

**Easy Paws**  
by  
Walt Hutchens  
Timbreblue Whippets  
[www.pet-law.com](http://www.pet-law.com)

A lot of confusing stuff has been written about PAWS. This is an easy-to-read explanation.

PAWS is the Pet Animal Welfare Statute of 2005, a bill in the U.S. Senate (S. 1139) and House of Representatives (H.R. 2669). The bill is sponsored by Senator Rick Santorum (R-PA) who previously sponsored the two Puppy Protection Acts. PAWS is being backed by HSUS (the Humane Society of the U.S.) and DDAL (the Doris Day Animal League), who also backed the two PPA's. Surprisingly it is also strongly backed by the American Kennel Club. More recently PETA has announced that it supports PAWS.

Under the current federal Animal Welfare Act (AWA) anyone who has over three breeding female dogs and sells any dogs at wholesale, is considered a dealer and must get a license from the USDA. Breeders who sell only retail (that is, direct to the pet home) are not dealers and are not required to be licensed. This 'retail exemption' is why hobby breeders are not covered now.

If PAWS passes, you will be a dealer unless you sell 25 or fewer dogs and cats together or you sell six or fewer litters of dogs and cats bred or raised on your own premises and no dogs or cats not so bred/raised. If you sell a 'puppy back' (stud fee puppy, etc) or you take in and sell a rescue cat or dog, you must stay under the 25 total dogs/cats limit or get a license.

Selling over \$500 worth of several other kinds of pets -- rats, mice, rabbits, birds (many birds sell for over \$500/each) also makes you a dealer and subject to licensing.

To get a license you must pass an inspection. There are 90 pages of regulations. These regulations are written for farm-type raising of dogs. All surfaces touched by animals must be waterproof, you must sterilize surfaces every two weeks (one allowed way is by spraying with water at 180 degrees temp.); you must have a food preparation space separate from your (human) kitchen; animal pens or cages must be considerably larger than the standard sizes of crates used for dogs; puppies, as well as bitches that

will whelp within two weeks, must be kept separate from other dogs; and much more.

It is generally impractical to comply with the regulations in your home. You might be able to do it with a walk-in basement set-up, but most will have to build a kennel. Expect costs in the \$100,000 ballpark. You may need a zoning variance (you may not be able to get one) and in some areas, being a USDA licensed dealer will automatically make you a business required to collect sales tax and obey other laws for businesses.

Being USDA licensed is harder than 'you get it right and then keep it that way.' The regulations change and each inspector has his own ideas about what's important and what compliance means. You WILL have violations, regardless of how hard you try.

The AKC tells us that the USDA will have to write new regulations allowing in-home breeding. It won't happen because the large wholesale breeders who are already licensed don't want any new competition getting a low-cost set of rules. Those big dealers have a lot more clout than we do.

The AKC seems to be supporting PAWS for two reasons: First, they believe that by making many small breeders subject to licensing, they'll get more who can meet AKC requirements for registering their dogs, so they'll get more registrations. Second, PAWS would double or triple the number of dealers to be inspected and there's no chance that the USDA will get a big budget increase. The AKC hopes it will be allowed to do inspections for them. Of course it would charge a fee for doing so. However if the AKC is allowed to do inspections, very likely HSUS would be too.

The numbers allowed without licensing -- 25 animals or six litters sold (whichever is more) are much more restrictive for cats because of their different reproductive patterns. Some experts believe that PAWS will end the breeding of purebred cats by fanciers; the same probably will happen to hobby breeding of birds and some other small pets.

Many dog and cat rescue groups take in and adopt out hundreds of animals per year. These animals are kept in ordinary (foster) homes during rehabilitation. In law, 'adopting' for any compensation is selling. PAWS will force rescuers to choose between building a shelter and limiting themselves to selling a total of 25 per year.

Nonprofit status does not matter and there is no way to write an exception for rescue. What will actually happen is that incorporated rescues will dissolve, leaving the various foster homes and rescuers to do the best they can on their own. Unfortunately many shelters will allow only incorporated groups to take animals. PAWS would do great damage to dog and cat rescue.

Most home dog breeders will not be affected at first. However, PAWS will make many breeders afraid to fight new bad laws. More of the state and local breeder licensing laws that are proposed now will pass. Many of these have one or two litter and 6 to 12 animal limits without licensing; some require everyone selling a dog or cat to be licensed.

HSUS has said that they consider PAWS a first step. They've also said that they believe all breeding of pets should be federally licensed. If PAWS passes, steps two, three, (and so on) will be even worse. The AKC's lobbyist admits that the numbers 25 and 6 probably would be lowered in the future.

PAWS is said to be needed because of large and growing importing of dogs and cats; this seems to be a complete untruth. It is also claimed that growing use of the Internet allows direct retail selling without people being able to see how pets are bred and raised. This is true but nobody is required to buy this way and the net allows asking many questions and comparing sellers' answers. The AKC allows puppy advertising on its web site; if they think it's bad, why are they doing it? There is almost no commercial selling of purebred cats. The real purpose of the bill is to make it harder to breed cats, dogs, and other pets at home.

**WE MUST BEAT PAWS.** The bill is currently waiting for hearings in the agriculture committees of Congress. Sen. Santorum plans to hold a Senate agriculture subcommittee hearing after the August recess. PAWS could pass in September or October.

The most important thing to do to beat PAWS is to call, write, or visit your Senators and your Representative. Tell them you **OPPOSE** S. 1139 (the Senate bill) or H.R. 2269 (the identical House bill). Ask friends, family, and animal businesses to do the same thing. PAWS will be bad for dogs, bad for cats, bad for pet rescuers, bad for pet owners (who will have fewer choices), and bad for our country.

An easy way to write your Congressmen is to go to:

<http://www.congress.org>

Click **ignore this ad** near the center of the screen and type in your zipcode where they ask for it. They'll show you your three congressmen; click **e-mail, compose your own letter** and follow the directions to enter your message.

Please help!