

To: Senator Matt Klein, Chairman, Commerce and Consumer Protection Committee
and Committee members

From: Elaine Hanson for the Minnesota Pet Breeders Association

Re: Opposition to SF1317, Sale of dogs and cats by retail pet shops prohibition

Minnesota statutes do not include a definition of “retail store” so far as I can find. However, the United States Department of Agriculture (USDA), under rules implementing the federal Animal Welfare Act (AWA), states that a ‘retail store’ includes anyone who sells pets born and raised on their premises in a face-to-face transaction, and is exempt from licensing by USDA. Persons who have no more than four “breeding females” (the term is not defined) are also not subject to licensing under the AWA. The proponents of SF1317 are surely aware of USDA’s definition of which pet breeders operate as a “retail store.”

By contrast, this bill defines any “pet dealer” (which would include everyone who sells pets such as dogs and cats) as a “Pet Shop” if they *operate a physical retail store from which animals are sold or offered for sale to the public whether through an appointment or otherwise*. USDA’s definition of “retail store” is the only one known to be applicable to pet breeders in Minnesota, other than the one that would be applied if this bill were to become law. Put the state and federal definitions together and you have *anyone who sells pets from a traditional brick-and-mortar store or from the physical premises where they reside or raise pets is a “retail store” that would be prohibited from selling such pets to the general public, period*.

And that leaves as the only legal pet sellers in Minnesota the very nonprofit groups that are exempt from all provisions of Minn. Stat 325F.91 et.seq. except paying sales tax on their pet care purchases and collecting and remitting sales tax on the pets and gear they sell. And they have a bill for that, too – see SF1139/HF0107).

The proponents of this bill would tell you that they intend to target only “bad breeders” – those who are licensed by the Minnesota Board of Animal Health as commercial breeders and/or those that must be licensed by USDA because they sell pets sight-unseen. In fact, though, this language defines anyone, except an exempt nonprofit, that sells or offers to sell dogs or cats from anywhere in the state as a retail “pet shop” that is prohibited from selling pets, even from those who are below the threshold for licensing by state or federal agencies. In other words, no purpose-bred pets would be available for purchase by Minnesota families unless purchased outside of the state, where they may or may not be regulated by federal or state laws.

This problematic definition aside, there are a number of factors that distinguish nonprofit groups from responsible dog and cat breeders:

- Nonprofit pet “rescue” groups are entirely unregulated except (presently) for being required to pay, collect, and remit sales taxes;
- The pets sold by nonprofits may include the occasional purebred, but are overwhelmingly random-source pets about whose medical or behavioral background little if anything is known when the pets are acquired by the group;

- There is NO requirement that these pets must be warranted as “fit for sale” at the time a consumer buys them, in stark contrast to the documented history and examination and health guarantees that a breeder, any individual or a traditional pet store operator must provide.

It is puzzling why the nonprofits supporting this legislation want to become the exclusive in-state providers of pets for Minnesota families, and of potential working dogs that are sought by hunters and farmers and those who seek dogs for protection or competitive sport activities as well as companionship. Perhaps they have said that Minnesota has an “overpopulation of pets” that will be euthanized if homes are not found for them by the nonprofits as exclusive vendors. That is NOT the case; if it were, why would the nonprofits import thousands of pets every year, from other states and from overseas, into Minnesota for resale?

Minnesota families should have choices about the pets they wish to include in their households, other than buying them from out-of-state sources. Many, probably most, families want to have dogs that are predictable as to size, temperament, coat type and grooming needs, and instinctive behavior. For example, my breed of choice, dachshunds, is known for being an accomplished working scent hound, delightful companion, and also for being loyal, obstinate, and manipulative. Well, you can’t have everything ...

Those who seek working and herding and hunting dogs certainly have expectations that by buying a purpose-bred dog they will get one that can be trained to fulfill the purpose its breed is known for. And those who want to show dogs must have purebreds; those who want to compete in companion events such as obedience and agility trials, need biddable dogs, not necessarily purebreds but with known backgrounds that likely include these and other traits ; those who want dogs to work for them or to compete in performance events such as hunting and field trials must have purebreds likely to display needed characteristics.

In addition to these specific concerns of Minnesota pet breeders, the American Kennel Club (AKC) points out in a recent legislative alert that *“SF 1317 is a Minnesota version of 2023 legislation introduced in other states (CT, FL, HI, KY, and TX, among others), which demonstrates that SF 1317 does not address Minnesota-specific issues but is part of a national legislative agenda seeking to shut down the most regulated dog breeding practices by forcing pet shops to sell dogs sourced only from retail rescue sources.”*

We urge you to vote “No” on SF1317 because it needlessly restricts consumers’ option in choosing a pet and would assure that the buyer is getting a random-source pet whose background is unknown and which includes no assurance that it is healthy and will exhibit the specific traits the buyer may desire.

I regret that I cannot attend your March 9 meeting in person, but I am available for any questions you may have.

Elaine Hanson

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