

To: Members of the Common Council
Mayor Kerry Thomson

From: Isabel Piedmont-Smith, Council Member for District 1

Date: May 31, 2024

Subj: Ordinance 2024-14, To Amend Title 7 of the Bloomington Municipal Code Entitled
“Animals”

In September 2020, a group of local animal advocates reached out to some Common Council Members to encourage the Council to adopt what they called a humane pet shop ordinance, which would ban the sale of dogs by local pet shops. Their motivation was to reduce the demand for animals from puppy mills, breeding operations where conditions are documented to be inhumane. Their work was supported by the Humane Society of the United States, Indiana Chapter, and after further discussion, both the local and the state groups of advocates encouraged the inclusion of kittens/cats in the proposed ban as well, since many of these animals are also raised in inhumane conditions.

During 2021, a second motivation arose among supporters (and myself) for passage of the humane pet shop ordinance. Our local and regional animal shelters and animal rescue organizations have more dogs and cats available for adoption than the number of people who want to adopt them. Removing the pet store option to obtain dogs and cats would make it more likely that people would turn to an animal shelter or rescue organization to adopt a pet. Council Members Susan Sandberg, Dave Rollo, and I decided to co-sponsor the legislation. After much conversation with local advocates, review by the Animal Care and Control Commission, outreach to local pet shops, and significant public comment, the Council adopted Ordinance 21-45 on December 1, 2021, and it was signed by Mayor Hamilton two days later. The ban on the sale of dogs and cats went into effect on January 1, 2023.

Unfortunately, in March 2024 the Indiana General Assembly passed House Enrolled Act (HEA) 1412, “Canine standard of care,” which was signed by Governor Holcomb on March 4, 2024. This bill pre-empted Bloomington’s local ban on the sale of dogs. Although the legislation purportedly protects the welfare of dogs through pet store registration with the board of animal health and inspection by that entity, the board of animal health did not receive any additional staff or funding to follow through with enforcement. Regardless, this state legislation necessitates a change in the Bloomington Municipal Code regarding the sale of dogs. (The legislation does not address cats.)

I have worked with Deputy City Council Attorney/Administrator Ash Kulak and Animal Care and Control Director Virgil Sauder on Ordinance 2024-14, and it has been discussed twice by the Animal Care and Control Commission, which approved the draft legislation on May 13. In addition to repealing our local ban on the sale of dogs, Ordinance 2024-14 restores and

enhances BMC 7.16.045 “Consumer Protection Requirements” to identify the dog’s breeder and the breeder’s state registration, detail the health records of the animal, ensure microchipping of the animal, and meet other requirements as outlined in HEA 1412. The ordinance also instates a higher local permitting fee for pet shops that sell dogs (\$750) as compared with those that do not sell dogs (\$250) due to the increased city staff time involved in ensuring that the Consumer Protection Requirements are met. Other sections of the ordinance clarify existing rules and refer to the recently adopted changes to the state’s regulations (Title 15 of Indiana Code).

To provide further context for the concerns that led to the initial ban on dog sales, and that continue to underly the strict guidelines in BMC Title 7, I include a few paragraphs from the Common Council staff memo from the council packet for the Dec. 1, 2021 meeting below. If you have any questions, please feel free to reach out to me. I hope you will vote in favor of Ordinance 2024-14 to continue to protect, as best we can, the welfare of domestic animals in our community.

* * * *

Ordinance 21-45 proposes to prohibit the sale of dogs and cats by pet shops because prohibiting the retail sale of dogs and cats is likely to decrease the demand for dogs and cats bred in puppy and kitten mills.¹ Decreasing demand is one component of reducing or eliminating puppy/kitten mills altogether.

A puppy/kitten mill is a commercial breeding facility that ignores the needs of parent animals and their progeny in favor of high-volume births in order to generate maximum profit.² The abuses endemic to puppy/kitten mills are well-documented.³ Further, it is widely accepted that poor care of the parent animals contributes to poor health and behavior problems in the offspring.⁴

The Humane Society of the United States estimates that there are 10,000 active puppy mills in the United States with approximately 500,000 dogs kept solely for breeding purposes, and that 2.6 million puppies originating from a puppy mill are sold each year. The majority of dogs sold in pet stores in the United States are from puppy mills.⁵

The Animal Welfare Act passed by Congress in 1966 is the only federal law regulating the standard of care for animals bred for commercial resale. Pursuant to the Act, any person who is an animal dealer must have a USDA license. A dealer is defined as any person who buys and sells any dog for use as a pet, research or teaching subject, or sells dogs wholesale for hunting,

¹ Humane Society of the United States; Internal Audit of the Animal and Plant Health Inspection Service, *Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers*

² PAWS, <https://www.paws.org/resources/puppy-mills/>; The Humane Society of the United States, <https://www.humanesociety.org/>;

³ The Humane Society of the United States

⁴ The Humane Society of the United States

⁵ The Humane Society of the United States

security, or breeding. However, retail pet stores are not considered dealers, unless they sell dogs to research facilities, exhibitors, or other pet stores.⁶

The Animal Welfare Act is enforced by the Animal and Plant Health Inspection Services (APHIS). There are currently 120 inspectors nationwide who are experts in animal care and husbandry and have received formal training in animal related fields. These inspectors are responsible for performing pre-licensing inspections, unannounced compliance inspections, and follow-up inspections after public complaints. Loopholes and inefficiencies in the Act in addition to funding and staffing shortages make it a relatively ineffective tool for regulating puppy/kitten mills.⁷

Indiana has anti-cruelty laws intended to prevent neglect and mistreatment of dogs. These laws apply to commercial breeders and commercial dog brokers. However, there is no requirement that commercial breeders or commercial dog brokers submit to inspections. Without a mechanism for regular inspection, it is all but impossible to ensure compliance with any requirement or standard.

Federal and state regulations set forth minimum standards for survival, but not for humane care. These minimal standards of care, the lack of commercial breeding facility inspections, and low accountability for noncompliance contribute to the poor care received by animals that are kept, bred, and sold in puppy/kitten mills where parent animals live the entirety of their lives in cage without the opportunity for socialization with other animals, tender care from humans, and/or proper veterinary care.⁸

⁶ Animal and Plant Health Inspection Service, https://www.aphis.usda.gov/animal_welfare/downloads/breeders/commercial-dog-introduction-aphis-animal-care-and-regulatory-process-slides.pdf

⁷ Internal Audit of the Animal and Plant Health Inspection Service, *Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers*

⁸ The Humane Society of the United States, PAWS