



Via e-mail: [sunset@sunset.texas.gov](mailto:sunset@sunset.texas.gov)

June 25, 2020

Re: The Texas Sunset Advisory Commission's Recommendation to Abolish the Texas Department of Licensing and Regulation's Licensed Breeder Program

Dear Texas Sunset Advisory Commission:

The Humane Society of the United States (HSUS) is a nonprofit organization dedicated to ending the cruelest practices impacting animals. Across the nation, we are leading the fight to protect animals kept in inhumane breeding operations, or puppy mills, and have staff with decades of experience researching and addressing the impacts of commercial breeding policies on animal health and safety, as well as consumer protection. Along with thousands of our Texas supporters, we have, for years, worked with Texas policymakers at local and state levels to implement reasonable and highly effective policies to improve animal welfare in our state, including the Texas Dog or Cat Breeder Act.

We thank the Texas Sunset Advisory Commission Staff for their continued dedicated work during such tumultuous times, and for the opportunity to submit comments on the recent staff report regarding the Texas Department of Licensing and Regulation's Licensed Breeder Program.

### **Background**

In 2011, Texas enacted the "Texas Dog or Cat Breeder Act," which requires the licensure and inspection of high-volume commercial dog and cat breeders in our state. The bill analysis stated the purpose of the legislation: "[Breeding] facilities often times do not provide adequate and humane care for the animals they are breeding, many times failing to keep animals properly sheltered or to provide adequate veterinary attention. Currently, there is little to no regulation requiring these facilities to provide a minimum standard of care for these animals."<sup>1</sup>

One month after the law went into effect, the Responsible Pet Owners Alliance and other individually regulated breeders challenged the law in federal court. The Texas Attorney General spent considerable time and resources successfully defending the law, arguing the law was enacted "to address a long-recognized, substantial government interest of ensuring the welfare of animals by imposing standards of care upon those who engage in the breeding of domesticated pets for profit."<sup>2</sup> The Attorney General further argued that if the court allowed the law to be struck down "the public's interest in ensuring animal welfare that is served by the Act will be harmed." In February 2013, the District Court dismissed the case, allowing the law to remain in effect.<sup>3</sup>

Despite the State's clear recognition that the Texas Dog or Cat Breeder Act is an important part of regulating this industry, earlier this month, the Texas Sunset Advisory Commission Staff Report recommended that the program implementing the law, called the "Licensed Breeder Program" be completely defunded, and thus abolished. The report argues that the program does not provide

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<sup>1</sup> <https://capitol.texas.gov/tlodocs/82R/analysis/pdf/HB01451H.pdf#navpanes=0>

<sup>2</sup> Defendant's Response to Motion for Prelim. Inj., *Arnett v. Denton*, United States District Court, W.D. Texas, Austin Division

<sup>3</sup> *Arnett v. Denton*, United States District Court, W.D. Texas, Austin Division, 2013 WL 12315102

meaningful regulation.<sup>4</sup> The Humane Society of the United States (HSUS) and our Texas supporters strongly disagree and urge the Commission to retract its recommendation to abolish the Licensed Breeder Program, as repealing this important program would be a significant step backwards for animal welfare and would place Texas squarely on the wrong side of the puppy mill issue as compared to the majority of states.

### **Federal oversight is inadequate.**

The Texas Sunset Advisory Commission Staff Report suggests that one of the reasons for abolishing the Licensed Breeder Program is because the United States Department of Agriculture (USDA) already oversees the commercial breeding industry. In theory, the federal government does regulate this industry because the USDA is charged with enforcing the Animal Welfare Act (AWA) and subsequent federal regulations. Yet, there are significant concerns with Texas relying on federal regulation.

First, the USDA only licenses breeders with five or more breeding female dogs who also sell to pet stores or over the internet sight-unseen. It does not regulate breeders who sell directly to buyers and does little to ensure all breeders who should be licensed are. There are an estimated 10,000 puppy mills in the United States, yet less than 3,000 breeders are licensed by the USDA. As of January 2020, there were 64 Texas breeders licensed by the USDA and according to the Texas Sunset Report there are 154 breeders licensed by the state. Thus, nearly 60% of state licensed breeders have no USDA oversight and would have no oversight at all without the state program.

Second, the AWA standards of care are weaker than Texas' standards of care. In 2011, with the passage of the Texas Dog or Cat Breeder Act, our lawmakers, with enormous support from their constituents, decided that Texas needed stronger protections than the federal law provides. As such, Texas law prohibits cage stacking above three levels, requires at least an hour of exercise or large enough group enclosures to allow dogs to adequately exercise, requires positive physical contact with humans, limits expose to extreme temperatures to two hours, requires a yearly veterinary exam of each breeding dog, requires breeders to use veterinarians to euthanize animals or perform surgical births rather than performing do-it-yourself surgeries, requires adequate rest between breeding cycles, and requires grooming. The USDA is either silent or has significantly weaker standards than all the aforementioned. *See appendix B for a chart detailing these key differences.*

Finally, the USDA has serious, well-documented enforcement deficiencies, making it an unreliable benchmark for animal welfare protection in Texas. For instance, in 2010, the Office of Inspector General released a report stating that the enforcement process was ineffective against problem dealers because inspectors did not cite or document violations properly, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations.<sup>5</sup> Things have only gotten worse since this 2010 report was released. In recent years, the USDA has proven again and again that it cares far more about protecting puppy mills than regulating them, as the following examples demonstrate:

- In May 2020, the USDA told stakeholders it had only 95 inspectors charged with inspecting 8,153 pet dealers, exhibitors, and research facilities, and that they had inspected over 1 million animals in 2019. In the same month, the USDA admitted they had not revoked a single dog breeder license in two years.

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<sup>4</sup>[https://www.sunset.texas.gov/public/uploads/files/reports/Texas%20Department%20of%20Licensing%20and%20Regulation%20Staff%20Report\\_6-4-20.pdf](https://www.sunset.texas.gov/public/uploads/files/reports/Texas%20Department%20of%20Licensing%20and%20Regulation%20Staff%20Report_6-4-20.pdf)

<sup>5</sup> <https://www.usda.gov/oig/webdocs/33002-4-SF.pdf>

- In March 2020, the USDA updated its “teachable moments” policy that instructs inspectors not to cite breeders for all violations of the law, but rather to teach them how to correct certain issues.<sup>6</sup> Anything that is not “causing noticeable pain or distress to an animal” at the time of inspection could now be a “teachable moment” and not recorded on the inspection report. This massive loophole in enforcement that gives inspectors immense discretion will likely have disastrous consequences for animals trapped in puppy mills.
- In February 2020, due to a Congressional directive, the USDA began restoring unredacted inspection reports to the online database that it had unexpectedly purged 3 years earlier.<sup>7</sup> Congress made it clear that the public and animal welfare organizations looking to hold the USDA accountable have the right to easily access inspection reports of licensed breeders, despite the USDA’s claim that licensee’s privacy should prevail. The restored records confirm that the USDA is issuing far fewer violations than it used to and that most citations are for “no access,” meaning breeders are not even allowing inspectors on their property anymore.
- In August 2019, *The Washington Post* reported that the USDA’s leaders told inspectors of a new policy that emphasized “education, not enforcement” and treating regulated entities “more as partners than as potential offenders.”<sup>8</sup> A USDA veterinarian who oversaw inspectors in 27 states told *The Post* the weakened enforcement had caused an “untold numbers of animals” to experience unnecessary suffering. A USDA inspector for 20 years, who left at the end of 2017, told *The Post*: “It feels like your hands are tied behind your back. You can’t do many things you’re supposed to when it comes to protecting animals.” *The Post* further reported that since 2016 citations by the USDA have plummeted 65% and enforcement cases have declined 92%.
- In October 2018, *The Washington Post* reported the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint; a USDA spokesperson told *The Post* this was in part due to “working more closely with alleged violators” rather than taking enforcement actions.<sup>9</sup>
- In May 2018, the USDA introduced a self-reporting policy: an incentive program that allows licensees to avoid penalties for violations by self-reporting them, even if the violations resulted in animal deaths.<sup>10</sup> That same month, the USDA released a new version of its inspector manual that removed a number of provisions designed to help inspectors identify and remove suffering animals, as well as other provisions requiring professional veterinary care for ailing animals. The USDA greatly weakened their veterinary care rules, leaving dogs at risk of do-it-yourself solutions.

The USDA’s failure to adequately regulate commercial breeders indicates that it has never been more important for states to regulate the industry. In fact, the most recent HSUS Horrible Hundred Report, published in May 2020, exposes several instances where state inspectors issued numerous severe violations against breeders that the USDA had found to be compliant.<sup>11</sup> For instance, Rios Kennel failed three Missouri state inspections in 2019 for a variety of problems including a canine distemper

<sup>6</sup> [https://www.aphis.usda.gov/animal\\_welfare/downloads/Animal-Care-Inspection-Guide.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/Animal-Care-Inspection-Guide.pdf)

<sup>7</sup> <https://www.washingtonpost.com/science/2020/02/19/usda-reposts-animal-welfare-records-it-purged-its-website-2017/>

<sup>8</sup> [https://www.washingtonpost.com/science/caged-raccoons-drooled-in-100-degree-heat-but-federal-enforcement-has-faded/2019/08/21/9abf80ec-8793-11e9-a491-25df61c78dc4\\_story.html?fbclid=IwAR1GWIOQz\\_afijdaoV8PH8UPYMLahdmLw6EZm7eS\\_airT6dqXiYhoMtYUcA](https://www.washingtonpost.com/science/caged-raccoons-drooled-in-100-degree-heat-but-federal-enforcement-has-faded/2019/08/21/9abf80ec-8793-11e9-a491-25df61c78dc4_story.html?fbclid=IwAR1GWIOQz_afijdaoV8PH8UPYMLahdmLw6EZm7eS_airT6dqXiYhoMtYUcA)

<sup>9</sup> <https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/>

<sup>10</sup> [https://www.aphis.usda.gov/publications/animal\\_welfare/2017/ac-tech-note-incentives-animal-welfare-act-compliance.pdf](https://www.aphis.usda.gov/publications/animal_welfare/2017/ac-tech-note-incentives-animal-welfare-act-compliance.pdf)

<sup>11</sup> <https://www.humanesociety.org/sites/default/files/docs/2020-Horrible-Hundred.pdf>

outbreak, a dog in a bloody cage in obvious need of veterinary care, dogs with squinting eyes and nasal discharge, dogs' toe nails long enough to splay, and inadequate space for dogs. The USDA failed to cite this facility for any violations.

Additional Missouri breeders were cited by the state for various severe veterinary issues, dogs fighting, dogs that were too thin, excessive feces buildup, dogs with dirty and matted fur, dogs in extreme temperatures and dogs sold without required vaccinations.<sup>12</sup> Yet, these facilities—with problems that often take months to reach such levels as those cited by state inspectors—did not receive a single USDA violation.

Perhaps most shockingly, in October 2019, a Kansas inspector discovered that the breeder operating Wendy's Pets shot and killed 24 dogs—an unacceptable form of "euthanasia." The breeder told the state inspector he had already cleared this form of euthanasia with his USDA inspector. The USDA did not cite Wendy's Pets for a single violation and confirmed in a stakeholder meeting that it now accepts licensees shooting dogs as long as a veterinarian signs off on the "euthanasia" method.

Without state licensing and inspection programs, the aforementioned breeders would have nothing to show for this cruelty except a clean report from the USDA. While the USDA turns a blind eye to cruelty, states must take a strong stand against it. Otherwise animals and consumers suffer immensely.

### **Dangers of abolishing the Licensed Breeder Program.**

Removing state oversight of high-volume breeders would be disastrous for thousands of mother dogs who would no longer be protected from abuse and neglect because of the USDA's inadequate oversight. State inspectors have a long record of ensuring veterinary care is provided to dogs who gravely need it, enclosures are large enough, exercise is provided, and conditions are sanitary. Without inspections and standards to enforce those dogs would have continued to suffer. The following examples of TDLR inspectors citing and sometimes fining breeders who were only licensed by the state of Texas during the time of these inspections, i.e. not licensed by the federal government, illustrate the grave need to ensure state inspections continue:

- In December 2019, TDLR cited T's Chi's Kennel, owned by Patricia Rene Fenton (Daingerfield, TX), for allowing her breeder license to expire and engaging in breeder activities without a license, a torn floor, insufficient cleaning and removal of excreta, failure to have an effective program for the removal of insects and rodents, and failure to have "a sufficient number of employees to provide the appropriate level of husbandry practices at the kennel."
- In February 2019, TDLR fined Skyllar Cummings, Carla Hendrickson, and Kelton Roberson of CKS's Dachshunds (Mabank, TX) for acting as dog breeders under an expired license and for failing to ensure that each animal used for breeding was examined by a veterinarian at least once a year. TDLR also found that animals had not been vaccinated for rabies. The breeders were originally fined \$5,750 but were allowed to pay a reduced fine of \$4,315 after meeting certain conditions.
- During a November 2018 TDLR inspection, an inspector found a Great Dane in emaciated condition at D and S Puppies, owned by Deborah Pence (Cumby, TX). The dog was so thin that the issue was reported to law enforcement for suspected animal neglect. The inspector wrote: "I observed a Brown, Black and White Colored Great Dane in a pen that had rib and pelvic bones protruding out of the animal that were easily seen and identified as problematic." Local authorities required the breeder to take the dog to the veterinarian for treatment. The breeder was also cited for excessive

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<sup>12</sup> See entries for Timber View Kennel, The Silver Spur, Love Our Pets, TLC Kennels, and Rocky Top K9s in 2020 Horrible Hundred Report; *id.*

feces in one of the small, raised pens that resulted in the two dogs inside it “having to move around inside the pen avoiding the dried-up waste,” and for a pen that was “not structurally sound.” See *Appendix A for inspection photos*.

- During an August 2018 inspection, Martha Ann Singleton of MJ’s Farm (Cumby, TX) was cited for two enclosures with sharp, rusty wires that could injure the dogs, a lack of any recent veterinary records on the dogs, and dogs kept in small cages who were not taken out regularly for exercise. See *Appendix A for inspection photos*.
- In August 2018, a state inspector cited Gail Claborn of Circle 5 Aussies (Slaton, TX) for a “failure to remove excreta and food waste daily from primary enclosures” after finding numerous dogs in concrete runs or wire dog kennels with excessive feces. See *Appendix A for inspection photos*.
- In October 2016, TDLR fined Alejandro Franco of Fairytail Puppies (Mission, TX) \$2,775 for selling a puppy who was only six and a half weeks old to a buyer in California. (Texas law requires puppies to be at least eight weeks of age prior to sale.) Franco also failed to include the required records with the puppy, including detailed health records, according to the state’s complaint, and failed to respond to the buyers when they requested compensation for veterinary bills. The underage puppy appeared to be suffering from a congenital defect. According to the complaint, she was “diagnosed with megaesophagus- congenital, aspiration pneumonia, and coccidian.”
- On July 18, 2016, Vicky and Frank Hines of Hines Hill Terriers (Quanah, TX) were ordered to pay a fine of \$5,050 in penalties to TDLR, related to issues found during a February 2016 state inspection. Those issues included letting their license lapse in 2015 but continuing to sell puppies, failure to maintain safe enclosures, and failure to properly clean up feces and to properly clean and sanitize food and water receptacles. Additional issues that were found during the same state inspection included: failure to have preventive healthcare exams on each animal (none of the dogs used for breeding had been examined by a veterinarian in more than a year), lack of shade in outdoor kennels, and unsafe wire flooring that did not protect dogs’ feet from passing through the openings.
- In April 2016, TDLR fined Jack and Dorothy Foreman of Dorothy’s Perfect Pets (Marshall, TX) \$1,500 for operating an unlicensed kennel in 2015. Photos taken during the investigation show adult Dalmatians housed in stacked wire crates of the size normally used to hold a dog for a few hours. The dogs appeared to have barely enough room to turn around. Some of the kennels appeared rusty and were in dirty, cluttered rooms. According to the state’s investigative report, when a state inspector visited the kennel in October 2015 to check on reports of an unlicensed facility, he found a number of violations, including housing that appeared to be dangerous for the animals and a strong odor in the house due to inadequate ventilation. See *Appendix A for inspection photos*.
- In October 2015, a state inspector filed a cruelty complaint against Larry Rummel of STP Kennel (LaRue, TX) after finding two emaciated Labradors, one of whom was injured and bleeding. The inspector also found three adult, pregnant Labradors housed in plastic “pet taxi” carriers as their primary enclosure, and found that a veterinarian had not examined the dogs at the kennel in more than two years. Photographs taken by a state inspector at STP Kennel show Labradors so thin that their hip bones, ribs, and spines are prominently visible. The breeder was fined \$4,375 as part of a settlement agreement with TDLR. See *Appendix A for inspection photos*.

Without state oversight of commercial breeders, not only will existing Texas breeders have no incentive to properly care for their animals, but it is likely additional puppy mills will flock to the state. Texas will become a safe haven for especially problematic puppy mills should it become a state without a breeder law.

### **TDLR's enforcement issues can be solved.**

The Texas Sunset Advisory Commission's report lists "significant loopholes" in the Licensed Breeder Program as a reason to abolish the program altogether. It focuses largely on the current threshold for those who need to be licensed (those with 11 breeding female dogs and who sell 20 animals per year). Rather than abolish the program because the number of breeding females is too high and the sales threshold is "almost impossible" to enforce, **we suggest working with the legislature to lower the breeding female threshold to five and to simply remove the sales threshold altogether.** This would take care of two of the loopholes the Commission is concerned about.

The report also notes that exemptions in the law for those that breed for racing, field competitions, personal use, herding or hunting lead to many breeders remaining unlicensed. That hardly seems like a reason to do away with the whole program, which was designed to crack down on puppy mills, i.e. those that breed for profit and sell dogs as pets to consumers or retailers. The legislature could, of course, consider removing those exemptions, but we feel that even with them the program is crucial to stopping puppy mill cruelty.

Perhaps the most puzzling stated rationale for abolishing the program is that unlicensed activity is the most common TDLR complaint with more than 350 breeders in Texas without a state or federal license. Clearly, removing all state oversight of the 154 breeders currently licensed by TDLR would only make the problem of unlicensed and uninspected breeders worse, especially since only 64 Texas breeders are licensed by the USDA. Working with the legislature to amend the threshold for coverage to a more enforceable five breeding females is a solution to this problem, repealing the program altogether is not.

### **Relying on local law enforcement is not the answer.**

The report states that the Licensed Breeder Program misses the target ("large scale breeder operations with significant potential for animal harm") because it "has not had a significant impact on bringing such operations to justice." As evidence, the report states that there were at least 22 animal seizures by law enforcement statewide from 2012-2019 and that only three facilities were TDLR licensees and in only one instance did a TDLR inspection cause the seizure. What the report fails to acknowledge is the high likelihood that state inspections, citations, and/or fines stopped many licensed breeding facilities from reaching the level of cruelty that would lead law enforcement to seize animals. That is the point of the Licensed Breeder Program: to proactively inspect facilities and hold them accountable to welfare standards. The fact that some problematic breeders have avoided state regulation is a reason to upgrade the law, including the threshold for coverage, and ensure all who should be licensed are. It is not a logical reason to repeal the program.

The report notes that the presence of law enforcement is needed because there are dangers involved in investigating allegations of unlicensed breeding. That may very well be true, and it points to the need, in some instances, to have law enforcement agents accompany inspectors. It is not uncommon for USDA or state inspectors to ask for law enforcement to provide back up to them in situations that appear to be unsafe. Yet, the possibility of suspected breeders responding dangerously is not a reason to turn a blind eye to them or to repeal the program altogether.

The report also argues that local law enforcement is better suited to address the state's puppy mill problem because they enforce the state's cruelty law. This argument ignores several crucial facts. Texas' cruelty laws protect a wide variety of animals from actions considered "cruel" (for instance, torturing or abandoning an animal, failing to provide food, care or shelter, killing, seriously injuring or poisoning an

animal, and causing an animal to fight with another), and provide various civil and criminal penalties that can be imposed on those who are guilty of cruelty. The Licensed Breeder Program, on the other hand, is specific to dogs and cats kept for breeding at high-volume facilities. It includes important regulations to account for common ways puppy mills mistreat animals—denying dogs proper veterinary care, exercise, socialization, and grooming; confining dogs for their entire lives in tiny enclosures; exposing dogs to extreme temperatures for extended periods of time; and breeding dogs at every heat cycle regardless of body condition. Without being held to standards of care specific to the needs of breeding dogs, the 164 breeders currently licensed by the state would merely have to provide dogs with the bare minimum of care needed to stay just above the cruelty threshold. This would undoubtedly lead to immense suffering.

There are also procedural reasons law enforcement agents are not best suited to address puppy mills. Unlike TDLR inspectors, law enforcement agents cannot proactively inspect breeders. Instead law enforcement agents must wait for complaints, gather evidence, and obtain warrants. Without regular, proactive inspections, there would almost certainly be more, larger, and more inhumane facilities. In the rare instances when law enforcement is able to crack down on problem breeders, it would place a massive and unmanageable burden on local agencies, including shelters who would have to take in these animals who often need extensive veterinary care and suffer from severe emotional trauma. Yet, with the Licensed Breeder Program, especially if it was expanded to include more breeders, the state could take proactive steps to stop animal care conditions from getting out of control, rather than merely having law enforcement react to the worst cases.

#### **The Breeder Program can be self-funded.**

The report states that the program is “resource intensive” and revenues do not cover its administration. Yet, there are revenue increasing solutions. If any breeder with five or more breeding female dogs was licensed, as we suggest above, far more breeders would pay fees. In addition, license fees could be increased across the board, as could out-of-cycle inspection fees for those with serious or repeat violations, and late renewal fees. Fines for those operating without a license and for those violating the law could also be increased.

Currently, a Texas breeder license costs \$300 for a breeder with 11-25 intact females and \$500 for a breeder with 26 or more intact females. Other states have higher fees. Oklahoma’s license fee goes up to \$650, Pennsylvania and Ohio’s license fees go up to \$750, and Nebraska’s license fee goes up to \$2,100 for the largest breeders. Nebraska also charges an additional “daily average fee” on annual license renewals (\$2 x average number of dogs owned during the previous year numbering more than 10 dogs). Missouri charges \$100 for initial license fees and renewal fees, plus a per capita fee not to exceed \$2,500. The per capita fee is assessed annually based on needs of the program charging not more than \$1 per animal sold or otherwise disposed of.

Other states also have fees for re-inspections. In Kansas, a breeder who fails an inspection is required to pay a \$200 reinspection fee for any subsequent inspections. Some states also have automatic increases in fees for those who do not renew on time. In Oklahoma, if a license renewal form and fee is not received by the June 30 deadline, the renewal fee doubles, whereas the Texas law allows breeders 90 days before the renewal fee doubles.

The penalties and sanctions for the Licensed Breeder Program violations could, of course, also be strengthened. Currently, penalties are assessed based on the Class of the violation which seems to be based on the severity of the violation. For Class A, first violations result in \$500 fines and third violations result in \$1,100-\$1,300 fines. For Class F, first violations result in \$3,000-\$5,000 fines and/or revocation

and third violations result in \$5,000 fines and/or revocation. These fines could be increased, and the state could upgrade the breeder law to aid in the expediency of enforcement cases. It seems highly likely that TDLR could provide detailed recommendations to the legislature for statutory upgrades to account for the stated concerns in the report.

The revenue issues with the program should be taken seriously and addressed with legislative action. They should not, however, be used as justification to abolish the whole program.

### **Tennessee's cautionary tale**

In 2009, Tennessee enacted the Commercial Breeder Act which required large-scale breeders to be licensed, adhere to certain standards of care, and allow their properties to be inspected. In 2014, the law was allowed to sunset and the program was terminated. Since then, the state's puppy mill problem has gotten much worse.

In June 2020, the Madison County Sheriff's Office and participating groups removed almost 600 dogs from wretched conditions at the property of an infamous puppy mill family, the Doyle-Webbs, in Mercer, TN.<sup>13</sup> Witnesses told the media they saw every room of the home stacked from floor to ceiling with crates of dogs, and that many dogs appeared emaciated or were suffering from skin conditions and other ailments. As local news stations reported: "Investigators said a lack of strong laws against puppy mills in the state of Tennessee contributed to delaying their ability to obtain a search warrant on the property."<sup>14</sup> Indeed, a strong commercial breeder law could have allowed authorities to inspect the property and correct any issues. Instead, hundreds of dogs suffered for many years.

The Doyle-Webbs have a long history of animal abuse. In 2000, two members of the family were convicted of 47 counts of animal cruelty, fined, and banned from owning animals for a 10-year period. The Doyle-Webbs are named in an ongoing lawsuit against PuppyFind.com, an online puppy marketplace, as several of the plaintiffs purchased sick puppies from them.<sup>15</sup> As described in the lawsuit, some of those dissatisfied buyers ended up with shar-pei puppies who were malnourished, and had mange, skin lesions, severe upper respiratory infections, parasites, skin sores and/or eye and ear infections. Some of the puppies had to be euthanized just a few weeks after purchase. Shockingly, these puppy millers, who often sell under different names, remain unlicensed by the USDA, and up until June of this year local law enforcement efforts to crack down on them had failed. *See Appendix C for photos of puppies the Doyle-Webbs sold.*

Tennessee is also home to massive puppy mills, including one that is believed to be one of the largest puppy mills in the nation. A1 Puppies, aka Devildelites Kennel, had over 800 dogs and puppies on the property as of December 2019. And, Allison Hollow Kennel, with over 250 dogs, reached a level of neglect in 2019 that led USDA inspectors to visit the facility repeatedly due to dogs with severely matted, feces filled hair.

In 2018, the Rhea County Animal Shelter rescued more than 100 small dogs from "the worst puppy mill situation we have ever seen," the shelter said in a Facebook post.<sup>16</sup> "These poor animals have known nothing but living in their own filth and darkness," the post reads. "These conditions are extreme and

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<sup>13</sup> <https://www.wbbjtv.com/2020/06/22/puppy-mill-raid-leads-to-removal-of-approximately-600-animals/>

<sup>14</sup> <https://www.wvlt.tv/2020/06/21/hundreds-of-dogs-discovered-at-west-tennessee-puppy-mill-sparks-investigation/>

<sup>15</sup> <https://blog.humanesociety.org/2017/08/court-allows-pet-parents-sue-puppyfind.html>

<sup>16</sup> <https://www.knoxnews.com/story/news/local/tennessee/2018/10/09/puppy-mill-rhea-county-animal-shelter/1582275002/>



medical attention is needed for ALL of these animals." And in 2014, The HSUS and local law enforcement assisted in removing over 200 dogs from terrible conditions at Queen Elizabeth Pocket Beagles.<sup>17</sup> Some of the dogs were blind and deaf and others suffered from severe mange and staph infections. Despite this, the breeder continues to operate without any oversight. *See Appendix C for photos of this rescue.*

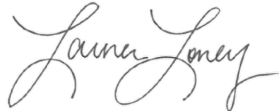
Without a state law regulating commercial breeders, all of the aforementioned breeders operate with no oversight whatsoever or minimal USDA oversight. Some Tennessee lawmakers, concerned residents, veterinarians, and local animal welfare and law enforcement organizations continue to press for a new commercial breeder law and will not stop until the state takes this issue seriously once again.

## **Conclusion**

The HSUS urges the Commission to reverse its suggestion to abolish the Licensed Breeder Program. The values of pet-loving Texans cannot be represented by the state turning its back on thousands of breeding animals. Should the Commission move forward with its suggestion to abolish the program, it will thrust upon the legislature an extremely unpopular bill. Neither the HSUS nor the hundreds of dedicated animal advocates across our state will quietly let Texas give puppy mills a free pass.

Thank you for taking the time to review our comments and if you have follow-up questions, please don't hesitate to reach out.

Sincerely,



Lauren Loney  
Texas State Director  
Humane Society of the United States  
P. 512-534-7939  
lloney@humanesociety.org

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<sup>17</sup> <https://www.timesfreepress.com/news/local/story/2014/jun/14/911-call-led-to-dogs8226-filthy-kennels-described/249804/>