



PET INDUSTRY JOINT ADVISORY COUNCIL  
TESTIMONY ON HOUSE BILL 192  
BEFORE THE JOINT COMMITTEE ON  
DEVELOPMENT AND SMALL BUSINESS

May 12, 2009

**Position: Qualified Opposition**

The Pet Industry Joint Advisory Council (PIJAC) greatly appreciates the opportunity to express its concerns regarding House Bill 192. PIJAC agrees that responsible pet owners should be informed about the animals which will be in their care, but believes that the legislation before this committee mandating provision of care information suffers deficiencies.

As the world's largest pet trade association, representing the interests of all segments of the pet industry throughout the United States, PIJAC counts among its thousands of members associations, organizations, corporations and individuals across the United States. More specifically, PIJAC represents manufacturers, distributors, breeders and retailers throughout the Commonwealth of Massachusetts. Nobody cares more about healthy and safe pets, and the safety and welfare of the pet owning public, than does PIJAC. PIJAC has for many years provided a well respected animal care certification program that is widely utilized by not only persons in the commercial pet trade, but also shelters and humane societies. Our association has long been recognized as the voice for a responsible pet trade; we have worked closely with USDA to ensure effective enforcement of the federal Animal Welfare Act since its inception, and regularly work with the Centers for Disease Control and other federal and state agencies to promote responsible pet ownership while protecting the public health and safety.

PIJAC notes that, while the incorporation into law of a mandate to provide customers with free care sheets upon their purchase of pets has been adopted in only one state, PIJAC worked closely with the sponsors of such legislation in California. That bill provided substantial specificity as to the duties and extent of potential liability of pet stores. We believe that HB 192, in contrast, is inappropriately ambiguous and imposes impractical requirements.

Specifically, there is a fundamental problem in the standard proposed for developing care sheet content, and a lack of specificity as to application of the law. We wish to suggest, however, before commenting on the specific language of the bill, that the concept itself creates the potential of discounting pet owners' responsibility. While pet shop employees are and should be trained to supply basic information, consumers also have the responsibility to acquire information about proper care of their pets.

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Placing upon pet shops the legal responsibility to provide free written information on the care of animals implicitly discounts the responsibility of pet owners to inform themselves. Indeed, Pet stores already sell myriad books on pet care, and information on the care of pet animals is widely available through many other sources, including the Internet. Having this requirement in law necessarily raises the question of the nature and extent of information to be provided.

HB 192 is silent as to the number of different care sheets required. Does the bill contemplate separate care sheets for every species of animal sold? Each different species of fish, of birds, or reptiles? Or does the bill reflect a more reasonable intent of targeting individual classes of animals, with the acknowledgement of different species' needs as appropriate?

The bill charges the Board of Registration in Veterinary Medicine with final approval in determining care sheet content, but states that the information "shall be developed with" the Board. This implicitly means that others will participate in developing such content, but the bill is silent as to whom that might be. Furthermore, does Board even have the necessary expertise and staff to establish care requirements for each of the thousands of pet species sold by retailers in Massachusetts? Who from the pet trade would work with the Board in developing the content? Equally important, would there be any process for resolving conflicts in opinion about appropriate standards? Not all veterinary experts even agree on standards of care for certain species. In such cases, how would a universal position be established?

This raises a particularly salient issue for pet shops. To what extent would they be liable for the information they provide? An inherent consequence of this measure is that pet shops would, in some cases, be required to provide information on the care of animals that they believe to be inaccurate, incomplete, or simply false. What will be the consequence to pet shops if animals they sell suffer adverse consequences based on a customer's utilization of care information provided by the retailer? Will they incur financial liability? Equally as troubling, how can pet shops ethically provide information that they don't feel is valid?

We would commend the committee's attention to language in the California care sheet statute which, rather than charging an agency with adopting language, places this responsibility with the individual pet shop. While such an approach subjects pet shops to greater responsibility in complying with the law, it also gives them the flexibility to provide the information that they deem most appropriate, salient and accurate.

PIJAC believes the duty imposed by this bill is ambiguous and would lead to troubling unintended consequences. As much as the pet industry is committed to helping the public act as responsible pet owners, we also feel that inherent in such a process is the responsibility for the pet owner to inform him or herself. This likely will entail reference to multiple sources, and pet owners should not be enticed to place undue reliance on care sheets distributed at the time of purchase. Should the legislature see fit to impose a requirement to provide information at the time of sale, we strongly urge that any such statute be tailored to permit reasonable individual flexibility in developing care sheet content and that specific disclaimers be included so that pet shops will not be subjected to unwarranted liability.

This legislation is clearly well intended, and conceptually has merit. But as currently drafted, the bill is ambiguous and impractical. PIJAC would be pleased to work with the sponsor, this committee and interested stakeholders in crafting desirable changes.

We thank the committee for its due consideration of our concerns.

Respectfully submitted  
Pet Industry Joint Advisory Council  
By: Michael P. Maddox, Esq.