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## Dogs by the Numbers

**No. of large-scale breeders:**  
*unknown, est. 12 - 30*

**Dog population increase:**  
*approx. 14,000 annually*

**Annual puppy imports:**  
*1,200 FY 2010; 400 FY 2011*

# Sunrise Analysis: Regulation of Large-Scale Dog Breeders and Facilities

Report No. 11-02, October 2011

## *Proposed Regulation of Dog Breeder Business Is Problematic, Better Options Are Available*

### **A lack of reliable information**

In early 2011, the problem of large-scale commercial dog breeders in Hawai'i came to light when a puppy mill was shut down for its allegedly cruel treatment of 153 dogs. Hawai'i is one of 22 states that lack any regulation of dog breeders.

Our analysis of Senate Bill No. 1522, Senate Draft 2, House Draft 1 is not a typical sunrise review because the main purpose of the bill is to ensure that dogs are treated humanely, rather than to protect consumers from risks posed by an unregulated profession or vocation. Nevertheless, we proceeded to address the Legislature's request under the sunrise criteria of the *Hawai'i Regulatory Licensing Reform Act*, Chapter 26H, Hawai'i Revised Statutes.

As proposed, the bill requires the Department of Commerce and Consumer Affairs (DCCA) to issue licenses to large-scale dog breeders based on a qualifying inspection and to enforce the requirements for humane dog breeding. We found the bill problematic for several reasons. First, there is no reliable information on the magnitude of the problem of unscrupulous breeders in Hawai'i. Both the Better Business Bureau and the DCCA report only a handful of complaints in the past few years. Proponents of the bill could not provide information that satisfies the sunrise criteria and our own research showed the potential harm to the public by dog breeders is at best anecdotal.

Secondly, without reliable data on the numbers and size of large-scale dog breeders, the cost of enforcement is unknown. Assuming 30 breeders (one to 20 on O'ahu and ten on the Big Island) and DCCA's lowest cost estimate of \$40,000 to \$50,000 per year to administer a licensure program, a breeder license would need to be at least \$1,300 for the program to be self-sufficient. Of the 28 states that regulate dog breeders, or kennels and dealers, Wisconsin charges the highest fee in the nation (\$1,000). Also, flaws in the proposed regulation do not provide for breeder accountability and consumer protection. By focusing on large-scale breeders in-state, the bill fails to address hobby breeders and puppies imported from overseas.

### **Alternatives to protect dogs are available**

The Legislature asked us to assess a county-based regulatory program akin to the liquor commission model for enforcement. County officials familiar with animal control doubted that costs could be covered with licensing fees due to the low number of large-scale dog breeders. We could not fully assess the merits of other laws used by states to protect dogs from breeder abuse without reliable data and given the uncertainties of costs. There are, however, alternative models available for the Legislature to consider that may address the loopholes and hard-to-enforce provisions in the proposed regulation. For example, the American Veterinary Medical Association (AVMA) has crafted a science-based model law. The AVMA's model allows breeders the flexibility to create appropriate housing for the particular breed of dog that they are raising. The Hawai'i Veterinary Medical Association favors Oklahoma's independent Board of Commercial Dog Breeders with authority to adopt rules and discipline licensees. Another alternative adopted by 18 states is popularly known as a puppy lemon law. These laws protect purchasers of puppies by requiring sellers to reimburse buyers for the purchase price and cost of veterinary services within a specified period of time.

Overall, the department agreed with the findings of the report and our recommendation to the Legislature to address flaws in the proposed regulation and consider alternatives to licensing to achieve the goal of protecting dogs.