

## FACTS VERSUS MYTHS ON PROPOSITION B & SENATE BILL 113

The myths expressed below are a compilation of quotes from the principal sponsors and legislative proponents of SB 113

MYTH:

*Pet is defined as “any domesticated animal” and therefore Prop B would cover cows, horses, sheep, and all other livestock crucial to Missouri’s trade and economy.*

FACT:

**The language in Prop B is very clear and states that the only persons covered under this Act are those with more “than ten female covered dogs” for the purpose of selling any offspring of these dogs as pets. The definition of “pet” as “domesticated animal” only refers to how the puppies will be used and in no way indicates what animals will be covered under Prop B. In fact, the definition of “pet” that is in Prop B is the same definition of “pet” under current Missouri law. The assertion that Prop B can apply to farm animals is a result of taking one sentence out of context. Prop B only covers dogs and DOES NOT cover any other animals except dogs.**

MYTH:

*Prop B will shut down 1500 family-owned licensed pet breeding businesses in the state as it creates regulations that no licensed facility can meet.*

FACT:

**Prop B allows family-owned pet breeding facilities, who provide humane standards of care to their dogs, to not only stay in business but to flourish, as they will no longer have to operate under the bad reputation created by the many substandard dog breeders who are allowed to exist under the current lax laws in Missouri. In fact, the bad breeders drive down the price of puppies since they provide minimal care to their animals. Prop B will put all the breeders on a level playing field and allow prices for puppies to reflect actual level of care.**

**It is important to note that the commercial dog breeders said the same thing back in 1992 when the current law and requirements were being debated, namely that the current regulations would put them all out of business. Such was not the case and similarly requiring dogs to have more than 6 inches of cage space, giving them a solid surface to walk on, providing veterinary care, allowing them outside for fresh air, and providing protection from temperature extremes, will not force any reputable breeder to close down. All the requirements in Prop B are what any reputable and responsible breeder would provide. Similar legislation passed in Pennsylvania in 2008 and the PA Department of Agriculture has called their law a “success.” The Better Business Bureau named the puppy breeders in Missouri as the worst industry they have encountered in relation to resolving complaints. There are too many disreputable breeders that simply won’t improve their standards of care unless it is mandated by law.**

**Prices for puppies are averaging \$200 - \$500 per pup and up to \$1,000 per pup if sold over the Internet. A modest size kennel is grossing over \$100,000 per year. In fact, the commercial dog breeding industry is opposing plans by the U.S. Department of Agriculture to release financial information on breeding operations in Missouri. The commercial kennels can afford to make the needed improvements to ensure the humane treatment of the dogs under their care.**

MYTH:

*Prop B will require 11,000 square feet of space for 50 adult breeding dogs of medium size and most dog breeders simply don't have the room to expand to that degree and thus Prop B will put many dog breeders out of business.*

FACT:

**Senator Parson, the sponsor of SB 113, has often made this claim and did so again during the debate on SB 113 on the floor of the Senate. However, he mistakenly computes this figure by doubling the space for every puppy the mother dog has and he assumes five puppies per adult dog. However, the requirements in Prop B for cage space only apply to adult dogs, not puppies. The correct amount of square footage of floor space for 50 adult mother dogs plus 250 puppies (5 puppies per adult dog) is 1000 square feet, the size of a modest house. This is not an unreasonable amount of space for 50 dogs and 250 puppies. It is the dissemination of false information, such as needing 11,000 square feet of space when the actual figure is 1,000, that has led many to believe incorrectly, that Prop B will put good breeders out of business.**

MYTH:

*SB 113 actually strengthens the laws protecting animals and permits the attorney general and local prosecutors to initiate legal action against disreputable kennels.*

FACT:

**SB 113 actually weakens the penalties for violations of regulations and reduces criminal penalties from a Class A Misdemeanor to a Class C Misdemeanor. SB 113 adds additional hurdles to enforcement efforts and gives first time violators a pass on criminal and civil penalties regardless of the seriousness of the violations.**

**The Attorney General and local prosecutors currently have authority to initiate action against substandard kennels. The Attorney General's office and local prosecutors have in the past initiated legal action against substandard kennels.**

**SB113 actually weakens the current laws on the books and does nothing to enhance efforts to close down substandard breeding operations.**

MYTH:

*Prop B is an unfunded mandate and has no funding mechanism.*

FACT:

**Prop B amends the current law which is fully funded and provides for 13 full time inspectors. Prop B merely changes the criteria of current inspections which are fully funded. For example, under current law inspectors are required to measure cages to ensure they are 6 inches longer than the dogs. Under Prop B the inspectors still are required to measure the cages but would simply have different sizes of cages to measure. So there is no need for additional funding to enforce provisions under Prop B. In fact, Prop B, by closing some of the loop holes in current law, will actually help facilitate inspectors in their duties. It must be emphasized that Prop B is not creating a new stand-alone law but rather amends the current Animal Care Facilities Act (ACFA) which has a funding mechanism in place. Prop B simply improves the standards of care under ACFA which is currently enforced by the Missouri Department of Agriculture.**

MYTH:

*We already have laws on the book, we just need better enforcement. SB 113 adds funding for better enforcement and thus SB 113 goes to the heart of the proposition Missouri voters adopted as it protects the health and safety of “man’s best friend.”*

FACT:

**While we have laws on the books, these laws only provide survival standards and in no way ensure the humane treatment of dogs confined in commercial breeding establishments. SB 113 deletes all such humane standards of care from Proposition B. In fact, if SB 113 passes, dogs will continue to be legally confined to a rabbit hutch, straddling wire flooring, unable to go outside to breathe fresh air or walk on a solid surface, while allowing others to be confined outdoor with little protection from extreme weather conditions. SB 113 also strips the requirement for veterinary care and allows frozen water to be sufficient to satisfy the need for water. SB 113 will continue to allow dogs to be confined for their entire lives in cages only 6 inches longer than the dog itself.**

Interestingly, Senator Jane Cunningham inquired on the floor of the Senate, “What components of Prop B remain intact if SB 113 becomes law?” The sponsor of the bill, Senator Mike Parson, was unable to answer the question.

Senate Bill 113 is in effect a total repeal of Prop B and will ensure that Missouri retains its moniker, *Puppy Mill Capital of the Country*.

While SB 113 and other repeal efforts would increase funding, one must question why we can’t do both, increase funding and provide humane standards of care?

It is important to point out that the legislature had an opportunity to vote to increase funding last year and instead chose to defeat such proposal. Proponents of SB 113 are now supporting an increase in funding this year only to distract the public from the fact that they are gutting all the core provisions of Prop B. Supporters of SB 113 are okay with increasing funding for enforcement as long as there are little or no humane provisions left to enforce.

Interestingly, SB 113 extends these fee increases and surcharges to animal shelters and rescues that are performing a public service for their communities by housing and caring for stray and unwanted animals. Many of these shelters and rescues are actually taking in and caring for the unwanted and abandoned breeding dogs from the commercial breeding kennels. Now the legislature wants shelters and rescues to pay for the privilege of doing charitable work to help the animals. Applying fees to animal shelters and rescues is comparable to assessing hotel taxes to homeless shelters.

MYTH:

*Prop B does nothing to address the problem of unlicensed facilities, whereas SB 113 would create a new crime targeting unlicensed dog breeder by making it a Class A Misdemeanor to operate without a license.*

FACT:

It is already a Class A Misdemeanor for a commercial dog breeder to operate without a license. Section 273.329.2 of the Animal Care Facilities Act (ACFA) makes it a Class A Misdemeanor to operate without a license. Prop B does not change that law. SB 113 is merely restating current law.

It also must be emphasized that the provisions of Prop B apply to all breeders with more than 10 adult breeding dogs regardless if they are licensed or unlicensed. Prop B does address unlicensed dog breeders.

MYTH:

*Prop B does not recognize the difference between a licensed facility and an unlicensed facility.*

FACT:

As mentioned above, current law addresses unlicensed facilities and contains harsh punishment for those who operate without a license. There have been many unlicensed breeders closed down in the past two years using current law. Prop B is about raising standards of care. There is no point in having a licensing requirement if there are no humane standards to enforce.

MYTH:

*Prop B will force good breeders to go underground and there will be an increase in "backwoods breeders" in an effort to avoid regulations.*

FACT:

In other states where standards of care were raised to humane levels, there were very few breeders that chose to operate outside of the law and the few that did were quickly apprehended. In fact, raising the standards of care actually decreases those who operate outside the law. Increased standards of care and vigilant efforts to crack down on unlicensed breeders go hand in hand. The reason we have so many unlicensed kennels in Missouri is a result of low standards of care as it shows that Missouri is not serious about the welfare of animals and creates an environment where anything goes so why even bother to have a license.

The requirements in Prop B will end the cruel and disreputable "backwoods breeders" who are licensed and still provide only the bare minimum standards of care to their dogs. Strict standards of care close down bad breeders and allow a level playing field for reputable breeders. Good breeders stand to gain by increasing the standards of care.

MYTH:

*The requirements in Prop B actually do more harm than good, for example the temperature requirement allows newborn puppies to die from the cold as it does not allow them to be kept at temperatures above 85 degrees. Temperature limits in and of themselves are too burdensome.*

FACT:

The temperature requirements as well as all provisions in Prop B, only apply to adult dogs (over 6 months of age). Puppies are still allowed to be housed in whelping boxes and provided with heat lamps and heat blankets that exceed 85 degrees. What opponents of Prop B fail to acknowledge is that under existing regulations, the temperature requirements for dogs confined indoors and in sheltered housing facilities are identical to what is contained in Prop B. Prop B only closes the loop hole under current law where an inspector can't cite for extreme temperatures unless the temperatures exceed the requirements for four consecutive hours.

MYTH:

*Prop B requires that exercise runs have to be a "level" surface and it is impossible to maintain an outdoor run that is perfectly level.*

FACT:

**Senator Parson repeated this claim on the Senate floor while debating SB 113. In fact, the language in Prop B states that the run must be a "ground level surface" as compared to an elevated wire pen. Prop B has no requirement that the run must be "level." Prop B requires that runs have adequate drainage which would be difficult to do with a "level" run. This is another example of false information being disseminated to give the impression that no breeder could comply with the provisions of Prop B.**

MYTH:

*Prop B makes it a crime for any violation no matter how small, including a drop of dirt in a water bowl, a cobweb in the corner of a building, or a scratch on a painted surface.*

FACT:

**Since Prop B merely amends the current Animal Care Facilities Act (ACFA) and does not create new law separate from ACFA, the enforcement mechanism is the same as existing law. Under existing law, violations of regulations are punishable by administrative penalties, including fines, suspensions, and revocation of license. The Missouri Department of Agriculture (MDA) has discretion on how they can handle violations and can merely issue a warning on minor violations such as the examples given above. In addition, MDA has the authority to prosecute violations criminally as ACFA (Section 273.348.3) states violations of regulations "shall be a class A misdemeanor." MDA, historically, only uses such criminal penalties for serious and chronic violators. Prop B does not mandate criminal penalties, but rather by amending ACFA, simply allows the MDA full discretion on how to handle violations. In fact, the criminal penalties for violating provisions of Prop B are less severe (Class C Misdemeanors) than penalties for violations of current regulations regarding food, water, housing, and sanitation (Class A Misdemeanor). Claims that Prop B is criminalizing violations and mandates harsh penalties for minor violations are false.**

**Under Prop B violations would continue to be handled at the discretion of MDA and could include mere warnings or be punishable by administrative penalties, including fines, suspensions, and revocation of license. MDA may request that chronic and serious offenders of provisions under Prop B be charged with criminal penalties up to a Class C Misdemeanor. This is less than a violator could be charged for violations of existing regulations.**

**There is nothing draconian about penalties under Prop B. The MDA continues to have full discretion on how penalties are meted out.**

MYTH:

*Prop B did not come from Missouri or Missouri residents but is out of state people telling Missourians what to do.*

FACT:

**The language in Prop B was developed in conjunction with the Humane Society of Missouri and the Missouri Alliance for Animal Legislation. Prop B was placed on the ballot by 190,000 signatures of**

registered voters in Missouri. Three thousand Missouri residents volunteered to gather those 190,000 signatures and 977,870 Missouri voters approved Prop B.

MYTH:

*Prop B is actually weaker than current law in many instances including how often dogs are fed, how often cages have to be cleaned, and requirements for ventilation.*

FACT:

**Prop B merely amends the current Animal Care Facilities Act (“ACFA”) and adds a new section to current law. It does not repeal or replace any current standards of care but simply adds new standards of care to the current law to help protect the welfare of dogs confined for their entire existence in commercial breeding establishments. All language of Prop B is underlined indicating an addition. Nothing is removed from the current Animal Care Facilities Act. One merely needs to go to the Secretary of State’s web page and view the Puppy Mill Cruelty Prevention Act (Prop B) to see that all the language is underlined indicating an addition as compared to bracketed language that would indicate deletions from current law. Prop B does not weaken current law but simply adds to it.**

MYTH:

*SB 113 is actually stronger than Prop B because it doubles the amount of required veterinary visits to a facility for “visual inspections.”*

FACT:

**Visits to a facility for a “visual inspection” are entirely different than a “physical exam” which is required under Prop B. Currently and under SB 113, the veterinarians can visit the facility and make a “visual inspection” and never actually exam a single dog. In contrast, Prop B would require an actual exam of the breeding dogs once a year. Too often these breeding dogs suffer from a host of ailments as a result of incessant breeding practices and lack of veterinary care including skin infections, serious eye problems, ear infections, prolapsed uteruses, parasites, rotting teeth, and even malnutrition from constant nursing. Currently and under SB 113, no one can be held responsible for the health of the animals. The veterinarian of record can merely claim that they did not notice the malady during their “visual inspection,” especially when you consider many of these breeding dogs are not groomed and their long coats will cover up many adverse conditions. Under Prop B, veterinarians can be held accountable for the health of the dogs since they are required to perform an actual “exam” of the animal.**

MYTH:

*SB 113 uses scientific principles, industry standards, Veterinarian Association, and the Department of Agriculture to help set requirements while Prop B was based on arbitrary regulations and not factual guidelines.*

FACT:

**The veterinarian associations and the Department of Agriculture, for the past 18 years, never proposed or submitted any standards of care. This is why a ballot initiative was implemented to pass standards of care for dogs housed long- term in commercial breeding establishments. Under the Department of Agriculture and veterinarian associations’ standards, dogs are allowed to be warehoused in barns, confined in cages for their entire existence only six inches longer than the dog itself, stacked one on top of another, living on wire flooring, never seeing the light of day, with little protection from temperature extremes, and permitting frozen water to satisfy the requirement for water. These are not humane standards but rather minimal survival standards. Prop B standards**

however, are based on over 30 years of experience with commercial breeding facilities and consultations with scores of experts including veterinarians, animal behaviorists, state and federal regulators and dog breeders.

MYTH:

*SB 131 actually strengthens the law by increasing the penalty for any breeder having stacked cages without an impervious barrier.*

FACT:

**Breeders can currently be charged with a Class A Misdemeanor for excrement falling onto dogs below (see ACFA Section 273.348.3 & 2 CSR 30-9.030 (1) A.6.) This is another example where SB 113 simply reinforces current law and the proponents of SB 113 claim credit for strengthening Prop B in an effort to disguise the fact that they have repealed all core provisions of Prop B.**

MYTH:

*SB 113 requires that food and water be readily available for the animals.*

FACT:

**SB 113 does not make food and water readily available. In fact, SB 113 allows frozen water to satisfy the requirements for water. As a result of loop holes, when inspectors come across dogs panting laboriously without water in blistering summer heat, there is nothing they can do to the breeder as dogs are not required to have continual access to water under current law and SB 113. Prop B would mandate continuous access to water and would not allow frozen water to satisfy the requirement for water.**

MYTH:

*The provisions in Prop B only apply to breeders and not to humane societies and rescues that house animals which is simply unfair.*

FACT:

**Prop B was enacted to improve the standards of long-term care for dogs confined in commercial breeding establishments that house dogs for many years. Shelters and rescues only house dogs on a temporary basis or foster dogs in home environments. It is comparing apples and oranges. Shelters and rescues must meet all current standards of care for dogs.**

**At breeding establishments, breeding dogs are confined in tiny cages deprived of any exercise for years on end. The intent of Prop B was to address long-term care in an effort to provide dogs, confined for their entire existence, with some room to move around, access to the outdoors, an exercise run, and prevent them from living their entire existence on wire flooring which is uncomfortable and can cause injuries to their legs and feet. Shelters and rescues provide extensive veterinary care for their animals and welcome visitors in an attempt to adopt their animals into a permanent home. In contrast, most breeding facilities prohibit visits from the public and have little or no public oversight.**