

## **FAQ: Preventing Puppy Mills in Texas**

The Texas Dog & Cat Breeder program enables regulation of commercial breeders - something critical for preventing the proliferation of puppy mills across Texas. The Legislature is considering abolishing the program, making it clear that state legislators don't grasp the importance of this program. We've outlined the basics of puppy mills below so we can work together to tell Texas legislators why we cannot lose this program!

### **1. What is a puppy mill?**

While there is no legal definition of puppy mills, the term has come to mean large-scale breeding facilities that prioritize profit over all else, including the basic wellbeing of their animals. A puppy mill typically involves too many animals kept in tight spaces, often living in their own waste and suffering from lack of proper food and water or untreated medical conditions. Owners of puppy mills essentially aim to maximize profits by disregarding or skimping on basic necessities for their animals.

It is the norm, not the exception, for dogs in puppy mills to suffer from infections, parasites, and deformities as a result of unhygienic conditions and inbreeding. The puppies sold are considered the "lucky" ones, as they get to escape the misery of their surroundings. The animals who suffer most in puppy mills are the older breeding animals who are forced to stay in these deplorable conditions and breed until they die.

### **2. Are kitten mills a thing?**

There is lots of talk of puppy mills, but cats are also an important part of this discussion. Kitten mills follow many of the same definitions as a puppy mill: kittens living in small spaces, too many cats sharing one space, and cats living in their own waste without proper cleaning or veterinary attention. Purebred cats and their kittens suffer from malnutrition, parasites, injuries, and illnesses and are often sold without proper disclosure of these conditions.

### **3. Can we outlaw puppy mills altogether?**

It would be all but impossible to outlaw puppy mills altogether, but we can regulate them to ensure the animals receive, at least, basic care and conditions. The Texas Dog & Cat Breeder Program has improved standards for commercial breeding facilities, requiring adequate food, water, and shelter as compliance with requirements set by the Texas Department of Licensing and Regulation (TDLR). With proper regulation in place, we have a foundation to continue working to educate the public about researching and interacting carefully with commercial breeders.

### **4. What can I do if I think I know of a puppy mill?**

Law enforcement is responsible for investigating violations of animal welfare codes in their jurisdiction. If you suspect a puppy mill in your area, you should file a complaint with your local law enforcement who can begin collecting evidence and building a case if needed. Please understand that trying to take action through other channels can be counterproductive. Even the most well-meaning animal advocates can ruin a puppy mill investigation. For example, posting photos, videos, or opinions about suspected puppy mills on social media can interfere with an ongoing criminal investigation. The Humane Society of the United States also has a puppy mill TIP line (1-877-MILL-TIP) for those with insider information on a crime involving puppy mills.

## 5. What is the Texas Dog & Cat Breeder Program?

The Texas Dog & Cat Breeder Program was created to regulate large-scale dog breeders who were evading federal regulation due to several loopholes. The Program required minimum standards for Texas breeders that would ensure basic necessities were met, including food, shelter, water, and veterinary care.

Signed into law in 2011, the Texas Dog & Cat Breeder Act required commercial breeders to get licensed by TDLR if they met the definition of a Texas breeder: possess at least 11 breeding females, breed animals for sale, or exchange, and sell at least 20 animals per year. The Program also allows for periodic inspections every 18 months to ensure facility standards are met.

## 6. Where did the Program come from?

Before the Texas Dog & Cat Breeder Program was enacted, local Program enforcement and humane societies frequently rescued large numbers of animals from puppy and kitten mills where the situation was so deplorable that it had made its way to the public eye. There was no ability to prevent these kinds of situations from developing, and the ones that became public represented only a small percentage of the overall total. In addition, these rescues placed a huge burden on communities to care for and rehome these sick and suffering animals. These seizures were often extremely costly and required a lot of manpower, as there were hundreds of under socialized animals to transport.

Some examples of massive [seizures](#) include:

- **497** dogs, some with missing limbs and many with infections, taken from Maggic Pets/Heddins Kennels in Bowie, Texas, in 2009
- **500** flea-infested dogs panting in the un-air-conditioned August heat taken from a Mabank, Texas, puppy mill in 2009
- **87** dogs kept for years away from sunlight in filthy conditions taken from an elderly owner in Panola County in 2010
- **180** Border collies found locked in cages or roaming an abandoned property while their owner was in a mental hospital for a month in Jefferson, Texas, in 2011
- **61** dogs, many with parasites, taken from a Smith County home after complaints of the smell of feces and sounds of constant barking in 2011
- **80** dogs suffering from urine scalding on their legs and with access to only algae-filled water tubs taken from a run-down Houston County puppy mill in 2011
- **149** small-breed dogs kept in mobile homes suffering from parvovirus and ear infections taken from Aubrey, Texas, in 2011
- **92** dogs found roaming rural streets in Flower Mound, Texas, presumably dumped by puppy mill owners unwilling to comply with recent regulations

Having seen the costs to taxpayers and the stress placed on local agencies to arrange transport of these suffering animals, again and again, Texas animal rights activists begged state legislators for a change, resulting in the Texas Dog & Cat Breeder Program and its Texas Licensed Breeders Program.

## 7. Who opposes this Program?

The Texas Dog & Cat Breeder Program's main opposition is the Responsible Pet Owners Alliance (RPOA) based in San Antonio, Texas. They are adamantly against the Program because RPOA is supported by dog and cat breeders. Other groups who make money off large-scale breeding

are also unwilling to support the Texas Dog & Cat Breeder Program. RPOA tried to kill the bill in 2011 and then filed a lawsuit stating that the law was unconstitutional - the lawsuit was dismissed.

### **8. Why can't we rely on the USDA for licensing and regulation?**

The main problem with relying on USDA is that it enforces a vague and ineffective law, the Animal Welfare Act (AWA). The AWA gives a lot of discretion to breeders to decide what is "adequate" shelter and care for their animals. Overburdened and understaffed, the USDA has slackened in their inspections, waiting up to two years to inspect a breeder they consider "low risk." The USDA has also underreported violations, minimizing punishment for second- or even third-time violators. Additionally, by notifying some breeders ahead of time of inspection makes it easier for violators to get away with mistreating their animals.

Nationwide, statistics show that fewer than 30% of breeders are regulated by the government. Without a state-specific regulation Program like TDLR, Texas, the 8th largest state in terms of breeders, would suffer the consequences of the USDA's inadequate enforcement of the AWA.

### **9. Why is the Texas Dog & Cat Breeder Program at risk?**

Every 12 years, Texas law requires a "Sunset Review" that determines if state agencies should continue to exist. Now, it's TDLR's turn to be under review and it must be reauthorized in the 2021 legislative session. The Sunset Commission, which offers recommendations in advance of the vote, suggests in its Sunset Staff Report the Texas Licensed Breeders Program is not necessary for public safety, and therefore the Program can be "safely eliminated." The elimination of this crucial Program would be dangerous for many reasons.

First, puppies will continue to be produced en masse without the vital minimum standards of care, and large numbers of breeding animals will suffer in silence. Second, the public will not be properly informed on the profit-making tactics of unregulated commercial breeders, and they will be manipulated into buying pet-store puppies with undisclosed illnesses and health conditions. Lastly, bad breeders will place burdens on local communities when large-scale seizures inevitably take place.

### **10. Why should we keep the Program?**

There are several reasons to keep the Texas Dog & Cat Breeder Program:

- The state-based Program includes breeders who fall outside of the USDA's licensing purview and who would otherwise remain unlicensed and uninspected.
- The Program refuses to license or renew the licenses of Texas breeders convicted of animal cruelty. Without the Program, we cannot consistently track if applicants for licenses have animal cruelty convictions.
- The number of Texas breeders isn't shrinking. Unlicensed breeders may either be unaware of the Program or unwilling to comply with its licensing requirements. Improving the Program's requirements would keep more breeders in check.
- The Program is preventative. Other animal cruelty laws in Texas only apply after the cruelty has occurred. The Texas Dog & Cat Breeder Program actively prevents cases of animal cruelty through regulation and inspection. The Program is NOT redundant, as it works in tandem with other laws to protect animals before and after cruelty.
- The Program helps educate the public about Texas licensed breeders so they can make well-informed decisions about where their puppies come from.

- Without the Program, there would be greater costs to local law enforcement, non-profits, and taxpayers. The Humane Society of the United States suggests that one large-scale puppy mill can cost a community hundreds of thousands of dollars in veterinary care, housing and feeding, transportation, and rehoming costs.
- Extra inspections, besides the annual inspections, keeps repeated violators in check. The number of out-of-cycle inspections increases with repetition or severity of a breeder's violations related to the care of their animals.

## 11. How could we improve our Program?

Once the continued existence of the Program is ensured, the Texas Humane Legislation Network (THLN) has two solutions to close existing loopholes.

- First: Reduce the threshold for breeding females and lower the requirement for licensure from 11 to five females to obligate more breeders to meet the standards of TDLR.
- Second: Removing the 20 animals per year sales requirement because it has not proven to have any real effect on minimizing animal cruelty for profit in puppy mills.

After 10 years of hard work to better regulate commercial breeders and prevent animal cruelty in puppy mills, we are not willing to let the Texas Licensed Breeders Program go. It would be a big step backward for Texas animals. If you're a Texas resident who cares about stopping puppy mill breeders, sign our [petition](#) and stand with us to protect this crucial Program.

