

"Every day, I look at you, hoping you will play with me. Every day, I look at you, hoping you will tend my sores. Every day, I look at you, hoping you will clean my cage; I have been lying in my own feces for weeks now. Every day, I look at you, hoping you will feed me more." These are the thoughts of puppies and dogs that live in puppy mills in Virginia. Last Fall, my beloved Virginia showed the nation an uglier side to our slogan: "Virginia is for lovers." We, like many other states, have a huge puppy mill problem. Those of us in law enforcement have seen for years the products of puppy mills. Puppies and Dogs were brought into our shelters all across Virginia, showing signs of horrific conditions and abuse. These animals were suffering from such severe neglect that it definitely fit our statutory definition of cruelty.

In the fall, the Humane Society of the United States did an undercover investigation of puppy mills in Virginia. The footage they filmed showed inhumane conditions and poured a negative light on Virginia's lack of enforcement against these puppy mills. Puppies and Dogs were living in cramped cages with hardly any sunlight and definitely no room to move. Many of the cages had no barriers between cages, so that feces and urine fell onto the dog below it. The dogs were living in a pure hell where they were bred over and over again for profit. One particular puppy mill in Hillsville had over 800 dogs. Many animal groups answered the call and stepped in and helped place over 600 dogs. But sadly, that operator was allowed to keep over 200 dogs. He would be back up to his original number in record time.

Puppy mills in Virginia and nationwide are allowed to flourish despite strict animal cruelty laws. In fact, Virginia has a good animal cruelty law, with graduated felonies. The dirty secret is that these puppy mills operate in the full light of day because they are subject regulations enforced by the United States Department of Agriculture (USDA). USDA does not have the resources to enforce in every locality in Virginia. Thus, enforcement of cruelty laws falls to Animal Control. Because of this regulatory structure, many animal control departments felt that they could not investigate regardless of complaints. Thus, these puppy mills operated with reckless abandon. Animal Control departments were frustrated by investigatory techniques they would have to invest in to build a case. To be clear, Animal Control wants these operations shut down because of the violations of neglect/cruelty laws. After the media frenzy shining the spotlight on Virginia, animal advocates got busy and enlisted Delegate Bobby Orrock (Spotsylvania), who sponsored puppy mill legislation in January to regulate these puppy mills and give animal control more tools to inspect these operations.

House Bill 538 has passed both Houses of our General Assembly in Virginia and will become law July 1, 2008. With all legislation, compromises have to be made and while the proponents of the bill wanted more stringent standards, the bill that prevailed is a pretty good one. It has some provisions that clearly will bring these breeders into the bright light of day. This bill's provisions deserve a closer look.

The first, very obvious change is to assess penalties upon the breeders for not being licensed by the USDA. Now, if you are a commercial dog breeder who sells to pet

shops in Virginia, you must maintain a valid and current USDA dealer's permit. If you do not maintain that permit, you will be guilty of a Class 1 misdemeanor. This has real teeth because a Class 1 misdemeanor carries up to 12 months in jail. Similarly, pet shops cannot turn a blind eye and buy dogs from unlicensed breeders. If they buy from a person who is not a dealer or licensed by the USDA, they are subject to the same penalty.

Secondly, there is a legal definition of commercial dog breeder now under our Code. During a 12 month period, if you maintain 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals, then you are a commercial dog breeder in Virginia. The proponents of the bill originally wanted 20 dogs as the limit, but as with much legislation, the bill would have been defeated without the amendment. Even so, this is a huge step for our state. This will stop the puppy mill operations that HSUS discovered in our state. Those operations would definitely fit under this definition of commercial dog breeder.

Moreover, a business license is now required of commercial dog breeders. The bill sets up requirements for commercial dog breeders. They may not maintain over 50 dogs over the age of one year at any time for breeding purposes. Localities are allowed to adopt ordinances allowing more and they may include additional requirements. Again, proponents wanted a lower number of dogs, but until this legislation, there were no checks at all on the amount of animals. Thus, we had 800+ puppy mill operations. This is at least a step in the right direction.

However, the devil is always in the details. The additional requirements imposed upon commercial dog breeders show the real work of the proponents of this legislation. Commercial dog breeders now have some humane requirements they must meet. Among them, they can breed female dogs only i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding; ii) after the dog has reached the age of 18 months and iii) if the dog has not yet reached the age of 8 years. In the puppy mill world, breeders literally breed dogs to death. One female dog brought into one of the local shelters had to be euthanized because they had bred her so many times that her female organs were deteriorating. Having this certification of good health is a huge step forward. The age limits on the young dogs and the older dogs also will limit the abuses of these breeding operations. Breeding really young animals and really old animals is a common, abusive practice of these breeders.

The bill tightens requirements regarding disposal of living and deceased dogs which again gets at the abusive practices. Dog waste must be disposed in accordance with state and federal laws. Our state laws do not allow dogs to lie or be kept in feces encrusted cages and enclosures. This was another astute addition to the bill. There are many requirements that deal with accurate record keeping and the disposition of the animals along with medical care and vaccinations. These requirements will stop the abuses. These puppy mills have no written or electronic records of any of their dogs and basically warehouse dogs without any regard to the animal cruelty laws. The new requirements are designed to make them accountable for the welfare of these dogs. The devil is in the details and the details will ultimately capture the bad breeders.

Finally, the law enforcement provisions of this new bill are truly effective and trailblazing. There is a right of entry provision that allows the State Vet or his agents, animal control officers and any public health or safety official to investigate a commercial dog breeder operation. They have this right of entry upon receiving a complaint or on their own initiative. Thus, they can investigate at will. This certainly shines a spotlight on these operations. Plus, the investigating agent can inspect the records of breeder, the companion animals owned by the breeder and any place where animals are bred and maintained. The officer in carrying out the inspection may enter any premises where animals are bred or maintained during daytime hours. This gives the officers the ability to really investigate for the first time. It is an inspection scheme that allows the breeding operations to be exposed for what they really are: cruelty factories. The officers are not hamstrung by the breeders hiding behind the USDA permitting process. Additionally, these breeders shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. This is truly progressive not just for our state but also for the nation. It brings the puppy mills out into the light of day for the world to see how they operate.

For so many years, consumers have complained of these operations. They would purchase sick animals from them and were often frustrated by it. But the darker side is that these animals are living in a nightmare. The final blow to these abusive operations is that if a person has been convicted of a violation concerning abuse, neglect or cruelty and then sells, offers for sale or trades any companion animal, that person will be prosecuted for a Class 1 Misdemeanor, carrying up to 12 months in jail. This means that abusers cannot operate as a commercial breeder. If a breeder is convicted of abuse, this should be a means to stop them permanently from breeding animals.

I am very proud of the Virginians who worked together to get this bill passed. Virginia is now a leader in stopping puppy mills and I am confident that we will put an end to them. These dogs can now be saved from this living nightmare. Other states should follow Virginia's lead. Virginia is "now" for puppy lovers.

Reference: Virginia HB 538 which amends or enacts: Virginia Code Ann. § 3.1-796.66, 3.1-796.71:1, 3.1-796.77:1, 3.1-796.77:2, 3.1-796.77:3, 3.1-796.77:4, 3.1-796.77:5, 3.1-796.77:6, 3.1-796.104, 3.1-796.122:1, and 58.1.3-109. (effective July 1, 2008).

Virginia's New Puppy Mill Law

§ [3.2-6500](#). Definitions.

The following words as used in this chapter shall have the following meanings:

“Commercial dog breeder” means any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals.

"Dealer" means any person who in the regular course of business for compensation or profit buys, sells, transfers, exchanges, or barter companion animals. The following shall not be considered dealers: (i) any person who transports companion animals in the regular course of business as a common carrier, or (ii) any person or organization whose primary purpose is to find permanent adoptive homes for companion animals.

"Pet shop" means an establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange to the general public.

§ [3.2-6511.1](#) *Pet shops; procurement from unlicensed commercial dog breeders; penalty.*

A. It is unlawful for a pet shop to sell or offer for sale any dog procured from a person who is not a dealer or licensed by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder.

B. It shall be unlawful for any commercial dog breeder who is not licensed by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.) or regulations adopted thereunder to sell any dog to a pet shop, unless such commercial dog breeder maintains a valid and current USDA dealer's permit.

C. Any person violating any provision of this chapter is guilty of a Class 1 misdemeanor.

Article 2.1.

Commercial Dog Breeding Operations.

§ [3.2-6507.1](#). *Business license required.*

No commercial dog breeder shall breed dogs in the Commonwealth without a valid business license issued by any locality, as applicable, where he maintains dogs for the purpose of commercial dog breeding.

§ [3.2-6507.2](#). *Commercial dog breeding; requirements.*

Commercial dog breeders shall:

- 1. Maintain no more than 50 dogs over the age of one year at any time for breeding purposes. However, a higher number of dogs may be allowed if approved by local ordinance after a public hearing. Any such ordinance may include additional requirements for commercial breeding operations;*
- 2. Breed female dogs only: (i) after annual certification by a licensed veterinarian that the dog is in suitable health for breeding; (ii) after the dog has reached the age of 18 months; and (iii) if the dog has not yet reached the age of 8 years;*
- 3. Dispose of dogs only by gift, sale, transfer, barter, or euthanasia by a licensed veterinarian;*
- 4. Dispose of deceased dogs in accordance with § [3.1-796.121](#);*
- 5. Dispose of dog waste in accordance with state and federal laws and regulations; and*
- 6. Maintain accurate records for at least five years including:*
 - a. The date on which a dog enters the operation;*
 - b. The person from whom the animal was purchased or obtained, including the address and phone number of such person;*
 - c. A description of the animal, including the species, color, breed, sex, and approximate age and weight;*
 - d. Any tattoo, microchip number, or other identification number carried by or appearing on the animal;*
 - e. Each date that puppies were born to such animal and the number of puppies;*
 - f. All medical care and vaccinations provided to the animal, including certifications required by a licensed veterinarian under this chapter; and*
 - g. The disposition of each animal and the date.*

§ [3.2-6507.3](#). Right of entry.

A. The Commissioner, the State Veterinarian or his assistant, any animal control officer, and any public health or safety official employed by the locality where a commercial dog breeder resides or maintains breeding operations may, upon receiving a complaint or upon his own motion, investigate any violation of the provisions of this chapter. Such investigation may include (i) the inspection of the books and records of any commercial dog breeder, (ii) the inspection of any companion animal owned by the commercial dog breeder, and (iii) the inspection of any place where animals are bred or maintained. In

conducting the inspection, the Commissioner or animal control officer may enter any premises where animals may be bred or maintained during daytime hours.

B. Any commercial dog breeder who is the subject of an investigation by the Commissioner, the State Veterinarian, or an animal control officer shall, upon request, provide assistance to the Commissioner or the animal control officer in making any inspection authorized by this section.

§ [3.2-6507.4](#). *Concurrent operation of releasing agency prohibited.*

It is unlawful for a commercial dog breeder to operate or maintain a controlling interest in any releasing agency.

§ [3.2-6507.5](#). *Penalty.*

Any commercial dog breeder violating any provision of this chapter is guilty of a Class 1 misdemeanor.

§ [3.2-6507.6](#). *Duty of attorneys for the Commonwealth.*

It shall be the duty of each attorney for the Commonwealth to enforce this chapter.

§ [3.2-6555](#). *Position of animal control officer created.*

The governing body of each county or city shall, or each town may, appoint an officer to be known as the animal control officer who shall have the power to enforce this chapter, all ordinances enacted pursuant to this chapter and all laws for the protection of domestic animals. The governing body may also appoint one or more deputy animal control officers to assist the animal control officer in the performance of his duties. Animal control officers and deputy animal control officers shall have a knowledge of the animal control and protection laws of Virginia which they are required to enforce. When in uniform or upon displaying a badge or other credentials of office, animal control officers and deputy animal control officers shall have the power to issue a summons or obtain a felony warrant as necessary, providing the execution of such warrant shall be carried out by any law-enforcement officer as defined in § [9.1-101](#), to any person found in the act of violating any such law or any ordinance enacted pursuant to such law of the locality in which the animal control officer or deputy animal control officer is appointed.

Commercial dog breeding locations shall be subject to inspection by animal control at least twice annually and additionally upon receipt of a complaint or their own motion to ensure compliance with state animal care laws and regulations. The animal control officer and the deputy animal control officers shall be paid as the governing body of each locality shall prescribe.

Any locality in which an animal control officer or deputy animal control officers have been appointed may contract with one or more additional localities for enforcement of animal protection and control laws by the animal control officers or deputy animal

control officers. Any such contract may provide that the locality employing the animal control officer or deputy animal control officers shall be reimbursed a portion of the salary and expenses of the animal control officer or deputy animal control officers.

Every locality employing an animal control officer shall submit to the State Veterinarian, on a form provided by him, information concerning the employment and training status of the animal control officers employed by the locality. The State Veterinarian may require that the locality notify him of any change in such information.

§ 3.2-6570.1 Sale of animals after cruelty or neglect conviction; penalty.

Any person who has been convicted of a violation of any law concerning abuse, neglect, or cruelty to animals that sells, offers for sale, or trades any companion animal is guilty of a Class 1 misdemeanor. However, a person may dispose of animals under the provisions of a court order.

§ [58.1-3109](#). Duties of commissioners as to personal property, income and licenses.

Each commissioner of the revenue shall:

1. Review the lists of all persons licensed by the commissioner of the revenue and assess, for the current license year, additional license taxes for any person who has reported less than the law requires;
2. Upon investigation, assess the proper license taxes for any person who has without a license conducted any business for which a license is required;
3. Review, in regard to intangible personal property and income, such returns of taxpayers as may be referred to him by the Department of Taxation and report to the Department, for assessment, any additional intangible personal property and income when his review or investigation discloses that such property or income has not been reported for taxation or has been reported for taxation at less than the law requires;
4. Examine causes pending in the courts of his county or city and the records thereof and ascertain and assess all property and income subject to assessment by his office;
5. Require every taxpayer who may not have properly returned to the commissioner of the revenue all of his tangible and intangible personal property, and licenses for the current tax year and the three preceding tax years to make the proper and complete return;
6. Require taxpayers or their agents or any person, firm or officer of a company or corporation to furnish information relating to tangible or intangible personal property, income or license taxes of any and all taxpayers; and require such persons to furnish access to books of account or other papers and records for the purpose of verifying the tax returns of such taxpayers and procuring the information necessary to make a complete

assessment of any taxpayer's tangible and intangible personal property, and license taxes for the current tax year and the three preceding tax years;

7. Make such reports to the Department of Taxation as may be required by law or as the rules and regulations adopted by the Tax Commissioner may require; ~~and~~

8. Upon written request of any town treasurer or director of finance or other officer who performs the duties of a treasurer and whose locality is located within such commissioner's jurisdiction, provide the name, address and social security number of any taxpayer who has filed a personal property tax return with such commissioner of the revenue, as long as such town treasurer or director of finance or other officer who performs the duties of a treasurer shall certify that such information is sought in the performance of official duties. Any town official to whom information is furnished pursuant to this provision shall be bound by the provisions and penalties of § [58.1-3](#); *and*

9. *Notify the animal control officer of the presence of any commercial dog breeder, as defined in § [3.1-796.66](#), operating within the locality.*

2. That the provisions of this act shall become effective on July 1, 2009.

3. That the provisions of this act shall not become effective unless an appropriation of general funds or nongeneral funds effectuating the purposes of this act is included in a general appropriations act passed by the 2008 Session of the General Assembly, which becomes law.
