

That Doggy in the Window—Retail Pet Sale Bans in the U.S.

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A year ago, a committee of the City and County of San Francisco considered an ordinance to prohibit the sale of cats, dogs, and possibly other small animals in pet stores, motivated by concern over the large number of unwanted cats and dogs in city animal shelters, leading to large numbers adoptable animals being euthanized each year, and concern about the conditions of animals in many large-scale, commercial breeding operations ("puppy mills"). The proposal did not pass.

However, the idea is alive again, with the San Francisco Commission of Animal Control and Welfare voting this June to send a proposal to the Board of Supervisors recommending a ban on the sale of all pets. "The proposal started with dogs and cats, expanded to birds and hamsters, and now includes any animal that walks, flies, swims, crawls or slithers — unless you plan to eat it," summarized the *L.A. Times*.[1] According to a meeting agenda of the Commission, the recommendation for the "Humane Pet Acquisition Proposal" is based in the pet trade, "a multi-billion dollar industry that treats animals as commodities to be bought and sold for profit." This, it is claimed, leads to "suffering on a massive scale when animals are warehoused, bred for sale, denied socialization and basic veterinary care, and finally transported with minimal care." Such animals develop "diseases creating public health problems." Further, "[m]any birds, reptiles, and fish are actually taken from the wild to be sold as pets, or bred in captivity." Shelter adoptions would increase if residents could not buy animals "on impulse" at retail stores; euthanasia rates at shelters would decrease, as would the importation of sick animals into the area. Pets subject to the ordinance would include dogs, cats, birds, small animals (e.g., rats and hamsters), reptiles, amphibians, and aquarium fish, but not animals purchased for consumption as food.[2]

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The proposal recommends that residents be permitted to acquire pets, instead, through any of the following methods: adoption from the City's Animal Care and Control shelter (ACC) and the SPCA, adoption from private animal-rescue organizations (e.g., animal-specific or breed-specific groups); direct sale from small breeders; pet store "adoption events" or permanent adoption centers/partnerships (many pet supply stores currently provide adoption services for animals brought in or returned by customers, or through partnering with shelters and rescue groups). All other methods of acquisitions would not be permitted.[3]

When the pet-store ban was considered last year, the Commission heard from various representatives of the stores that would be affected, as well from as private animal-rescue groups. One large retailer indicated it did not sell dogs and cats in any of its stores, had a policy requiring that a buyer be over 18 in order to purchase an animal, and held regular adoption events at its stores.[4] A statement from Michael Maddox, Esq., Vice President of Governmental Affairs, Pet industry Joint Advisory Council (PIJAC), indicated that there was "no rational basis for targeting pet stores," as less than ten percent of dogs and cats came from pet stores, and a study cited indicated that "very few relinquished animals" at shelters originated in pet shops. "Substandard facilities do exist supplying pet stores as well as substandard breeders and shelters. PIJAC is working to ensure humane standards in all facilities. Singling out pet stores based on anecdotal evidence will not eliminate substandard conditions. It is only a 'feel good' approach diverting attention away from effective solutions."[5]

On the other side of the border, the City of Richmond, British Columbia, became the first city in Canada to ban the sale of dogs in retail stores. The *Inside Canada* column in this issue discusses that bylaw and the court ruling upholding the ban.

Notes

1. Maria L. La Ganga, *San Francisco considers banning the sale of all pets*, Los Angeles Times, June 26, 2011 at http://www.latimes.com/news/la-me-goldfish-20110627,0,3145459.story?track=rss.
2. Commission Meeting Agenda, June 09, 2011, at http://www.sfgov2.org/index.aspx?page=2711.
3. *Id.*
4. Commission Meeting Minutes, June 10, 2010 at http://www.sfgov2.org/index.aspx?page=2177.
5. *Id.*