

State Regulates Commercial Dog Breeders



Philadelphia, Penn.— On October 2, 2008, state-authorized agents of the Pennsylvania Society for the Prevention of Cruelty to Animals (SPCA) raided the Almost Heaven Kennel. They found up to 800 dogs, monkeys, turkeys, and other animals living in filthy conditions, in need of medical attention, or otherwise in violation of a so-called Dog Law that had been enacted in 1982.

The Almost Heaven Kennel was an example of what are commonly known as “puppy mills,” or commercial kennels run by breeders who disregard their dogs’ need for exercise, humane living conditions, and veterinary exams. There had been several SPCA raids on other kennels in recent years. Just six days after the raid on Almost Heaven Kennel, the law changed.

On October 8, 2008, Pennsylvania’s Governor Ed Rendell signed into law Act 119, amending Pennsylvania Dog Law. The purpose of Act 119 was to enforce humane conditions for dogs bred in commercial kennels. The state department of agriculture was made the primary enforcement agency for the new amendments.

Act 119 set stronger standards for the health and safety of dogs raised by commercial dog breeders in the state. The law doubled the minimum floor space for enclosures, prohibited wire flooring for dogs over the age of 12 weeks, and required that dogs have exercise areas twice as large as their primary enclosures. The law also eliminated stacking of dog cages and mandated veterinary visits for every dog twice a year.

After the amendments were passed by the Pennsylvania State Legislature, agents of the Department of Agriculture raided the Almost Heaven Kennel again. Because of continued violations, the owner of the kennel lost his business license. He was ordered to transfer the 216 dogs in his possession to new owners.

Soon after the law’s passage, however, the Professional Dog Breeders Advisory Council, New Jersey pet store owners, and a Pennsylvania breeder sued the secretary of agriculture to stop the enforcement of Act 119. They complained that the law would potentially make private or “hobby” breeders subject to the same regulations as commercial breeders, and that certain procedures in which the secretary could revoke a breeder’s license were unconstitutional.

They also complained that the law’s inspection procedures allowed state agents to make unannounced visits. They argued this violated the 4th Amendment’s protection against unlawful search and seizure.

U.S. District Judge Sylvia H. Rambo, however, disagreed with the dog breeders. In her September 2009 decision, she found that Act 119’s license and inspection procedures were constitutional.