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April 7, 2009

FAX: 916-319-3745

ASSEMBLY COMMITTEE ON PUBLIC SAFETY

ATTN: Kathleen Ragan

1020 N Street, Room 111

Sacramento CA 95814

Re: AB 241, dog and cat breeders, pending amendments – OPPOSITION

Gentlemen:

This letter reaffirms our opposition to AB 241 in our letter of April 1 and affirms our continued opposition in reference to "Proposed Amendments as of April 1, 2009. While this bill may be intended to criminalize "puppy mills" and "animal hoarding", the proposed offense is only based on a person owning, possessing, controlling or otherwise having charge or custody of "more than a combined total of 50 unsterilized dogs and cats at any time used for purposes of breeding or raising such dogs or cats for sale as pets, or for the purposes of producing offspring from such dogs or cats for sale as pets." Does this mean that all 50 must have actually been bred and produced offspring or that they are unsterilized and therefore potentially usable to do so? If the latter, then there is no maturity threshold so that younger animals being kept for evaluation as breeding stock or even awaiting placement as pets would be excluded from this cap.

In fact, commercial breeding of dogs based on a business model requires limiting mature animals kept and selling offspring at wholesale to contain economic risk of the cost of carrying "inventory" beyond the minimum saleable age. This requires a USDA license and is rare in California for reasons not limited to cost of real estate, transportation and labor. Hoarding is not merely keeping a large number of animals but lacking the combined means – financial, physical, managerial or psychological to care for them adequately regardless of whether breeding is involved. 2009 is the first time we have ever seen legislative proposals to regulate dog or cat owners based on a cap of unaltered animals, so this is a novel and untried concept, particularly if applied to economically viable businesses conducted under satisfactory husbandry standards. Would we limit dairies the number of cows or factories the number of producing machines? No, because there are other ways to regulate business as to safety and quality standards. As to animals, California already has such statutes in addition to many local ordinances. AB 241 would create an unworkable, difficult to ascertain standard for a criminal offense that is not rationally linked to criminal activity or conduct of an economically viable business.

Very truly yours,

SHARON A. COLEMAN

President, The Animal Council

A California Non-Profit Public Benefit Corporation

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