



Background and context

# Model bill and regulations to assure appropriate care for dogs intended for use as pets

January 16, 2024

## THE ISSUE

Dogs that are bred and intended to be kept as pets require a basic standard of care for their own well-being and to ensure they possess the temperament and good health necessary to become successful companion animals. The good news is that most facilities meet or exceed this level of care. Unfortunately, there are also substandard facilities that breed and keep dogs under deplorable and unsanitary conditions.

During the past few decades, many states have considered passing bills regulating those who breed and/or retail dogs in an effort to address these substandard facilities. To assist state and local governments in designing effective policies to enforce reasonable welfare standards for breeder and retailer operations, the American Veterinary Medical Association (AVMA) has developed model legislation and accompanying regulations.

Our model legislation and regulations are intended to serve as guidance for governments considering the creation or augmentation of policies regulating dog breeders and retailers. The following information is provided to explain the rationale and scientific evidence behind the ideas set forth in our model.

## WHO WOULD BE REGULATED?

Currently, the basic welfare needs of dogs in certain facilities are assured by compliance with the federal Animal Welfare Act (AWA). However, dogs in many breeding and retail operations are left unprotected, including those in operations that sell/distribute dogs directly to the public. Thus, the goal of our model bill and accompanying regulations is to provide assurance of acceptable animal care for dogs currently not covered by the AWA or similar regulations and to ensure that all dogs sold/distributed to the public are protected, irrespective of facility type (i.e., dogs are deserving of a minimum standard of care whether bred/raised/distributed by breeders, shelters, rescue groups, or animal control facilities).

To maximize the allocation of limited resources, the models define two groups for coverage: 'high-volume dog breeder' and 'high-volume dog retailer.' A 'high-volume dog breeder' is defined as one who whelps six or more litters a year. This classification has been used in current legislation.<sup>1,2,3</sup> A 'high-volume retailer' is described as one who sells or transfers ownership of more than fifty dogs during any calendar year. This classification is closely related to the American Kennel Club's criteria that will exclude an individual from being considered a "hobby breeder" if they produce 50 puppies a year.<sup>4</sup> Use of these definitions helps to focus limited resources on the facilities housing a large proportion of the dogs raised and/or made available for use as pets.

## HOW ARE THE MODEL BILL AND REGULATIONS DESIGNATED?

There are two general types of assurance standards: engineering standards and performance standards. Engineering standards are resource-based and generally include rigid technical specifications addressing the physical environment. For example, our model sets a minimum calculable standard for the amount of cage space a dog must be provided. Performance standards are animal-based and measure how a dog's welfare is impacted

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by a given environment. Under a performance standard, if the welfare needs of the dogs are met, as evidenced by their general physical and behavioral condition, then the facilities are sufficient. For example, waste disposal systems are sufficient if enclosures are kept clean, and if dogs are kept dry and their coats are free of debris.

The model bill and its accompanying regulations are designed to ensure the welfare needs of individual dogs are met, and rely largely on performance standards. We believe performance standards better measure a dog's well-being, are flexible enough to support a positive outcome in a diversity of operations, and allow for the use of professional judgment in their application. This is desirable as both small and large operations can and must provide acceptable care for dogs. Furthermore, performance standards allow consideration of a dog's breed, age, sex, reproductive status, and any other factors impacting its individual welfare needs. Performance standards are also currently, widely, and effectively used in the regulation of care for dogs in research institutions.<sup>5</sup> It is envisaged that these standards should never be applied in a way that meets the letter of the standard, but is detrimental to the well-being of the dog. However, where discretion is exercised to modify requirements or exempt a dog from their application, a clear justification should be provided that has as its basis *the welfare of the dog*. Whenever possible, necessary steps should be taken to remove the need for the exemption. For example, a dog may need to be individually housed until it is socialized or a compatible social group can be found. If this is not possible, the dog might be provided with visual contact with other dogs and/or additional human interaction in an attempt to improve its welfare.

In certain cases, engineering standards are effective for specifying enforceable and unambiguous minimum requirements. These can help ensure the critical needs of a dog are met, such as minimum primary enclosure space.

One should bear in mind that the standards in the model bill and accompanying regulations are considered to be minimums; they should not be interpreted as providing guidance for ideal dog care. Responsible facilities will readily exceed most, if not all, of the stated standards.

## **PUBLIC HEALTH CONCERNS**

Housing multiple dogs in a facility without strict sanitation and preventive healthcare practices can promote the spread of infectious disease, including many zoonotic diseases, such as ringworm and sarcoptic mange.<sup>6</sup> Insufficient attention to sanitation and healthcare, as well as housing conditions that create unnecessary stress, can pose health risks for dogs and people. Our model thereby seeks to ensure that dogs are housed and managed in ways that reduce the incidence and spread of infectious disease.

## **EXPLANATION OF REGULATIONS**

Much of the model bill and regulations is direct and self-explanatory. The following comments are intended to help readers better understand the rationale behind selected sections.

### **HOUSING FACILITIES**

**Space**—Provision of adequate space is important for the physical and psychological well-being of dogs. Here, the model combines performance standards with an engineering standard. As for performance benchmarks, a dog should have sufficient space to allow it freedom of movement and to assume normal postures, such as to lie fully recumbent.

Specifying a minimum spatial requirement provides an enforceable benchmark that corresponds with federal standards. To achieve this, the model adopts the equation used in the AWA.<sup>7</sup> As a minimum criterion, it should

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not be used as a guide for designing ideal housing. In fact, most housing situations should visibly meet and exceed the performance standards, in which case calculation of space minimums may not be necessary.

While providing dogs with more space beyond these standards is desirable, the adoption of additional rigid space standards is not recommended. Simply providing excess cage space beyond the minimums cited does not necessarily benefit the welfare of dogs.<sup>8</sup> Stricter standards would also not be practical to enforce given that many different housing situations can fulfill the welfare needs of dogs.

**Flooring**—Dogs should be provided with an area of solid flooring. A dog's welfare needs for comfortable housing are better met by a kennel with solid flooring.<sup>9</sup> However, the use of wire flooring can assist in maintaining a clean environment. Thus, housing designs that make use of both flooring types together are acceptable.

**Retreat and security**—Dogs also have a behavioral need for retreat and security. Just as a dog needs to be able to engage and explore its environment, a dog benefits from having the option to withdraw from its environment to rest.<sup>9,10</sup> A den can be provided for dogs in numerous ways, from built-in platforms to simple bedding. Such guidance is provided with the understanding that exemptions may be required during behavioral training when appropriate techniques and exercises are being used to socialize dogs.

**Whelping box**—A pregnant dog should be provided with a whelping box prior to parturition.<sup>11</sup> The design can be variable so long as the whelping area provides a comfortable environment, security, and an appropriate temperature for the puppies is able to be maintained.

## BEHAVIORAL REQUIREMENTS

Dogs have an intrinsic need to exhibit certain species-typical behaviors; these behaviors allow them to maintain a healthy physical and psychological state. Well-designed housing provides a complex environment and allows the dog to choose to partake in these behaviors. For certain activities, the dog may need to be removed from its primary enclosure.

Most of the model regulations in this section are performance-based because we recognize that various housing facilities and procedures could potentially fulfill minimum requirements for dog well-being, which include:

- Daily satisfaction of specific behavioral needs
- Not housing dogs for extended periods of time without some form of environmental enrichment

**Socialization**—Dogs need both human and conspecific (dog-dog) socialization. Proper socialization is critical for the psychological development of puppies. Positive and friendly human contact should occur as often as possible. Lack of adequate socialization for puppies has been hypothesized to contribute to behavioral aggression in dogs.<sup>12</sup>

Adult dogs continue to need daily human and conspecific interaction. Both can be accomplished in a variety of ways and should be integrated into husbandry whenever possible. Socialization promotes both the physical and psychological well-being of dogs,<sup>13,14,15</sup> and lack of it can lead to the development of stereotypic, self-injurious, or aggressive behavioral patterns.<sup>16</sup> These behaviors can precipitate clinical conditions, such as acral lick dermatitis and psychogenic alopecia.<sup>17,18</sup> Though not definitive, abnormal behavioral patterns can be useful indicators of inadequate socialization or environmental conditions.<sup>19</sup>

**Environmental enrichment**—Dogs need and benefit from a complex environment that incorporates both social and inanimate enrichment features.<sup>20</sup>

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Enrichment provided by inanimate objects meets important behavioral needs of dogs. For example, puppies exhibit extensive play with enrichment objects such as toys and chewing substrates.<sup>21</sup> Adult dogs also use and benefit from the provision of enrichment objects.<sup>22</sup> These objects promote species-typical behaviors such as play, chewing, and exploration. Inanimate enrichment can be easily and economically accomplished by provision of an object for play for a puppy, and an object for chewing for an adult dog. However, adequate enrichment can be accomplished in numerous ways, including furniture, platforms, and space-displacing objects.

Visual forms of enrichment can also benefit the well-being of dogs. For dogs not housed in a primary enclosure with other compatible dogs, an effort should be made to house dogs with either conspecific or human visual contact whenever possible.

**Locomotory activity**—Dogs should be given the opportunity for locomotory activity on a daily basis. This may involve walking on- or off-leash and/or access to an area where spontaneous activity occurs. Spontaneous activity is facilitated by adequate space, social contact and some form of enrichment. In terms of spatial needs, a dog should have the opportunity for various physical movements, such as achieving a running stride.<sup>23</sup> Providing additional space beyond the stated minimums is desirable, but not necessary to support suitable locomotory activity.<sup>24</sup> In fact, having interaction with other dogs, people, or an enriched environment may more effectively ensure healthy physical activity.<sup>25</sup> Thus, a proper locomotory regimen will provide simultaneous access to proper space and an enriched environment.

Stringent technical requirements for either a specific exercise area or time allotments for locomotory activity are not recommended as they do not provide a tangible benefit for a dog's welfare.<sup>26</sup> A dog's locomotory needs are complex and variable, and will depend on factors such as its age, breed, reproductive status, and housing environment. For example, dogs housed socially in a primary enclosure with other compatible dogs have less need for additional locomotory activity than those housed in isolation.<sup>23</sup> In addition, a variety of activities and situations can contribute to an acceptable locomotory program. For example, an acceptable program may include walking the dog on a leash or may include giving multiple dogs free access to a secure area. Finally, enforcement of rigid exercise area and time requirements is difficult and impractical.<sup>27</sup> For these reasons, within our model bill and regulations, only performance standards are used to ensure a dog's locomotory needs are fulfilled.

## HEALTH AND VETERINARY CARE

All dogs must be provided with regular routine and preventive veterinary care, which must adhere to pertinent local statutes (e.g., those addressing rabies vaccination).

**Health care protocol**—Each facility should devise a standard protocol for routine veterinary care, including examination by a licensed veterinarian, a vaccination schedule, and strategies for parasite control (a list of resources providing examples of protocols for routine veterinary care is provided at the end of this document). A set of standard protocols provides caretakers with guidance about the care dogs should receive, and assists inspectors in determining whether proper routine care is being provided for each dog. For example, a properly constructed parasite control protocol will ensure that puppies aren't persistently infested with fleas. The model regulations are not specific as to individual issues to be addressed, because needs can vary widely between operations and geographic locations.

**Veterinary records**—Each facility should keep a complete record of all veterinary care for each dog. These records should be available as needed for inspections, as well as at the request of a veterinarian treating a dog originating from the facility.

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**Daily health and welfare checks**—Each dog should have its general health, behavior, and overall welfare assessed daily. Any reasonable person who has experience breeding and raising dogs should be readily able to do this. Mandating daily health and welfare checks is important as it does not allow a breeder or retailer to claim ignorance in cases of neglect, nor does it allow them to withhold necessary veterinary care for obvious illness or injury. Rather, it may allow health problems to be prevented and/or identified before they reach a critical clinical stage.

## RESOURCES\*

### GENERAL HOUSING AND HUSBANDRY STANDARDS

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### EXAMPLES OF EXISTING LEGISLATION/RECCOMENDATIONS FOR STANDARDS OF CARE FOR DOGS

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\*These resources are provided as information only. With the exception of policy created or adopted by the American Veterinary Medical Association, listing of a particular resource does not imply recommendation or endorsement by the American Veterinary Medical Association.

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2. New York § 4:19-15.1 to 4:19-15.19
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