



March 6, 2024

Chair Putnam and Members of the Senate Committee on Agriculture, Broadband, and Rural Development:

The Minnesota Pet Breeders Association urges you not to support SF 3458 because it would be detrimental to the interests of Minnesota's knowledgeable and ethical pet breeders and would violate the spirit of the Commercial Breeder law (Minn. Stat. 347.57 *et seq.*) negotiated and passed in 2014.

Our members include people who raise purpose-bred dogs as professionals or as hobbyists, people who train hunting and working dogs, some who compete in showing and other dog sports, some retailers that supply equipment and specialty foods for raising healthy dogs, and some dog registry organizations such as the American Kennel Club. As the term suggests, purpose-bred dogs are planned and raised intentionally for a particular purpose. They are bred selectively for chosen characteristics such as health, appearance, biddability, and ability to perform jobs or as athletes or representatives of the best qualities of their breeds. This is not a casual endeavor; it takes knowledge and work to learn which dogs are healthy enough for breeding, properly raising and socializing puppies, and maintaining both growing and adult dogs in an appropriate environment.

In 2014 the Minnesota Legislature enacted a bill now codified at Minn. Stat. 347.57 *et seq.* requiring the licensing and inspection of commercial breeders – those who have 10 or more adult dogs (or cats) that produce more than 5 litters a year. The bill set forth the qualifications licensed breeders must have and the standards of care they must meet. The licensing program is administered by the Minnesota Board of Animal Health (the “Board”). The specifics of the bill were negotiated by professional dog breeders and representatives of organizations that are generally opposed to the intentional breeding of dogs. You may not be aware that the standards of care required of breeders are essentially the same as those for the pet shelters that are also licensed and inspected by the Board of Animal Health. You can view the details on the Companion Animal pages of the Board's web site at <https://www.bah.state.mn.us/dogs-cats/>.

A critical element of the breeder licensing legislation was a provision classifying internal operating data as private or nonpublic under Chapter 13 of the Minnesota Statutes, also known as the Government Data Practices Act. This protection covers such items as the physical location or premises where breeders raise dogs, the specifics of their required veterinary protocols, the reports of annual licensing inspections, the number of dogs kept and puppies raised and sold, and the identity of breeders' customers.

SF 3458 and its House companion seek to completely undo all the privacy provisions of the Board of Animal Health's breeder licensing law referenced in the Government Data Practices Act at Minn. Stat. 13.643 Subd. 6. This bill's primary proponents are animal shelters (also regulated by the Board of Animal Health) and the

pet rescue organizations (which in Minnesota, are not regulated by anyone). These groups have several characteristics in common: they are nonprofit organizations, operated by staff with the support of volunteers; they are funded by public donations and by often-discounted or donated goods and services; some shelters have contracts to serve as animal control agencies for local governments; all shelters and rescues work to rehabilitate unwanted pets that may have been abused or neglected and place them in permanent homes; and these groups are generally opposed to the intentional breeding of pets and many if not most consider breeders their competitors for market share of the pet-buying public.

Pet shelters and rescue groups say they need access to the business details of licensed breeders in order to “tell the public who they should not buy puppies from” and to “help consumers who have gotten an unhealthy puppy from a breeder” and to help with enforcement of animal cruelty and breeder regulation laws by “telling law enforcement where to look for violations” based on such factors as the number of puppies sold and the number of persons the breeder employs. They propose that premises data and inspection reports should be published on the Board’s website and in the breeder’s advertising, and that all information not published by the Board and by the breeder would be available to the public on request, as its classifications under the Data Practices Act would be stripped by this bill. Other regulated businesses including farms producing livestock are not treated in this manner.

As a supposedly fair exchange for getting information about private, licensed breeders that the legislature chose to protect from public view ten years ago, the supporters of SF 3458 offer to disclose certain data about *their* operations. Note that the statute enacted in 1967 used the term “kennels” to refer to what are clearly defined as the animal shelters we know today. (In other words, shelters and kennels are the same thing for these purposes.) We are referring to such groups as “shelters” so there is no confusion that “kennels” might refer to the facilities where some breeders keep their dogs. Although the Board licenses and inspects animal shelters, only the shelter’s license number is public and required to be published. Operational data and inspection reports are not classified as private or nonpublic, and they are not published by the Board. This bill would require animal shelters and the Board to publish inspection reports and the number of pets acquired and the number sold each year, but not the “business data” that would parallel the data sought about licensed breeders.

The supporters of this bill hope that you will overlook several things about the differences between private citizens who raise purpose-bred dogs or cats for people who want a particular kind of pet with predictable characteristics, and the nonprofits that acquire unwanted, random source pets of unknown backgrounds to sell to the public.

- Consumers who buy from breeders will know exactly who they are dealing with and what the pet’s health and medical background are, as everyone who sells a dog, *with the exception of nonprofits groups, must* comply with Minn. Stat. 325F.79 that requires these disclosures, among other facts. If one wanted to actually put breeders and nonprofit pet sellers on a par, that could be done by simply removing the nonprofit exemption and making some adjustments to the “basic facts” requirements to allow for the reality that shelters and rescues don’t actually know much about the pets they are selling beyond the medical care they receive while in the nonprofit’s custody.
- “Telling the public who they shouldn’t buy puppies from” is an indirect way of saying “to harass and slander pet breeders” who meet the law’s care standards but of whom the nonprofits disapprove.
- “To help enforce the laws by telling law enforcement officials where to look for violations” is a motive that clearly overlooks an existing provision of law, and grossly misinterprets another. The Board already has a legal obligation to inform humane agents and law enforcement of a situation where a licensed breeder appears to be in violation of anti-animal cruelty statutes. This is specified in the

breeder licensing provisions and, although not specified in the shelter (“kennels”) licensing provisions, would apply simply as a matter of law. The most disturbing part of this effort by one largest groups supporting this bill is to “help law enforcement” by having licensed breeder data made public and targeting breeders for “enforcement” actions even though the Board has not found them out of compliance with statutory standards of care. That group has been insisting for years that it is entitled to private and nonpublic data because that would allow them to direct law enforcement to where action is needed because of their perception that a breeder isn’t doing things properly.

This bill would be a great disservice to the public by inviting individuals and groups opposed to pet breeding or animal ownership to interfere with professional and hobbyist breeders who are raising happy, healthy puppies in the manner required by law so they can join families that want purpose-bred pets compatible with their new owners’ lifestyle and expectations. Please do not support it.