

Legislation – What’s Hot

By Kelly Crouch, CFA Legislative Information Liaison

Sharon Coleman, CFA Legislative Legal Analyst

April 2022

Montgomery, AL Considers Breeder Licensing and Other Animal Code Changes

During the April 5, 2022, Montgomery, Alabama City Council meeting, voting was postponed on amendments to the animal ordinance, including breeder licensing and mandatory microchipping, until the April 19, 2022 council meeting. The postponement allows concerned residents time to provide additional comments and lawmakers to modify the draft. The revised ordinance and meeting agenda are expected to be available the Friday before the meeting.

In May 2015, shortly after amending the ordinance to authorize independent contracting, the city entered into a contract for the Montgomery Humane Society to enforce the animal ordinance, according to the [Montgomery Advisor](#). Conforming parts of the existing ordinance from the internal Police Department enforcement to independent contractor status presents opportunities as well as risks to amend other substantive provisions that easily introduce new questions and unintended consequences. In the definitions, the proposed ordinance also designates the Montgomery Humane Society as the Animal Control Unit.

One concerning amendment would make extensive changes to the simple existing Sec. 4-181 – “Keeping large numbers of animals; special permit” in Chapter 4, Article VI - Breeding, Training, Boarding. This section covers obtaining a permit from the City through the Police Chief before engaging in the “business of breeding, buying, selling, trading, training, or boarding” animals with no further mention of “large numbers.” Permits are limited to one per residence with a \$20.00 fee. With the Montgomery Humane Society issuing permits under its contract with the City, this section invites revision whether sensible or not. The existing use of “residence” and low fee suggests that the intention had been to include residential hobbyist activities or small operations without excessive definition of these terms while avoiding intrusive requirements.

The proposal calls all levels of breeding, buying, selling, trading, training, or boarding a “business venture” and “residence” is removed entirely. Additionally, to obtain an “Animal Business” permit the applicant must have a current and valid business license, liability insurance, proof of rabies vaccinations as required, provide “veterinarian records for all animals that enter or leave their care within the 12 months prior to the date of application,” and comply with all local, state and federal laws. The initial permit and annual renewal applications increase by 750% to \$150.00. Inspections are required before approval of any applications or renewal is granted. Hobby breeders or other small-scale operators need to know whether there is a minimum threshold for determining what is a “business venture” requiring the special permit and adherence to all these requirements.

Montgomery is also poised to follow in the footsteps of Honolulu, Hawaii, and other cities in requiring mandatory microchipping and registration rather than licensing. Unlike cities that have substituted microchipping and registration for licensing, the city does not currently license dogs or cats. If this ordinance is adopted, all cats and dogs over four months of age (with few exemptions) kept in the city would have to be microchipped and registered with the Montgomery Humane Society (the city’s animal control contractor) and the issuing microchip company. Not only does this limit consumer choice to microchip companies that offer a registration service, but there are too many opportunities for failure in the microchip system to be mandated legislatively. Chips can fail or migrate.

There may also be multiple microchips inserted in the animal. Some health problems have also been reported with the use of microchips. In addition, universal scanners cannot read all chips. The scanner may verify a chip's presence but not any other information if the chip is encrypted. Registration databases may not be up-to-date. And owners may not be comfortable with the humane society having access to all their personal information for animals that do not enter the shelter system. There is also a misconception that microchips are proof of ownership rather than just evidence of ownership. Microchips are a good option for people, but the system is not robust enough to be forced on pet owners.

Among the many changes to existing law, this ordinance would amend the very brief animal cruelty section. The proposed changes would divide the section into, "It shall be unlawful if the owner of or any person having custody or direct control of any dog" and "it shall be unlawful for any person" offenses, the former including typical standard of care requirements that normally are not defined as cruelty. All offenses are classified as misdemeanors. As currently drafted, there are no express provisions for cats.

In Other News....California AB 1881

The Los Angeles City Council is considering adopting a resolution to support California Assembly Bill 1881 by Assembly Member Miguel Santiago of Los Angeles, also known as the Dog and Cat Bill of Rights. These seven rights range from being free from cruelty to the right to mental stimulation, sterilization to prevent unwanted litters, and veterinary care. All animal control, animal shelters, and rescue groups would be required to post a copy of the Dog and Cat Bill of Rights in a conspicuous place accessible to public view. Assigned to the Assembly Committee on Business and Professions, the bill is set for hearing on April 26, 2022.

Recent CFA Legislative Group Blog Posts:

What's Hot..... Maryland's Noneconomic Damages Legislation and Missouri's Pet Breeders Week Bill

Please report legislation happening in your area to the Legislative Group – legislation@cfa.org
Visit the [CFA Legislative News](#) Facebook page and the [CFA Legislative Group Blog](#) to see the current legislative news.