State Breeder Laws Every Resident Fancier Should Know!

CFA State Breeder Law Series, Part 7 – U.S. States of Region 1: Connecticut, Maine, Delaware, and Massachusetts

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Like all the other U.S. states in Region 1, Connecticut, Delaware, Maine, and Massachusetts regulate breeders in some fashion at the state level. The laws take a varied path, with some regulating dogs and cats while others only regulate dog breeders. Some administer the laws at the state level, while others require that local jurisdictions administer and enforce the state mandates. Some states also spell out consumer protection provisions for animals purchased while others do not. As we saw in Part 3 of the series, New York regulates some cat and dog breeders as pet dealers. And Pennsylvania focuses its licensing efforts on dog kennels (Part 3 is available at https://cfalegislativegroup.files.wordpress.com/2021/01/state-breeder-laws-every-resident-fancier-should-know-part-3-for-blog-upload-5-jan-2021.pdf). This Part 7 and the upcoming Part 8 of the series will discuss the final eight states in the U.S. with breeder regulations.

Readers can use these articles to begin their analysis of the law and determine how it applies to them. This article is not intended as a legal review.

Connecticut

Before 2014, Connecticut cat breeders were not mentioned in state breeder laws; mandated licenses were just for dog kennel owners. Any kennel owner breeding "more than two litters of dogs annually shall apply to the town clerk in the town in which the kennel is located for a kennel license (CGS §22-342)." The law defines a kennel as a pack of dogs kept at a single location with a single owner. State law also gave towns the discretion to require licenses for any person who kept ten or more dogs capable of breeding (CGS §22-344c). In 2013, however, public concern about "puppy mills" and pet stores brought legislative attention to both kennels and catteries (breeders is not a defined term under state law).

In response to this concern, Legislators approved Special Act No. 13-19 in June 2013, establishing the Task Force Concerning the Sale of Cats and Dogs at CT Pet Shops from Inhumane Origins. The legislature also requested that the Office of Legislative Research (OLR) provide a report summarizing federal and state laws and regulations establishing the standards of care required of cat and dog breeders. The OLR published the report on September 6, 2013 (https://www.cga.ct.gov/2013/rpt/2013-R-0309.htm). In addition to summarizing applicable federal and state law at the time, the OLR reported that towns in Connecticut only licensed kennels under CGS §22-342 and not under their discretionary authority. Interestingly, the OLR reported contacting the American Kennel Club, American Cat Fanciers Association, and Humane Society of the United States but only received responses from AKC and HSUS for this report.

As a result of this report and the recommendations from the task force, the legislature approved Public Act No. 14-77 in June 2014, amending CGS §22-344c relating to breeding. The amendment required the Commissioner of Agriculture to prescribe the standard of care to be provided to dogs and cats by any person who keeps ten or more unneutered dogs capable of breeding *or who owns a breeding cattery*. These standards are to be consistent with that required of pet importers. The §22-342 standards of care for the kennel licensees are not the same requirements people are subject to under the 2014 amendment. These standards have not been created as of this writing, though the animal importer standards of care are available (https://www.ctaco.org/app/download/9586271552/Animal+Importer+Info+Rev+2-2017.pdf?).

This style of state breeder law, in particular, can invite reform efforts but does not ensure their success. A 2021 effort, Senate Bill 458, to establish a Companion Animal Breeder License and to establish a fee on a per-animal basis for such breeders that would be used by the Department of Agriculture for spaying and neutering programs died in committee.

Maine

Maine has comprehensive laws and regulations for the sale and breeding of cats and dogs in the state. There are two licenses cat fanciers need to be aware of in reviewing state law to determine if they need to be licensed. Title 7, Part 9, Chapter 745, 7§4163 mandates vendor licenses for people selling cats and dogs, as well as laying out the rights, remedies, and responsibilities of sellers and purchasers for buying a dog or cat considered "unfit for sale." Section 4163 states:

> "A person may not advertise for sale, sell or exchange for value more than one cat or dog under the age of six months in a 12-month period unless the person has a valid animal shelter, kennel, breeding kennel or pet shop license or a valid vendor's license issued under this section."

The vendor's license is the lowest level of licensing a breeder can obtain. The license lasts 90 days, and there is no charge for the first license in a 12-month period. Any licenses after that are $25 each. While holders of a breeder license are exempt from the vendor license requirement, breeders should carefully consider the breeding kennel thresholds, requirements, and available options to determine which license best suits their needs.

Section 3907 defines a breeding kennel as:

> A location where 5 or more adult female dogs or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding Kennel" does not include a kennel licensed by a municipality under section3923-C when dogs are kept primarily for hunting, show, training, sledding, competition, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period."

A license is required if there are five or more females capable of breeding at a location *or* more than 16 cats or dogs raised on the premises are sold. There is no exception for cat breeders as there is for dog breeders. The Commissioner of

Agriculture, Conservation and Forestry, responsible for administering the license law, has created three categories of breeding kennel for fee assessment. The categories are based solely on the number of female cats or dogs capable of breeding. The license fees are $75 for breeding kennels with 5 to 10 females, $100 for 11-20 females, and $150 for more than 21 females capable of breeding. Breeding Kennels are also *subject to inspection at any reasonable time* to determine compliance with the law and health rules established by the Maine Department of Agriculture, Conservation and Forestry, make examinations, and conduct tests for the existence of contagious diseases or conditions. No transfer of ownership of a cat or dog is allowed before the animal's 56th day of life. Licensees must also display their state-issued license number in any advertising and provide the number to anyone receiving an animal from the licensee.

For more information, go to the Department's Animal Welfare Program web site at https://www.maine.gov/dacf/ahw/animal_welfare/forms.shtml

Delaware

Cat breeders in The First State are not subject to state breeder, dealer, or cattery licensing laws, though there may be applicable local laws. Dog breeders, however, are subject to kennel and sale laws.

Since 2009, "retail dog outlets" must be licensed annually pursuant to the state animal welfare law in Title 16, Chapter 30F, §3041F. A retail dog outlet is "any premises where dogs are sold, offered or maintained for sale, on a retail basis." There are three exclusions to the definition, two of which can provide safe thresholds for most dog breeders:

a. dogs produced and raised on the premises, that and are sold, offered or maintained for sale, by a person who resides on the premises;
b. the selling of a single litter, or part thereof, within a calendar year; and,
c. any publicly operated or private, charitable or nonprofit animal shelter, pound, humane society, or animal rescue organization.

Kennel licenses are another option for "any person maintaining a kennel wherein more than 4 dogs are kept for show, trial, sale, breeding or other purposes" and are in lieu of an individual dog license for each dog. Both types of licensees are subject to inspection for compliance with the standards of care outlined in §3044F and other violations. More information on retail dog outlets can be found at https://animalservices.delaware.gov/detail/19

Delaware also has a pet warranty law in Title 6, Chapter 40 that applies only to sellers of dogs. A seller is a person or entity engaging in the sale of dogs unless that person sells fewer than 20 dogs, or three litters, whichever is greater, in a single calendar year. An animal welfare nonprofit under Delaware law is also exempt. Chapter 40 outlines the obligations and remedies of the seller and the purchaser. More information on the pet warranties can be found on the Office of Animal Welfare webpage at the Animal Laws and Regulations link: https://dhss.delaware.gov/dhss/dph/oaw/oawhome.html

Massachusetts

Despite attempts in the past to regulate cat breeders, Massachusetts currently only regulates dog breeders. The law can be found in Part 1, Title XIX, Chapter 140, §§136A-174F (https://www.mass.gov/lists/mass-general-laws-c140-ssss-136a-175). There are three definitions of kennels that dog breeders in the state will want to review. It should be noted that commercial breeder kennel refers to animals while kennel and personal kennel are specific to dogs.

> "'Commercial breeder kennel'', an establishment, other than a personal kennel, engaged in the business of breeding animals for sale or exchange to wholesalers, brokers or pet shops in return for consideration.
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> 'Kennel', a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.
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> 'Personal kennel', a pack or collection of more than 4 dogs, 3 months old or older, owned or kept under single ownership, for private personal use; provided, however, that breeding of personally owned dogs may take place for the purpose of improving, exhibiting or showing the breed or for use in legal sporting activity or for other personal reasons; provided further, that selling, trading, bartering or distributing such breeding from a personal kennel shall be to other breeders or individuals by private sale only and not to wholesalers, brokers or pet shops; provided further, that a personal kennel shall not sell, trade, barter or distribute a dog not bred from its personally-owned dog; and provided further, that dogs temporarily housed at a personal kennel, in conjunction with an animal shelter or rescue registered with the department, may be sold, traded, bartered or distributed if the transfer is not for profit."

Anyone maintaining a kennel must obtain a license from the applicable city or town. People below the personal kennel threshold may apply for a personal kennel license, which gives them the benefit of not individually licensing their dogs. However, they will be subject to the inspection, sales, and other requirements of licensees.

The definition of a pet store under Massachusetts law, Title XIX, Chapter 129 may cause breeders' concern at first. In Section 1, Definitions, a pet shop is defined as "every place or premise where birds, mammals or reptiles are kept for the purpose of sale at either wholesale or retail, import, export, barter, exchange or gift." Section 39A, though, excludes "persons selling, exchanging or otherwise transferring *the offspring of their personally owned animals*" from the definition of a pet store (https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXIX/Chapter129.)

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Summary

As previously mentioned, every U.S. state in Region 1 has breeder regulations, but the approaches vary. Breeders will have to read the applicable state law to determine if it applies to

them. Local zoning, business, animal ordinances, and homeowner association rules may also apply. There is also the federal Animal Welfare Act (flowcharts of the exemptions to the federal AWA are located here: https://cfalegislativegroup.wordpress.com/aphis-exemptions-flow-charts/) breeders should review. Being your own advocate and familiarizing yourself with the applicable legal landscape, and monitoring it for changes could prevent heartache down the road for fanciers.

Nothing contained in this article is to be considered as the rendering of legal advice for specific cases or situations, and readers are responsible for obtaining such advice from their own legal counsel. This article (and references, etc.) is/are intended for educational and informational purposes only.