay Licensing Fees (allowing 20% Profit Margin) Before Licensing
			(B+C)	(D/A x 100%)	(D/A x .20)
\$1000+	\$100	\$100	\$200	20%	100%
\$4000+	\$200	\$100	\$300	7.5%	37.5%
\$20,000+	\$400	\$100	\$500	2.5%	12.5%
\$50,000+	\$600	\$100	\$700	1.4%	7%
\$100,000+	\$800	\$100	\$900	.9%	4.5%
\$200,000+	\$1000	\$100	\$1100	.55%	2.75%

Testimony: Before Committee on Federal & State Affairs

Bill No. 563

Don Jones

Netawaka, Ks. 66516

I am Don Jones, President of Jones Kennels, INC., Netawaka, Ks.. I am a Federally Licensed Kennel. I am also a former President of National Pet Dealers & Breeders Assn. We are an Association of mainly USDA Licensed pet dealers who are concerned about the Pet Industry. I am also on the Board of Directors of The Pet Industry Joint Advisory Council. PIJAC is a Federation of the leading Pet Industry, Retailers, Importers, Manufacturers & Trade Associations. It's membership consists of 32 Pet Trade Associations & approximately 1000 individual & company memberships.

I agree with the general intent of this Legislation. I feel that anyone who deals with dogs or cats within the state that is not Federally licensed should be licensed by the state. In almost every case the bad publicity that is brought out concerning an animal dealer within the state is either a person that is not USDA licensed or was licensed and has surrendered his or her license due to non compliance with the USDA regulations.

I cannot support this bill due the wording and inclusion of sections that are not agreeable to by the USDA Licensed kennels. The following will be a highlight of some of the problems we have with the bill.

The definition of 'Sanitize' states it should not exceed intervals of 24 hours. This is not practical and is not needed that often.

Joint S + H, Fed + S, A.  
2/10/88 ATT D



Sec. 9 subsection (e) states the commissioner may designate the city health officer or the County health officer as his authorized representative. I feel that the commissioner should hire & train his own inspectors so they can do inspections on a regular basis. The city or county health officers may not do enough inspections to keep current on the rules & regulations.

Se. 10. The commissioner is given the authority to adopt rules & regulations relating to the Humane treatment of animals. I feel that giving the commissioner this authority leaves the door open for a broad interpretation of what is and is not Humane.

I feel that Sec. 13 Subsection (a) & (b) are not necessary for USDA Licensed kennels, We are already required to keep most of this information and I see no need to duplicate that paperwork.

The main concern I have with this bill is the dual licensing and inspections of USDA licensed kennels, I feel that if the state takes over the licensing of non USDA kennels, this will relieve USDA from investigating complaints on non USDA kennels giving them more time to inspect the USDA licensed kennels. Attached is an amendment offered last year to H. B. 2220 that I feel will work well for both the USDA kennels, and the state. It requires inspecting of a USDA kennel by the state only on a valid signed written complaint. Today when there is a complaint against a USDA licensed facility that receives priority by the Federal inspectors. WE feel we cannot be put in a position where the state inspector comes and inspects a USDA licensed facility and disagrees with what the Federal inspector says that dealer should do.

It is my position as a concerned USDA licensed kennel that everything must be done to keep our industry in the state of Kansas at the highest level possible. WE do not want to put ourselves in a position to jeopardize our businesses due to unfounded publicity or unfounded regulations. The pet industry within the state brings in millions of dollars from outside the state. We feel we are a viable part of the state economic structure.

It is my hope that we can get this proposed legislation in the form that will benefit the states image as a leader in producing high quality pets and also in the form that the pet industry can live with. I hope that you will take these concerns under consideration.

Proposed Amendment to Sec. 10 K.S.A. 47-1709 (c)

(c) The commissioner or the commissioner's authorized representative shall make inspections of the premises of a registered animal wholesaler, research facility, animal auctioneer or hobby kennel operator upon the filing with the commissioner of a signed, written complaint alleging facts which may constitute grounds for suspension or revocation of the registration of such wholesaler, facility, auctioneer or kennel operator and a determination by the commissioner that there are reasonable grounds to believe the allegations of the complaint.

(1) Prior to inspecting the premises of a registered animal wholesaler or research facility licensed under public law 91-579 (7 USC sec. 2131 et seq.), the commissioner or the commissioner's authorized representative shall provide the Area Veterinarian in Charge, USDA, APHIS, VS, or his authorized representative a copy of the complaint and other relevant information concerning such wholesaler or research facility.

(2) The commissioner, or the commissioner's authorized representative shall be accompanied on any inspection of a registered animal wholesalers or research facility by the Area Veterinarian in Charge or his authorized representative. Inspection reports and records shall be made available to the Area Veterinarian in Charge or his authorized representative.

SPARTA ANIMAL HOSPITAL  
BRIAN T. DONOHUE, D. V. M.  
25 SPARTA AVENUE  
SPARTA, NEW JERSEY 07871  
TELEPHONE 729-4666

2/8/88

Dear Senator Holfer  
State Capital Build.  
Topeka, Kansas 66612

It has been brought to my attention through various organizations against the lack of controls over "Puppy Mills". These are strong organizations with the economics to continually increase public awareness through the media. I have seen a continual increase in both publications and media over the last years, especially and a great deal of these negative viewpoints are directed at Kansas.

I feel qualified to add valuable information to this topic as I'm obviously a Veterinarian, lived in Kansas for over 12 years of my life and have had actual experience with one of your large Broker's.

I have enclosed a diagram of the sequence that a puppy follows or chain prior to it's arrival to a pet store and it explains itself.

The controls of the Broker are imperative in order to solve the problems. It is sort of like the stock market of which the Broker sets the price that he will pay the supplier. In theory the price paid depends on simple supply and demand such as in farm products and from the supplier's standpoint (who could very well be a sincere farmer with a supplemental income when it comes time to sell you have to sell or destroy the product as they did years ago with pigs rather than give them away). The price set obviously is set by the Broker policy. Thus the farmer as I knew him needs very little assistance in the education of raising animals disease free but the greater the profit (Eliminating these giant Brokers) the better facility he can afford to build for the raising of dogs. If it is not apparent as of yet I am describing a monopoly not collective bargaining.

THE HEALTH PROBLEMS THAT WE ARE SEEING IN THE NEW JERSEY PET SHOPS IS CREATED BY RAISING OR KEEPING YOUNG PUPPIES IN LARGE CONGESTED ENVIRONMENTS AND STRESSING THEM.

If the puppies could be kept out of these large environments prior to shipping and elimination of exposure to viruses, the problem of diseased and disease carriers ( who will break with the disease) would be brought to a minimum. Perhaps this could be done by regionalized by counties and those kennels ect. and skip the main problem by direct shipping by the supplier under some sought of regulations of the State where they work with the supplier to educate them on raising of dogs and marketing them.

I purchased 40 dogs in 1986 dealing through a large Broker. On arrival one soon died later that day and every day thereafter the dogs all broke with virus diseases typical of those found in the Pet Shop Dog until I gave the dogs that appeared healthy away to a person with the intention of just getting them homes as they were all carriers of diseases. I don't care what steps are taken to immunize these puppies when you put them through additional stress in the presence of viruses they will become carriers or break with the diseases.

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SPARTA ANIMAL HOSPITAL  
BRIAN T. DONOHUE, D. V. M.  
25 SPARTA AVENUE  
SPARTA, NEW JERSEY 07871  
TELEPHONE 729-4666

We also lost 36 of our own dogs before control was completed.

About 50% of all the dogs that I see in my practice coming through Brokers and into the Pet Shops break with the viruses once transferred to the homes of purchasers in 1986. When I spoke to one of the large Brokers they they tried to tell me that they expect about 1% of the dogs to break-this is not the case .

This particular Broker didn't identify the puppies by AKC registration numbers but rather by computer codes thus anyone or a pet shop is in the dark as far as which dog he actually received. The papers conveniently follow up to a year and a half later and if it is reported that the dog has died the papers don't come. In my case I have not received all of the papers yet and the original purchase was made in 1986-October. About 15% arrived without any identification on them also.

The difficult and yet interesting part of this process is that prior to shipping all of the dogs have been exposed to the viruses and could pass a good physical and yet break(or come down with the virus)the next day and up to a month after shipping but usually 2-3 weeks.

To finish, there are two aspects of regulation which I see a need for in your State.

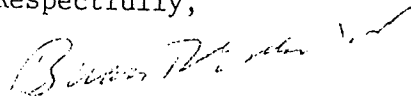
1. Regulations over the Supplier with the intention of education and registration.
- 2.. Regulations over the Broker with the intentions.
  - a)proper identification prior to shipping (via AKC numbers and not computers which take the ability of the State to understand which dog is which)
  - b)a feedback mechanism to the destination so that the entire program can be evaluated.
  - c) keep the regulatory body in the hands of the State as the Broker's would probably like to regulate themselves.
  - d) regulate all dogs received by the Brokers in order to keep tract of the the numbers that are dying in the facility prior to shipping. Even the cleanest professional facility with or without a Veterinarian can not overcome the STRESS and possible introduction of Endemic viruses.

The above are my facts and opinions given with the intention that the State of Kansas does adopt and form a regulatory body to inhibit if not halt this growing concern from the public both in Kansas and other States as the dog population becomes more and more a natural welcomed member in our families. The State of Kansas is centrally located in America and one of the few States which has the opportunity to encourage under it's own strict controls, clean well organized Manufacturing and Industries which are total Tax Ratables of great magnitute. The above issue of some sort of

SPARTA ANIMAL HOSPITAL  
BRIAN T. DONOHUE, D. V. M.  
25 SPARTA AVENUE  
SPARTA, NEW JERSEY 07871  
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regulation is a positive step in the correct direction especially as it reflects in a human nature topic.

Respectfully,



Brian T. Donohue DVM-KSU 1971

BACKYARD BREEDER

-minor stress



FARM TYPE KENNEL

-minor stress



BROKER



interior stress in  
in holding areas  
prior to being delivered  
to Airport

-major stress and exposure



--additional stress

AIRPORT



interior stress  
shipping stress

-major stress



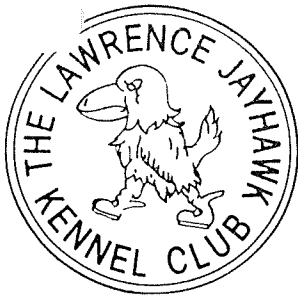
PET SHOPS

-additional stress



-additional stress

NATIONAL PUBLIC



LAWRENCE JAYHAWK  
KENNEL CLUB, INC.

Lawrence, Kansas

February 9, 1988

Senator Edward Reilly, Chairman  
Federal and State Affairs Committee  
State Capital Building 66612

I am writing on behalf of the Lawrence Jayhawk Kennel Club, Inc., to SUPPORT the intent of Senate Bill 563 and House Bill 2220. We OPPOSE the weakening of already lax regulation that would result from House Bill 2747.

The Lawrence Jayhawk Kennel Club is a member club of the American Kennel Club, and is devoted to the conscientious breeding of purebred dogs in conformity to AKC breed standards. Our 60 members live in the Lawrence, Kansas area.

Sincerely Yours,

*Vickie Jacobs*

Vickie Jacobs  
Secretary  
Lawrence Jayhawk Kennel Club  
5125 Tecumseh Rd.  
Berryton, KS 66409

2/10/88  
Joint FISA  
Att F