

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Testimony For Public Meeting on TDLR 12-7-2020 - Licensed Breeders Program
Date: Monday, December 7, 2020 7:04:35 AM
Attachments: [Combined Sunset Written Testimony 12-04-2020 THLN.pdf](#)

From: Stacy Sutton Kerby <stacy@texashumanenetwork.org>
Sent: Friday, December 4, 2020 6:34 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Cc: Shelby Bobosky <shelby@texashumanenetwork.org>
Subject: Testimony For Public Meeting on TDLR 12-7-2020 - Licensed Breeders Program

Re: Combined Written Testimony in favor of Keeping TDLR Licensed Breeders Program submitted by the Texas Humane Legislation Network

Dear Members,

Please find attached a PDF combining written testimony from the following constituents for your consideration regarding the TDLR Licensed Breeders Program.

- PETS Clinic, Wichita Falls
- San Antonio Animal Services
- TACA President Jamey Cantrell, Plano
- Randy Turner PLLC, Fort Worth
- Legacy Humane Society, Rockwall
- Houston Humane Society, Houston
- Lockhart Animal Shelter, Lockhart
- Joel & Beverly Seffel, Smithville

We respectfully request review of the attached in anticipation of the December 7, 2020, Sunset Meeting.

Please kindly confirm your receipt of this message. Please advise if you have any difficulty with the attachment or questions regarding the above.

Thank you for your attention to this submission.

Sincerely,

Stacy Sutton Kerby | Director of Government Relations

512-825-7336 | www.thln.org

Texas Humane Legislation Network



#legislatetochangetheirfate



Uvalde County Sheriff's Office
Sheriff Charles Mendeke

October 1, 2020

Texas is an amazing state with so much to be proud of. One area in which we have a long way to go though, is in animal welfare. Texas ranks third in the United States, for highest euthanasia of cats and dogs. Being the 3rd highest ranked state is a grim reflection on the current status of animal welfare in our communities. The volume of stray and unwanted dogs and cats is absolutely staggering, and we need to finally address this issue.

While the Uvalde County area is not directly affected by the issue of puppy mills, it is a major cause of concern for the entire State of Texas. Puppy mills will flourish with no regulations, if the Licensed Breeder Program is removed. Individuals seeking purely profit, with no regards for the animals in their care will mount up quickly, for those seeking to make a quick dollar. Puppy mills have been raided time and again, showing the absolute horrific conditions that animals are housed in, with zero concern for their health, mental well-being, or the environments they are being kept in. Puppy mills only attribute to the issues of pumping out more animals into our communities, adding to the number of those needing rescue and help. Most animals who come out of these situations, are often times sick and spread disease into the communities as no vaccinations, vetting, or regulations are required. Diseases such as parvovirus, distemper, intestinal parasites, and more are seen in puppy mill dogs being sold into the community.

Instead of working backwards, having conversations about abolishing the Licensed Breeder Program, we need to not only keep this legislation in place but continue to strive to make advancements and improvements. Don't remove what little programs are already in place, adding to the ease-ability in which individuals can abuse and discard living creatures into our community like trash.

Licensed Breeder Programs are a small step in the right direction for advancing animal welfare in Texas communities, which is a direct reflection on our communities, in which we take such pride in. Take a stand with us and support legislation to protect domestic animals. Help be part of the solution!

Sincerely,

A handwritten signature in black ink that reads "Charles J. Mendeke". The signature is written in a cursive style and is positioned above a horizontal line.

Charles J Mendeke

Uvalde County Sheriff



October 17, 2020

The Honorable John Cyrier, Chair
The Honorable Dawn Buckingham, Vice Chair
The Honorable Pat Fallon
The Honorable Bob Hall
The Honorable Eddie Lucio, Jr.
The Honorable Angela Paxton
The Honorable Terry Canales
The Honorable Craig Goldman
The Honorable Stan Lambert
The Honorable Chris Paddie

Re: Texas Licensed Breeders Program

In July of 2009, I deployed to Fort Worth to help care for about 500 dogs of various breeds and sizes that had been seized from the Heddins puppy mill in Montague County due to neglect. I have worked in pet rescue since the 1970s, and we all knew about the conditions of these facilities by around 2000, so we were glad action finally had been taken against them. The condition of most of these dogs was something I will never forget. Truly there are no words to adequately describe the suffering. Imagine a small dog with a useless broken lower jaw who had extreme difficulty getting enough food swallowed to stay alive. Imagine a standard poodle with such bad diarrhea that his kennel floor completely filled with liquid feces overnight. Sadly these are things I do not have to imagine; in fact I have tried for over a decade to forget them.

If this Program had been in effect back then, it could have prevented the suffering of hundreds of dogs, as well as saving huge amounts of resources for the agencies responding to the crises.

When I learned that the Licensed Breeders Program might be discontinued, I thought about how bad things would be again if we didn't have it. In fact, I would hope it would be strengthened by ending the requirement that to be covered breeders have to have 11 breeding females, since most complaints at the present are filed against unlicensed breeders who claim fewer than 11. The USDA minimum is 5 and we should have the same requirement. The requirement that the breeder sell 20 or more puppies a year in order to be covered should also be discontinued since it is difficult to verify that sellers are being truthful about this number.

Sincerely,

Jan Herzog, Coordinator
P.E.T.S. Underdog Express



Animal Care Services

4710 State Highway 151
San Antonio, TX 78227
210.207.4PEI www.saacs.net



October 23, 2020

From: Shannon W Sims, Assistant Director, San Antonio Animal Care Services
To: Texas Sunset Commission

Subj: TEXAS LICENSED BREEDERS PROGRAM

The following written statement is provided to voice a concern and to oppose the repeal/sunset of the Texas Department of Licensing and Regulation (TLDR) Licensed Breeders Program (LBP). Texas is currently the 8th largest state for dog and cat breeders within the US. This is compounded by the existing critical number of unwanted animals in Texas communities caused by multiple unplanned litters that occur annually due to irresponsibility and a moderate Texas climate that encourages animals to breed and welp litters multiple times a year. While the current applicability of the LBP can be seen as limited, requiring wider application to include smaller breeders, the LBP still has a significant impact within the animal welfare enforcement community.

Under the current requirement, only those breeders with 11 or more intact adult females (dog/cats) are regulated, affecting a very small number of the total breeders within the state of Texas, but provides more restrictive and inclusive oversight and standards than the USDA to breeding activities within the state. The LBP also currently regulates breeders that would otherwise not meet the minimum requirement for monitoring by the USDA, which only regulates breeders that sell animals wholesale to pet stores and brokers. Currently the USDA only monitors about 2,000 breeders nationwide and only inspect 20-25% of those facilities. For reference, it is estimated that there are over 10,000 puppy mills in the US, producing an estimated 2 million puppies annually according to the Humane Society of the US (HSUS).

Due to limited regulations on breeders that fall under USDA jurisdiction, a significant number of these animals are housed in difficult situations to include 24 hour confinement to cages that are only required to be 6 inches longer than the length of the animal, unsanitary conditions, lack of veterinary care and inhumane euthanasia. All of which are violations under Texas State law. The continuation and strengthening of LBP allow authorities the ability to inspect facilities and increase out-of-cycle inspections for facilities found to have serious violations related to shelter, food, water and adequate medical care.

In addition to the presence of cruel conditions for animals within the breeding facilities, the LBP provides consumer protections against predatory business practices for those considering buying pets. Pure bred animals frequently cost thousands of dollars and can be financed through pet stores, the health and long-term viability of the animal is a serious



Animal Care Services



4710 State Highway 151
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consideration for consumers. Many of these puppies receive limited vet care within unsanitary facilities that act as breeding grounds for life threatening medical conditions. This issue is exacerbated by the practice of removing puppies from the mother too young to adequately develop their natural defense against disease and inspiring behavioral issues that create long lasting difficulties for new owners. This program provides a tool for responsible buyers to make determinations as to whether they would consider purchasing an animal originating from a particular breeder.

Another significant factor for consideration should be the disproportionate impact that large scale breeding enforcement has on smaller municipal or county jurisdictions. Because most of these activities take place in rural areas, locating and enforcement on unregistered and unidentified breeders frequently results in small jurisdictions reliance on non-profit agencies to take in hundreds of cruelly confined or exigent animals at one time. Use of the LBP allows these facilities to be monitored proactively, allowing the breeders to come into compliance rather than resultant seizures that place undue stress on these agencies and their partners. Larger jurisdictions are capable of implementing more restrictive ordinances to quell large breeding activities and typically have more robust response, medical and boarding capabilities to deal with these situations. However, these ordinances may not be cohesive and communicative with neighboring jurisdictions, allowing them to operate illegally just outside of more restrictive jurisdictions. This can easily be streamlined and made consistent through extension and improvement of the LBP.

While the LBP absolutely needs to be continued, it is also recommended that it be expanded to be more in concert with USDA breeder licensing requirements while also making it more enforceable. Lowering the requirement to five breeding females from eleven better aligns the LBP with the USDA standard of four breeding females and allows for the oversight of a greater number of potentially substandard breeders. Additionally, removing the requirement that restricts application of LBP to only those facilities that have sold 20 or more animals per year would make LBP more enforceable. This requirement is routinely circumvented by breeders having poor record keeping or conducting undocumented cash sales. Implementation of these minor adjustments to the LBP allows for better documentations and tracking of breeders as well as making enforcement more effective.

Sincerely,

Shannon Wade Sims

Assistant Director

City of San Antonio Animal Care Services

Shannon.sims@sanantonio.gov



TEXAS ANIMAL CONTROL ASSOCIATION

- Est. 1974 -

October 30, 2020

The Honorable John Cyrier, Chair
The Honorable Dawn Buckingham, Vice Chair
P.O. Box 13066
Austin, TX 78711

Re: Texas Licensed Breeders Program

The Texas Animal Control Association (TACA) represents thousands of Animal Control Officers (ACOs) and animal welfare employees from all over Texas and we strongly support the Texas Licensed Breeders Program. The Program holds large-scale breeders accountable and helps local jurisdictions ensure minimum standards of care that all Texans support are met. TACA opposes disbanding this program for the following reasons.

The Program is the only way to ensure commercial breeders are treating the animals in their possession the way that the vast majority of Texans feel they should. No true Texan wants any animal to be abused and this Program is the best way to prevent these animals from being subjected to cruel conditions. Most of these breeding operations are in rural areas that already struggle to provide basic animal care and control resources to their communities. They simply do not have the expertise, facilities, or funding to take on an operation that isn't meeting basic standards of care and so they have had to choose to let it continue simply because they lacked the means to be able to intervene. This is what we will return to if the Program is dissolved and simply put, Texas can do better.

The Program is also the only way to ensure that breeders with a history of abusing animals are held accountable and driven out of business. There is no reason to allow those with a history of failing to provide basic needs for their animals to continue to profit off of their suffering. Without this Program, local jurisdictions can do nothing to prevent this never-ending cycle of abuse.

One of the "supporting" reasons for doing away with the Program is because of perceived ineffectiveness. TACA greatly supports strengthening the Program to increase the efficiency and effectiveness. Removing unenforceable requirements and lowering the number of breeding females to five or more will help make the Program an even better tool to combat cruelty and will help eliminate the irresponsible breeders that drain the limited resources of local animal control programs.

Sunsetting this program will only result in the proliferation of irresponsible and abusive breeders who see the animals as nothing more than a way to generate revenue. Despite what others may say, TACA does not oppose all breeding. TACA does however oppose all irresponsible and abusive breeding practices. Getting a license is not a difficult process that is overreaching or burdensome to any responsible breeder. It is not a waste of government resources. It is a much needed program to ensure animals are protected and that those who want to profit off of them are operating in accordance to how Texans overwhelmingly feel they should.

Respectfully,

Jamey Cantrell
President and Legislative Chair
Texas Animal Control Association



Affiliated with the
Texas Environmental Health Association

Texas Animal Control Association
2402 Stonecrest Drive
Abilene, TX 79606

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November 30, 2020

Texas Sunset Commission
P.O. Box 13066
Austin TX 78711

Re: Written Testimony in support of keeping the Licensed Breeders Program

Dear Members:

I strongly oppose the Sunset Staff recommendation to abolish the Licensed Breeders Program. I am an attorney in Fort Worth specializing in animal law. Prior to enactment of the Licensed Breeders Program, I regularly received calls from consumers who had purchased sick, diseased and dying pets from breeders. Since the program began, the only such calls I have received have been from people who purchased pets from *unregulated* breeders. The Licensed Breeders Program has protected countless consumers from being victimized by unscrupulous breeders. Did the Sunset Staff bother to talk to any attorneys or judges who litigate these cases?

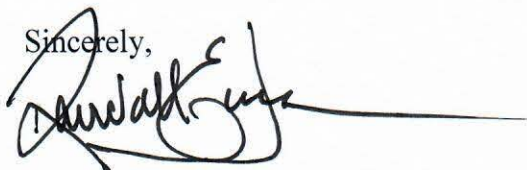
As an attorney who has been practicing animal law in Texas for 40 years I must respectfully disagree with the staff recommendation that the Texas Dog or Cat Breeder Act could be safely eliminated because it is not necessary to protect the public. Prior to the passage of that statute in 2011 I received literally dozens of calls each year from consumers who had purchased diseased, unhealthy, or otherwise defective dogs and cats from breeders. These consumers often had to spend hundreds or thousands of dollars for veterinary treatment. Sadly, the animals died in a number of these cases. Since the passage of the statute the only such calls I have received have been from consumers who purchased dogs and cats from unregulated breeders (those with fewer than 11 breeding females or who sell fewer than 20 animals per year.) In the 8 years since the statute has been on the books I have not received a single call or complaint from a consumer who purchased an animal from a licensed breeder.

In my experience, the Dog or Cat Breeder Act has protected Texas consumers from unscrupulous breeders that are not subject to the Act or the minimum TDLR standards. In my opinion, there is a desperate need for the Act to be expanded so that the sales requirement is eliminated altogether and the number of breeding females is reduced from 11 to 5.

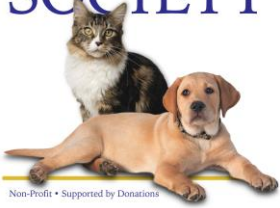
Abolishing the program would definitely result in more consumers being victimized by unscrupulous breeders and more lawsuits. Please keep the program.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Randall E. Turner", with a long horizontal line extending to the right.

Randall E. Turner



Texas Sunset Commission
P.O. Box 13066
Austin TX 78711

Re: Written Testimony IN SUPPORT OF KEEPING the Licensed Breeder Program

Dear Members,

I worked with the Houston Humane Society for 38 years, 35 as Executive Director. During my tenure, I witnessed and/or participated in about every animal related issue. After retiring as E.D., I am still on the Board of Directors and work in different capacities. I served on the TDLR Licensed Breeder Advisory Committee from its creation until a few years ago. We worked very diligently to study the issues and consider all aspects of the bill. While I feel the bill is currently lacking, the program is vital with solvable problems.

Abolishing the Program is not the answer, strengthening it is. Simply changing the law and lowering the number of breeding females to five (5), would result in thousands of animals saved from being born to a high probability of suffering, starting at the breeding level, and ending up in municipal and private shelters.

Eliminating the program would remove a source of oversight protection and cause large animal cruelty "puppy mill" cases to increase, resulting in shelters and animal control agencies incurring much heavier burdens when our resources are already overwhelming.

In addition, especially when times are financially challenged, animals are an easy to get, renewable resource to generate funds. Their care is overhead not considered important. Loss by death is just a cost of doing business. Reducing the breeding number, and requiring licensing, would cover a much larger group of people, many of whom make hundreds of thousands of tax free dollars off fewer than the current 11 breeding females.

More than ever, Texans need to be protected by unscrupulous swindlers. TDLR's inspecting, keeping track of abusers, and granting licenses only to proper breeders, would give buyers consumer protection security. I feel a quick criminal background check would also be prudent. That being said, licensing must be increased and publicized to the general public to purchase only from licensed breeders. Online sales are highly prolific, and the public should be educated how to find proof of breeder licensure prior to buying from an online seller. The USDA does not, and will not, provide this protection to the citizens of Texas. Texans must protect their own.

The Licensed Breeder Program rules are so lenient there have been few cases brought to light. It is my opinion the USDA feels there is no problem in Texas so their efforts and monies have been put elsewhere. If we can strengthen our program, educate and license more breeders, perform more inspections, educate and involve the public, I feel the passion will renew. More animals will be saved, the general public will be protected and animal facilities can put hard earned funds towards animal welfare programs.

Please do not terminate the Licensed Breeder Program, but consider strengthening it to enhance the protection of the people and animals of Texas.

Respectfully,

Sherry Ferguson
Houston Humane Society
Executive Director Emeritus
Board Member

The Houston Humane Society is dedicated to, and working towards, ending cruelty, abuse and the over population of animals while providing the highest quality of life to those in our care.

Mailing Address:
P.O. Box 450528
Houston, TX 77245

Shelter Location:
14700 Alameda Rd.
Houston, TX 77053

(713) 433-6421
Fax (713) 433-4325

Rockwall Adoption Center
1825 Airport Rd
Rockwall, TX 75087



Texas Sunset Commission
PO Box 13066
Austin, TX 78711

December 1, 2020

From: Molly Brodnax, Executive Director, Rockwall Adoption Center, President Legacy Humane Society, President Rockwall PAWS

To: Texas Sunset Commission

Subj: TEXAS LICENSES BREEDERS PROGRAM

RE: Written Testimony in support of keeping the Licenses Breeder Program

Dear Members,

I am reaching out to express my concerns about abolishing the Licensed Breeders Program (LBP). In 2014 my organization, Legacy Humane Society (founded in 2008), entered into contract with the city of Rockwall to overtake daily operations and management of the Rockwall Adoption Center. Our animal control and shelter jurisdiction services Heath, Rockwall city limits and Rockwall County. We intake over 2,500 animals a year and maintain an average live outcome of 98%, thanks in part to our relationship with the many rescue organizations in the area that serve as adoption safe havens for the pets we service.

In 2005, the City Council of Rockwall took a strong stance against animal breeding standards in our jurisdiction and approved adjustments to the city ordinance requiring an application, approval and inspection process. To date since the city ordinance was instated in 2005, no permits to breed domestic pets have been approved by animal control due to growing concerns of pet overpopulation and unwanted litters entering the shelter at alarming rates; whereby becoming a burden on the community.

Per Rockwall City Ordinance No. 05-01, § 1(5-30(a)), 1-3-2005) Sec. 6-249. it is required to obtain a permit from animal control for anyone wanting to breed, sell pets, groom, showing, exhibiting or boarding animals in our jurisdiction. Per Ordinance No. 05-01, § 1(5-30(c)), 1-3-2005) Sec 6.250. Application; inspections. Applications for permits shall be made to animal services on forms furnished by animal services. The application will not be approved until certification has been received from the appropriate city officials that the zoning, construction and facility comply with existing ordinances for establishing housing such businesses. If the permit application is approved by the supervisor of animal services, he shall issue the permit upon payment of the appropriate fee. Animal services shall make any inspections necessary to ensure compliance under this chapter. Animas shall be kept under sanitary conditions so as not to endanger the public or animal health, or create a nuisance.

We were further able to research the target area for the growing pet population and established a plan of action to aid in halting the influx of unwanted pets. In 2015, we were awarded a \$10,000 spay/neuter grant to cover the cost of altering any domestic pets within our jurisdiction who's owners qualified for free services, based on low income financial parameters. The program was a huge success resulting in the sterilization of 200 animals in a 6 month time period. The 200 animals that were no longer able to breed prevented an unprecedented number of unwanted litters that would have been a burden on our community.

We also extended our intake policies requiring anyone who surrenders a litter of puppies or kittens to bring in the mother to be spayed at the time of intake. We are able to offer her spay at a rescue rate of \$65 to ensure that services are completed and we are aiding in stopping the cycle vs assisting in enabling perpetuation of the over pet population problem.

Rockwall Adoption Center
1825 Airport Rd
Rockwall, TX 75087

We are thankful that the City of Rockwall took the growing number of unwanted pets into consideration for the public's safety as well as the well being of the animals. If it was not for the city's strong stance against breeding domestic pets (and or strict inspection requirements for approved animal welfare establishments to abide by) the numbers of unwanted pets in our community would have continued to climb at an alarming rate. Not only does that become a health and safety issue for the community, but it also becomes a financial burden on the taxpayers of Rockwall and Heath when the budget increases due to a growing overpopulation issue.

Due to the change in ordinances enforcing breeding licensing requirements, the spay/neuter grant, and our management team's partnership with local rescue organizations, we were able to save the city of Rockwall and Heath over 20 % of their annual animal shelter/control budget. The City of Rockwall is a prime example of what happens to the community and the animals with the laws being enforced by animal control are in support of controlling animal breeding.

The goal of the LBP program is not to cease breeding, but to serve as a check and balance for those who are licensed to care for the lives created while in their care. I strongly encourage you to vote in favor of enforce the LBP. Without the strong legislative enforcement of animal breeding licensing and regulations in place for the communities across the state of Texas, the pet overpopulation problem will continue to plague our communities drastically in the years to come. We have seen this type of regulation work in our community over the years and I encourage you to support LBP in the upcoming legislative session.

Sincerely,



Molly Brodnax
Executive Director, Rockwall Adoption Center
info@RockwallAdoptions.com
www.RockwallAdoptions.org
C: 972-771-7750 Ext 2
F: 866-803-5997

President, Legacy Humane Society
<http://legacyhumanesociety.org/>
PO Box 2733, McKinney, TX 75070
Like us at www.facebook.com/LegacyHumaneSociety

President Rockwall PAWS
PO Box 44, Rockwall, TX 75087
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Amy Baxter 186 Earhardt rd.
Bastrop, TX 78602
Volunteer/Rescuer
Lockhart Animal shelter
547 Old McMahan rd.
Lockhart, TX 78644

December 2, 2020

Dear Chair Cyrier,

I reside in Bastrop and volunteer at Lockhart shelter. I also am on the board of two Non-Profits. Safe Refuge of Central Texas and Take Me Home Animal Transport. I always vote for you, follow you on fb and admire all that you do for our great State. You were kind enough to meet with me when I tagged along with Ed Theriot last year and we discussed simplifying the tethering bill.

My concern is abolishing the Licensed Breeder Program. The animal welfare and animal control agencies are stretched to the limit and it gets worse every year. The amount of abused and throw away animals is astounding. The money spent to control and protect is costly to the State. Breeders are in it for the money which I understand but should at the least be properly caring for their commodities.

There are so many animal welfare workers and rescuers in your district who are professionals and do their best to clean up the mess while working full time jobs. We are asking nothing more than for reasonable and compassionate laws for all living creatures in our beautiful state. We turn to our representatives and respectfully ask them to make and keep laws to help end the cycle of abuse and sheer volume of animals.

I have read letters from many professionals in the animal welfare industry (I know many of them personally) and could have penned a formal letter, but I chose to shoot from the hip and write from my experiences over the last 10 years of volunteering and rescuing. I pray no one ever has to witness the abuse I have seen at Bastrop and Lockhart shelters at the hands of people that know there are little or no consequences for their actions. We are all aware that the breeders will be even more out of control without ethical oversight. If you abolish this program, you are putting an additional burden on our already strained law enforcement and costly clean up on your local shelters and volunteers.

Respectfully,

Amy Baxter

**Joel and Beverly Seffel
805 Hudgins
Smithville. Texas 78957**

December 4, 2020

To: Texas Sunset Commission

Subj: Texas Licensed Breeders Program

I am writing you as a resident of Smithville and former business owner to voice my concern about and strong opposition to the repeal/sunset of the Texas Department of Licensing and Regulation's (TLDR) Licensed Breeders Program (LBP).

With the current inspection rate in the U.S. at around 25% of the more than 10,000 puppy mills that produce an estimated 2 million puppies annually (Humane Society of the U.S. estimates) it makes no sense to repeal this bill and allow Texas breeders to contribute more to the problem.

Please consider the disproportionate impact that large-scale breeding has on small communities in Texas. Repealing this bill will place an even greater hardship on non-profits throughout the state – especially in rural areas – that end up taking in hundreds of cruelly confined animals at one time, along with dogs that have been deemed unadoptable and dropped off at shelters or dumped by the side of the road.

This puts a strain on already under-funded city and county animal shelters as well as non-profits.

These often poorly managed, strictly for-profit breeding facilities are no way to treat man's best friends. These dogs are often not given proper veterinary care nor properly socialized due to the large number of litters and "business owners" who care only about profit. The people who buy these puppies are heartbroken when it turns out their cute puppy has a horrible disease or physical issue.

Legitimate breeders who care about the specific breed allow manageable numbers of litters and follow AKC guidelines for breeding typically by having fewer breeding animals on site. Puppy mills follow no such guidelines.

Instead of repealing this bill, it should be expanded to be more in line with USDA breeder licensing requirements and made more easily enforceable. Lowering the requirement to 5 breeding females from 11 would better align to the USDA's LBP of four breeding females and allow oversight of a greater number of potentially substandard breeders. Also, removing the requirement that restricts application of the LBP to only those facilities that have sold 20 or more animals per year would make LBP more enforceable. Implementation of these minor adjustments to the LBP allows for better documentation and tracing of breeders as well as making enforcement more effective. It is also a more humane way to treat dogs and puppies.

I strongly encourage you to keep the Texas Licensed Breeders Program and expand it to include the suggestions outlined above.

Thank you for your time and consideration.

Sincerely,

Beverly Seffel

Beverly Seffel,

Beverlyseffel@yahoo.com

512 554-1202



December 4, 2020

Via Regular and Electronic Mail to sunset@sunset.texas.gov

The Texas Sunset Commission

P.O. Box 13066

Austin, TX 78711

Re: Comments in Favor of Keeping the Texas TDLR Licensed Breeders Program

Dear Members,

Thank you for the opportunity to testify on behalf of the Texas Humane Legislation Network (“THLN”). THLN is a Texas-based nonprofit promoting humane legislation. For 45 years, our bipartisan approach to policy has resulted in passing common-sense, mainstream animal welfare laws in our state. THLN staunchly supports preserving the Licensed Breeders Program (hereafter “LBP” and the “program”) regulating large-scale commercial dog and cat breeders under the auspices of the Texas Department of Licensing and Regulation (TDLR).

The Program Is Successfully Preventing Cruelty & Overseeing Licensees

The Licensed Breeders Program has successfully prevented breeding cruelty since its inception in 2011 through several different oversight measures. First, the program requires criminal background checks to prevent applicants convicted of animal cruelty from obtaining a license to operate a large-scale breeding facility. Thus, it serves the important function of barring convicted abusers from setting up shop in Texas, especially those who come here after losing their license due to violations or being charged with animal cruelty elsewhere.

The program is effective at preventing cruelty and large-scale seizures by codifying basic standards of care and conducting regular inspections. While Texas is the 8th largest producer of commercially bred pets, only 25% of Texas breeders hold a USDA license and are subject to federal oversight. Texas needs this program to cover the remaining 75% that fall outside USDA purview.

That statistic demonstrates that the LBP is not redundant regulation. Nor is it redundant enforcement. Conversely, the LBP works in tandem with Texas’ other animal cruelty laws to make law enforcement’s job easier. Texas’ animal cruelty laws apply only after cruelty has occurred. Thus, the program avoids tasking law enforcement with arresting and prosecuting citizens by proactively preventing cruelty.

Next, law enforcement officials warn that abolishing the LBP will take us back to the days of costly large-scale seizures burdening municipal agencies. Keeping the LBP avoids putting an unfunded mandate on law enforcement to police unethical breeders. The program also stems the flow of seized animals to shelters and nonprofits already struggling to absorb and care for homeless pets in their communities.

Lastly, the LBP provides critical consumer protection to Texans wanting to make an informed decision on purchasing a pet. By turning to the LBP registry, consumers can see LBP license holders in good standing who comply with TDLR standards for clean, safe and disease-free facilities. Before the LBP, the Texas Veterinary Medical Association (TVMA), the Texas Office of the Attorney General, and THLN, among others, routinely received complaints from families that unknowingly purchased sick and defective puppies. Sadly, many of those cases ended in both heartache and debt from high vet bills when the puppy

could not be saved, even after expensive veterinarian treatment. For the above-stated reasons, we adamantly believe the LBP should remain the law of land.

Recommendations for Improving Program Effectiveness

That being said, we are in favor of changes to improve the program's effectiveness. We agree with the Sunset Staff Report that "significant statutory exemptions and unenforceable requirements undermine both the program's goals and the agency's efforts, despite disproportionately high administrative costs." (page 23 of TDLR Sunset Advisory Commission Staff Report issued June 2020, hereafter "Staff Report").

The LBP uses a two-factor standard to determine which breeders are regulated: those with 11 or more breeding females *and* twenty sales per year must be licensed. Notably, having a two-factor standard is quite rare (only 3 other states - Maine, Minnesota, and Ohio - use two factors). Oklahoma is the only other state with a breeding threshold as high as 11 or more females and does not combine that threshold with a sales requirement (page 24 of the Staff Report). The combination of those particular factors plays a significant role in handicapping the program. In short, 1) the 11 breeding females threshold is too high, and 2) proving twenty annual sales is an unworkable requirement.

Reduce Breeding Females Threshold

Currently, the vast majority of complaints filed with TDLR are against unlicensed breeders. A considerable number of these breeders do not meet the 11 breeding females threshold but their output is nonetheless high-volume because they breed 5-10 females up to twice a year. Considering the average dog litter is five puppies, these breeders are selling large numbers of animals. Thus, the high threshold means a large segment of high-volume producers goes sight unseen. Lowering the number of breeding females to 5 will more accurately target the operators who need oversight. Further, moving the number from 11 to 5 will bring the LBP into line with counterpart licensing programs, including the USDA.

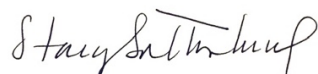
Eliminate Proof of Sales Requirement

The second recommended change is eliminating the proof of sales requirement. Based on presentations given by TDLR inspectors, and per the Sunset Staff Report, determining whether a breeder is forthright about sales is all but impossible (page 24 of the Staff Report.) The report correctly goes on to state that disciplinary action against unlicensed breeders is rare. This finding is not surprising given the difficulty inspectors have proving 20 sales have occurred. Removing this loophole will improve enforceability.

The above changes do not, however, present a barrier to entry. The profits made from one puppy, which typically sell for many hundreds or even thousands of dollars, easily cover the cost of the LBP \$300 annual license. Judging by the current number of complaints about unlicensed facilities, the recommended changes are not likely to increase TDLR workload. This is because TDLR inspectors already respond to far more complaints about unlicensed breeders than those who hold an LBP license. License revenues, however, would increase if more large-volume breeders were brought into the fold.

Thank you for this opportunity to share the above comments. We would be happy to provide additional information or answer any questions.

Sincerely,



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