

Pet Industry Joint Advisory Council  
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TESTIMONY OF  
PET INDUSTRY JOINT ADVISORY COUNCIL  
HOUSE BILL 191  
BEFORE THE COMMITTEE ON LOCAL GOVERNMENT

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**Position: Qualified Opposition**

The Pet Industry Joint Advisory Council (PIJAC) routinely supports legislative efforts to ensure public safety relative to pets, and has been directly involved in the drafting of multiple statutes specifically involving aggressive dogs. We are pleased to have the opportunity to offer our views before you today on House Bill 191.

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 various associations, organizations, corporations and individuals across the United States involved in all segments of the commercial pet trade. More specifically, PIJAC represents the interests of those throughout the state of Montana who breed and sell pet animals as well as the pet owners who love them.

Nobody cares more about safe and healthy pet animals than does PIJAC. We have, for many years, provided a highly respected animal care certification program intended to ensure that employees are well trained in the care of the animals they sell; a program that is widely utilized not only by persons in the commercial pet trade but also shelters and humane societies throughout the country; a program that has even been adopted as a statutory standard in some states. PIJAC has worked closely with the USDA on effective implementation of the Animal Welfare Act for pets since its inception over three decades ago, and has joined hands with state agencies to ensure adoption and enforcement of appropriate regulatory standards. Our association has long been recognized as the voice for a responsible pet trade, and will not shy away from endorsing new statutory standards that are in the best interest of companion animals and the pet-owning public.

In the instant case, we feel the bill before you today, while well intentioned, suffers from significant weaknesses that would lead to poor public policy that would benefit neither pet owners nor the public at large. We would, therefore, respectfully urge this committee to refrain from recommending House Bill 191 in its current form.

PIJAC has observed in its decades of dealing with dog legislation that measures which selectively target status rather than behavior are highly ineffective in addressing public health and safety concerns and tend to wastefully consume public resources in the process, as well as inappropriately invading the rights of citizens. In fact, the laws of many jurisdictions enacting breed-specific legislation have been overturned as a result of ambiguity or due process issues. Court challenges in New York City compelled abandonment of breed-specific restrictions even prior to final enactment.

As any behavioral expert recognizes, the breed of a dog does not dictate its disposition. Rather, training and care of the animal is what will determine its tendency towards aggressiveness. Various breeds of dogs have been targeted over the years as vicious or dangerous animals, and so-called “pit bulls” (which are not actually a recognized breed at all) are simply the favorite target of the day. Prohibiting possession of these animals will deprive pet owners of loving animals, but it will not prevent those who desire to own vicious dogs from acquiring other breeds that are just as effective for the purpose.

The goal of public safety will be ill-served by diverting valuable resources away from regulating animals that represent a true propensity to be a public threat in favor of restricting possession of dogs based solely on their breed or appearance. Indeed, the subjectivity in the targets of this bill is demonstrated by the language of the measure. Who will ascertain whether a particular dog “has the physical characteristics that substantially conform to the standards established” for listed breeds? Professional show judges do not necessarily agree on which particular animals best represent a breed? How will law enforcement make this determination? How about ordinary pet owners? This language is so ambiguous and lacking in objective criteria that reasonable compliance and enforcement are dubious at best.

This subjectivity is greatly exacerbated in cases of mixed breeds. Dogs of all domestic breeds are members of the same species. They all share the same essential genetic material. Distinguishing the quality of individual characteristics of appearance is inherently subjective.

And there are obvious due process problems with the provision that requires a pet owner to “prove” his or her dog is not a pit bull. Shifting this burden to the pet owner essentially obviates the constitutional obligation of the state to demonstrate a violation. Furthermore, actually proving this negative is a practical impossibility. Such a provision in effect makes every person charged with an offense guilty by default. Irrespective of its constitutionality, we respectfully submit that this is poor public policy under the best of conditions.

PIJAC strongly urges that proponents of this measure amend it to target dogs that actually possess a dangerous or vicious disposition as demonstrated by behavior, and we request this committee not move the bill forward in its current posture.

We thank you for due consideration of our concerns, and would be pleased to provide the committee with further information or assistance as you deem beneficial in your deliberations.

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