

Canine Legislation

Phil Guidry, JD
Legislative Analyst
AKC

“We are fighting for influence in the political process,” Guidry said. “When one bad piece of legislation passes in any jurisdiction, everything we do can be called into question.” Calling politics a “combative field,” he said groups such as People for the Ethical Treatment of Animals (PETA) and the Humane Society are well funded, entrenched in the political process, and want to “end what we do as responsible dog breeders.”

Canine issues are usually a low priority for legislative bodies, Guidry said. They most often arise as a response to a perceived problem. Breed-specific legislation usually follows press coverage of a specific incident, while neutering laws can arise from concerns about overpopulation. Other canine-related issues addressed by legislation can include dangerous dogs, animal cruelty, consumer protection, nuisance laws, and homeowner’s insurance.

AKC’s mantra regarding “dangerous dog” legislation is “It’s the deed, not the breed,” Guidry said. Members must reach out to educate legislators. “If you think for a second that your breed is thought of as friendly and has no chance of being targeted, think again.” Movements to legislate often are based on “last year’s bite statistics,” with Labrador Retrievers and Golden Retrievers usually the first breeds to be named. An extreme example of this type of law was passed in Italy, making the ownership of about 40 different breeds illegal.

Some “dangerous dog” laws are written in a way that does not adequately distinguish between threats to humans and to animals: dogs found to be menacing another animal can be classified as dangerous. A broad interpretation of this type of law could mean that any herding dog or retriever working in the field could be considered to be menacing another animal.

Animal cruelty has been in the news following the dog-fighting case involving professional football player Michael Vick. Guidry noted that those guilty of genuine cruelty, such as electrocuting or drowning a dog, should be “subject to the most harsh felony provisions possible.” However, some misdemeanor cruelty laws can have unintended consequences. According to one law, “if you leave your dog in your vehicle for five minutes while parking, you could be found guilty of cruelty from one complaint.” Cruelty laws should contain provisions regarding minimum care, and should provide due process and the opportunity to appeal.

The same is true of tethering issues. While jurisdictions have laws prohibiting tethering, Guidry said the AKC believes tethering is part of animal husbandry and can be done

humanely. Cropping and docking is another issue that may come back in some jurisdictions.

Consumer protection laws should cover both buyers and breeders, he said. They should be explicit about how long dogs will be covered under the law and should include provisions for specific remedies, such as refunds or replacement. For the most part, current homeowner's insurance laws are good because they follow the AKC's mantra of "the deed, not the breed."

Breeding restriction laws are "the biggie for us right now," Guidry said. These laws are usually local in nature but sometimes are seen at the state level, and can take the form of requiring breeder permits that limit the number of reproductive events, usually to one per year. This can be hard on smaller breeders.

Guidry said the AKC played a role in defeating a California law calling for mandatory spaying or neutering of all dogs except for those whose owner's had purchased a special permit. The proposed law, which would have affected 90–96% of California dog owners, was intended to address the problem of overpopulation, but was based on questionable statistics. Analyzing statistics is the key to determining if there really is a problem: California has such diversity that what constitutes a problem in one part of state is not a problem in another. The AKC has received information that the bill will be reintroduced next year, Guidry said.

Another such law is being considered in San Antonio, where a permit provision is to be voted upon to require owners of intact dogs to purchase a \$50 permit, plus licenses. Guidry called this "a de facto mandatory spay-neuter law," noting that many poor and working class dog owners might not be able to afford such permits. The law would also require owners to get a litter permit that would limit animals to one reproductive event per year.

"If there's anything that scares me in this whole realm, it is the issue of animal guardianship," Guidry said. These laws take animals outside property law and elevate them to "quasi-personhood," and since they involve the taking of property, they raise serious Fifth Amendment issues. Similarly, if the government takes away the reproductive rights of breeding animals, they are substantially affecting the value of those animals. If governments want to mandate spay and neuter laws, he said, owners and breeders should be compensated for this loss of value.

Influencing the legislative process is a team effort that includes the AKC, state federations, local dog clubs, individuals and national specialty clubs. AKC's Legislative Affairs department offers many tools to help educate and inform legislators and the public, including a newsletter, information on the AKC website, legislative alerts by e-mail, brochures, information packets and DVDs. AKC also can provide analysis of bills and ordinances, and supply experts to testify on canine-related issues. "If there's ever anything we can do, we are readily available. Just call us," Guidry said.

AKC can monitor state jurisdictions, but not laws at the local level. “That’s where you come in.” He urged dog owners, breeders, and clubs to be aware of and involved in the legislative process, and to get to know individual legislators.

“Political power is in your hands,” Guidry said. “Others may have money, but we have the votes.”