



**MISSOURI ALLIANCE FOR ANIMAL LEGISLATION
FALL 2013 NEWSLETTER**

**DOGS VICTORIOUS IN LEGAL
BATTLE OVER NEW PUPPY MILL LAW**

Canine Cruelty Prevention Act Remains Law of the Land in Missouri



Due to the great success of the Canine Cruelty Prevention Act it came as no surprise when late last year, a group representing 83 dog breeders in the state of Missouri, brought a lawsuit to thwart the new law and its resulting regulations promulgating humane standards of care for dogs confined in puppy mills. The breeders' group initially sought a temporary restraining order against the regulations, and when that failed, they sought a hearing to argue for a preliminary injunction against the regulations. After the hearing on January 11, 2013, Judge Jon Beetem of the Circuit Court of Cole County dismissed their request for preliminary injunction. A date was then set for October, 2013 for the breeders to argue their case in a court of law. The plaintiffs confidently asserted that "the Missouri case could set an important precedent that could be applied to challenging similar legislation all over the country." **A few months before the case was to be tried in court, however, the breeders decided to dismiss their lawsuit against the new law and its regulations, and as a result, the Canine Cruelty Prevention Act remains unchallenged.**



A jury of their peers

Dog breeders in Missouri now must decide whether to provide humane care for their animals and comply with the new law or get out of the dog breeding business. Currently, more than 1,100 dog breeders have chosen the latter and have stopped breeding dogs. We are certain that the lawsuit was dropped not only because there was no legal basis for such a court case, but a public trial would have proved extremely embarrassing for the commercial dog breeding industry. In the hearing for a preliminary injunction, one breeder testified that when she was told she had to provide her dogs with access to the outdoors, she chose to kill them rather than comply with the new rule. She had her veterinarian euthanize 72 of them and proudly presented a photo of 25 dead dogs to the judge as evidence of how her business has suffered since passage of the new law. Another breeder stated that she also destroyed her dogs rather than comply with the new rules and bragged that she only had to pay her vet \$7 per dog to have them euthanized.

While some of the testimony was a tragic exposure of how dogs are exploited in the commercial dog breeding industry, some of the testimony proved farcical as the breeders and their representatives argued that they did not know what was meant by “constant” and “unfettered” access to the outdoors. They claimed that since the regulations did not define the terms, the breeders were left in the dark. One witness, under cross examination by the attorney general’s office, was asked to read the definition of “constant” and “unfettered” from the dictionary. After reading the definition, the witness claimed that nowhere in the regulations did it say to refer to the dictionary for meaning of the words. He claimed not to know to use a dictionary for words he did not understand. He argued that “even words with defined meaning need further clarification from the Department of Agriculture.”

Another breeder testified that her dogs could not be outside as they are too excitable and the excitement of being outside could kill them. She further stated she could not risk them being

outside as a car might backfire or children might walk by her yard and any excitement could cause them to die. This, of course, raises the question as to whether she informs her customers that the puppies she is selling are restricted to the indoors and can never go outside even to relieve themselves. This breeder testified that “outside air causes loss of ventilation” for dogs. She alleged that six dogs died of heatstroke and excitability when she tried an outdoor exercise plan.

The breeders argued that dogs do not need access to sunlight and even expressed objection to providing extra bedding to dogs housed outside in winter weather claiming they did not understand what “extra bedding” meant. The breeders also argued against the requirement for heavy duty tarps to protect against the wind for dogs housed outside.

An Assistant Attorney General summed it up well for the judge when he asserted that dogs are simply commodities to commercial dog breeders. We are certain that the dog breeders did not want the public to be aware of that sad fact and dropped their lawsuit rather than publicly expose the cruel conditions of puppy mills and the uncaring attitude of too many commercial breeders at an open trial.

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