

April 8, 1991

TO WHOM IT MAY CONCERN:

I am writing in opposition to certain parts of Senate Bill No. 431 since it is impossible for me to appear in person today. Thank you for taking the time to read my opinions regarding legislation pertaining to companion animals.

Let me preface my thoughts by telling you that I am currently serving on the Companion Animal Advisory Board created last October. Having held a USDA license from 1978 until 1986, during which time I maintained fewer than 30 adult dogs consisting of three breeds, I do have a solid understanding of the commercial pet industry. I also became aware during that time period that I could not maintain the high degree of quality I demanded, keep the animals groomed to my satisfaction, give what I considered to be proper socialization to the puppies, and have any time or money left for other interests. The fact that I owned, bred, or finished champions in all three very popular, competitive breeds (Cocker Spaniel, Shetland Sheepdog, and Pomeranian), should serve as an indication of my time and investment to anyone with knowledge in exhibiting AKC dogs.

Since 1986 I have maintained only a few Shetland Sheepdogs producing one or two litters a year. During 1990 two of the males I bred completed their AKC championships. This information is not furnished as a means of self-gratification but as a means to let you know of the range of my experience with the raising of companion animals.

My first objection to Senate Bill No. 431 is that it makes every person who maintains over three intact females on their premises a part of the commercial pet industry (page 3, lines 17-19). That's just about every farmer in the state and an awfully lot of pet owners! If you have studied the Performance Audit Report presented in August 1990, you are well aware of the many references to USDA and to the industry. Part of the reason the Companion Animal Program has been such a dismal failure is that "commercial" has not been clearly defined. Even an opinion issued to the Companion Animal Advisory Board by the Attorney General's Office stated that the Animal Dealers Act of 1988 was passed to regulate the commercial production of companion animals. However, special interest groups in the State of Kansas have tried to use the law to encompass everyone who owns or maintains dogs. This is, of course, to their benefit.

USDA has always defined those persons who maintain over three intact females AND WHO WHOLESALE as a part of the commercial industry [9 CFR Ch. 1(t)]. It is quite clear to the general public that the whole "puppy mill" mess came about because of unhealthy puppies being shipped from Kansas to out-of-state pet shops for resale. But now in Senate Bill No. 431, which is obviously authored to a large degree by those

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within the pet industry, the phrase "at wholesale for resale to another" (page 3, line 22) is being totally omitted. I object strongly to this omission, as there is a definite distinction between wholesaling and retailing. To change the definition of an animal dealer premise and an animal dealer in the Animal Dealers Act is to change the very basis of the original law.

I do feel it is imperative for "commercial" to be defined and suggest Dr. Dan Walker's proposal: "Animal dealer premises" means any premises where 20 or more dogs or cats, or both, are sold or offered or maintained for sale, at wholesale for resale to another. "Animal retail shop" means any premises where there are sold, or offered or maintained for sale, at retail and not for resale to another: (A) 20 or more dogs or cats, or both; or (B) any other animals except those which are produced and raised on such premises and are sold, or offered or maintained for sale, by a person who resides on such premises.

My third objection to Senate Bill No. 431 is the composition of the proposed Kansas Companion Animal Advisory Board. It is not difficult to determine who benefits from a board with three members coming from the ranks of the American Professional Pet Distributors, Inc. In addition, how can we ask the taxpayers of Kansas to pay for three members of APPDI to sit on an advisory board when one is sufficient? Although the Companion Animal Program was intended to be self-supporting, it has not been and there is no guarantee that it ever will be. It certainly is not in other states.

Further, the hobby or show breeder is totally absent from the membership of the board despite the fact that he is the one committed to improving the quality of his breed through genetic testing and years of study. He is the one who x-rays for hip displasia, tests for VWD, certifies eyes, and is aware of all the other possible inadequacies in the canine. No one has a more genuine interest or knowledge of the true companion animal.

It seems logical that one person to represent the commercial pet industry, one member to represent the humane societies, one member to represent the research facilities, one member who represents the licensed veterinarians, one member who represents those companion animal producers who are not part of the commercial industry, and two legislators would be a more productive, cost efficient, properly balanced board. The State of Kansas cannot be justly served by allowing the very industry the Animal Dealers Act is intended to regulate to determine how that regulation should be accomplished.

It is my opinion that the real problems of wholesaling puppies and kittens are not being addressed by the State of Kansas. Since a high percentage of pets are moved through the brokers, better regulation of the brokers would seem an obvious means of improving the image of Kansas as a commercial pet producer. Two areas of regulation would greatly help. The first would be requiring brokers to buy only from LICENSED breeders to insure not only fairness to those commercial breeders whose premises must meet state requirements but also to insure that ALL puppies and

kittens that are a part of the commercial industry are raised on premises which meet the state standards. The second area would be requiring anyone selling to a broker to provide a current health certificate for each animal sold. In fact, I feel every puppy or kitten sold by anyone should be required to have a health certificate issued by a licensed veterinarian each time it is transferred. These health certificates are an efficient tracking system for a computerized record keeping system.

In closing I refer to page 19 of the Performance Audit Report on the companion animal program which shows that 12% of a sample of 103 facilities exhibited violations, some rather minor. A recent report on social services for children in Kansas shows that 20% of those cases involving injustices with children are not sufficiently handled or followed up. As elected officials for the State of Kansas, I hope you will consider carefully any decisions to pass legislation which broadens the scope of a troubled program which has not effectively regulated even those persons it was intended to regulate.

Sincerely,

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