NORTH CAROLINA’S PUPPY MILL PROBLEM:
NEW COMMERCIAL BREEDING STANDARDS WON’T SOLVE THE PROBLEM, BUT THEY’RE A START

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I. INTRODUCTION

On March 21, 2014, Duplin County Animal Control rescued nearly fifty dogs at a suspected puppy mill in Duplin County, North Carolina.1 The dogs had no access to clean water or food and were suffering from a variety of medical illnesses and diseases.2 One German Shepherd, later named Atlas by a rescuer, was discovered grossly underweight, covered in his own feces, and had whip worms and hook worms.3 Another German Shepherd was suffering from a broken hip and in severe pain.4 Some of the dogs were living in bird cages.5

On March 24, 2014, sixty—yes, sixty—Australian Shepherds were seized and rescued from yet another puppy mill in Hertford

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2 Id.
3 THE HUMANE SOCIETY OF THE UNITED STATES—NORTH CAROLINA, https://www.facebook.com/HSUSNorthCarolina?fref=ts (last visited Apr. 11, 2014) (hereinafter “HSUS North Carolina”). Unfortunately, Atlas passed away just a few weeks after being rescued. Id. Atlas had been recovering from hip surgery in his new home when a tumor was discovered in his abdomen. Id. Thanks to HSUS and the Duplin County Animal Control, Atlas was able to spend his last couple of weeks in a loving environment. See id.
4 Id.
County.6 Emily Peck, Director of the Virginia Beach Society for the Prevention of Cruelty to Animals (SPCA) and one of the rescuers on site, noted that “[a]lmost all of the dogs were emaciated to some degree, some worse than others. A lot of them were dehydrated. A lot of them [had] worms.”

Sadly, this type of situation has become all too common in North Carolina.8 The Duplin County and Hertford County busts were the eighteenth and nineteenth (as of this writing) puppy mill raids that the Humane Society of the United States has assisted with in North Carolina since 2011,9 which represents the most puppy mill busts of any state since 2011.10 Not only are these animals suffering from severe neglect and the physical damage inherent in such neglect, but the mental abuse is devastating, as well.11 One dog rescued in the Duplin County raid curled up into a ball and resisted any human touch from a rescuer.12

These animals do not deserve this kind of mental and physical abuse. Yet in the past few years, as other states have been cracking down on commercial breeding facilities,13 North Carolina has become a haven for puppy mills.14 Why? The answer is that “[t]here are no specific North Carolina laws to protect dogs sold directly to the public or online by commercial breeding facilities. Law enforcement officers,
therefore, are unable to prevent neglect until it reaches crisis proportions.”  

Despite the success of these recent busts, there is still a serious puppy mill problem in North Carolina. Even when law enforcement is made aware of a breeding facility that may be subjecting its animals to neglect and cruelty, an attempt to seize the animals is only able to occur after “it reaches crisis proportions.” Even a successful raid does nothing to prevent the abuse from actually occurring in the first place. Additionally, these raids provide no protection for other dogs in North Carolina suffering from severe neglect in the hundreds of irresponsible commercial breeding facilities across the state.

Recognizing the ineffectiveness of the current laws and the increasing problem of North Carolina puppy mills, the North Carolina House of Representatives introduced a bill to provide protection for these animals. House Bill 930 (“HB 930”), titled “An Act to Establish Standards of Care for Large Commercial Dog Breeding Facilities and to Provide Law Enforcement with Tools to Ensure that Dogs at Those Facilities are Treated Humanely,” was introduced on April 11, 2013. The Bill passed easily in the North Carolina House on May 9, 2013, with 101 “yes” votes and only 14 “no” votes. Unfortunately, the Bill was never brought to a vote in the North Carolina Senate, and effectively died at the end of the 2014 legislative session.

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15 Id.
16 Id.
17 See 60 Dogs Rescued from N.C. Puppy Mill, supra note 6; see also Puppy Mill FAQ, supra note 8 (demonstrating systematic abuse and neglect in most puppy mills before rescue occurs).
18 See supra note 8, and accompanying text.
20 Id.
22 NC Senate Fails to Take Up Puppy Mill Bill That Passed the House, Foxt8 (Aug. 4, 2014, 11:14pm), http://myfox8.com/2014/08/04/nc-senate-fails-to-take-up-puppy-mill-bill-that-passed-the-house/. See also Update: N.C. Senate Won’t Consider “Puppy Mill” Bill in 2014, GREENSBORO NEWS & REC. (Jan. 27, 2014, 6:14 PM), http://www.news-record.com/news/local_news/article_c99a108a-87a8-11e3-9fe9-001a4bcf6878.html. As this article points out, the bill stalled in the North Carolina Senate for a reason unrelated to the merits of the legislation. Id. A conversation between advocates of the bill and Senator Bill Rabon was allegedly secretly recorded and released, and Senate leadership has taken offense to the disclosure of the conversation. Id. Despite this odd event, as North Carolina Governor Pat McCrory, himself a supporter of the legislation, has put
HB 930 would have provided these animals with simple, basic protections and provide regulators and law enforcement an avenue to prevent neglect in the first place rather than relying on raids to rescue animals after the dogs have suffered abuse, possibly for years. This Note will argue that the North Carolina General Assembly should pass an equivalent to—or stronger version of—HB 930 without delay. In doing so, the Note will first describe what a puppy mill is and why it is a problem. Secondly, the Note will examine why the current legal protections in place are not adequately addressing the problem. Thirdly, the Note will argue that HB 930 would improve the current state of affairs. Finally, the article will suggest ways North Carolina could, and should, do even better than HB 930. As the title of this Note indicates, passing a law similar to HB 930 will not solve North Carolina’s puppy mill problem. It will, however, provide immediately necessary, basic protections that will serve as a starting point for future legislation.

II. What Is a “Puppy Mill” and Why Is It a Problem?

Although there is no legal definition of a puppy mill, the ASPCA defines a puppy mill as “a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs.” Puppy mills are different from responsible breeding facilities in that, rather than attempting to produce one or two litters of the healthiest puppies possible, as responsible breeders do, puppy mills breed “without consideration of genetic quality.” This profit-driven way of breeding treats dogs as commodities, no different from any other “crop.” The only concern of these breeders is to produce as many puppies as possible in the shortest amount of time.

The cruelty to the dogs in puppy mills is twofold. First, in order to maximize profit, the breeding female dogs at puppy mills are bred constantly with little recovery time between litters. Not only does this have ill health effects on the puppies produced in this manner but...
North Carolina’s Puppy Mill Problem

such constant breeding also obviously has detrimental health effects on the mother, as well.\textsuperscript{28} When the females have been bred so many times that they become physically depleted, they are often killed, as the breeder no longer has any use for the animal.\textsuperscript{29}

Secondly, both the breeding dogs as well as their puppies live in deplorable conditions and suffer from serious neglect. These dogs live in overcrowded and unsanitary conditions and are usually caged their entire lives.\textsuperscript{30} Because the dogs are often kept in places with no heating or air conditioning, they are subjected to freezing temperatures during the winter and sweltering heat in the summer.\textsuperscript{31} They are often left without access to adequate food or clean water, and exercise, grooming, and human socialization is nonexistent.\textsuperscript{32} The sheer number of dogs confined in small spaces leads to aggression and fighting among the dogs.\textsuperscript{33} Because of the lack of veterinary care the dogs receive, many experience sickness and disease, including fleas, ticks, mange, worms, and intestinal parasites.\textsuperscript{34}

Wholly aside from the abuse the animals suffer, puppy mills also negatively impact public health and the environment.\textsuperscript{35} The conditions in puppy mills, and specifically “the high concentration of dogs in a small facility[,] creates significant risks for disease transmission and pollution.”\textsuperscript{36} In addition to the environmental hazards at the breeding facilities themselves, the diseases from which the dogs often suffer can be passed from the dogs to their new owners.\textsuperscript{37}

The puppies produced at puppy mills are then sold for a profit to pet stores or directly to the public.\textsuperscript{38} Because of the conditions in which the puppies were bred and born, the consumer often gets a dog with health and behavioral problems.\textsuperscript{39} Because of the lack of socialization with humans and its litter mates, a puppy mill dog often exhibits

\textsuperscript{28} Id.
\textsuperscript{29} See id.
\textsuperscript{30} Id.
\textsuperscript{31} Id.
\textsuperscript{32} Id.
\textsuperscript{33} Id.
\textsuperscript{34} Id.
\textsuperscript{35} See Melissa Towsey, Note, Something Stinks: The Need for Environmental Regulation of Puppy Mills, 21 VILL. ENVTL. L.J. 159 (2010).
\textsuperscript{36} Id. at 177.
\textsuperscript{37} Id. at 179.
\textsuperscript{38} Id. at 162.
\textsuperscript{39} Puppy Mill FAQ, supra note 8.
fearful and anti-social behavior.\textsuperscript{40} This leads to increased veterinary bills for the consumer and will often lead to the owner not wanting to keep the dog and giving the animal to a local shelter, where the dog faces a high probability of being euthanized.\textsuperscript{41}

Unfortunately, this cycle ensures that puppy mills continue to exist and thrive. As long as consumers are willing to buy that adorable puppy in pet stores or puppy mills, there will be a profit to be made, and irresponsible breeders will continue to produce as many puppies as possible.

III. Why Is the Current Legal Regime Inadequate to Solve the Problem?

As the above description of the conditions of puppy mills demonstrates, “the mass production of dogs by commercial breeders has a profoundly detrimental impact on the fate of the animals they produce.”\textsuperscript{42} Yet the ASPCA estimates there could be as many as ten thousand puppy mills operating in the United States today.\textsuperscript{43} North Carolina has become a haven for many of these types of breeding facilities, with more puppy mill busts than any other state in 2011\textsuperscript{44} and many more since that year.\textsuperscript{45}

Despite the deplorable conditions in which these dogs live and the physical and mental abuse to which they are subjected, puppy mills are essentially completely legal in North Carolina. The current legal protections in North Carolina are inadequate to solve the puppy mill problem. There are two main applicable laws currently in place: (1) the federal Animal Welfare Act;\textsuperscript{46} and (2) North Carolina’s animal cruelty statute.\textsuperscript{47}

\textsuperscript{40} Id.

\textsuperscript{41} The Humane Society of the United States estimates 2.7 million healthy, adoptable animals are euthanized at American shelters each year. See Pet Overpopulation, HUMANE SOC’Y U.S., http://www.humanesociety.org/issues/pet_overpopulation/#.U0f2KdyFZg0 (last visited Apr. 11, 2014).


\textsuperscript{43} Puppy Mill FAQ, supra note 8.

\textsuperscript{44} Boudin, supra note 8.

\textsuperscript{45} See 60 Dogs Rescued from N.C. Puppy Mill, supra note 6.


\textsuperscript{47} N.C. GEN. STAT. § 14-360 (2013).
A. Animal Welfare Act

According to Congress, the Animal Welfare Act (AWA) was enacted because the “regulation of animals . . . is necessary to prevent and eliminate burdens upon [interstate] commerce and to effectively regulate such commerce, in order . . . to insure that animals intended . . . for use as pets are provided humane care and treatment.”48 The Act ensures such “care and treatment” by regulating “dealers,” defined in the Act as “any person who, in commerce, for compensation or profit, delivers for transportation, or transports, . . . any dog . . . for . . . use as a pet.”49

The AWA requires dealers to obtain a license from the United States Department of Agriculture (USDA)50 and to maintain humane care standards.51 These standards provide minimum protections the dealer is supposed to provide to the animals: “housing facilities [which are] sufficiently heated and cooled when necessary;”52 a “primary enclosure” which must be “at least [six] inches higher than the head of the . . . dog . . . when it is in a normal standing position” and contain floor space at least six inches longer than the length of the dog;53 and “the opportunity for exercise.”54 The animals must also “be fed at least once each day”55 and have access to water “as often as necessary to ensure their health and well-being.”56

However, these minimum standards leave much to be desired. First, the above described standards are “merely survival standards for dogs.”57 As noted above, “dogs in federally licensed breeding facilities can legally be kept in cages that are only six inches wider than the dog in each direction for their entire lives.”58 Calling standards such as these “Specifications for the Humane Handling, Care, Treatment, and Transportation”59 is, at best, an inaccurate characterization of the actual conditions.

49Id. § 2132(f).
50Id. § 2133.
52Id. § 3.2(a).
53Id. § 3.6(c)(1).
54Id. § 3.8.
55Id. § 3.9(a).
56Id. § 3.10.
57Laws That Protect Dogs in Puppy Mills, supra note 13.
58Id.
Second, even these bare minimum regulations are weakly enforced. For one, the standards and regulations obviously only apply to those required by the Act to become licensed and who actually do become licensed.60 Thus, puppy mills that are operated without a license are not regulated at all.61 Even those breeding facilities that are licensed with the USDA are subject to only minimal penalties for violating the standards and regulations. Violation, under the regulations, is subject to temporary license suspension,62 civil monetary penalties,63 or criminal penalties.64 However, these penalties are only enforced after repeated violations and even then are inconsistently applied.65 The result is that many breeders merely look at the weak penalties as a minor cost of doing business, and even the minimal standards provide no real protection for the dogs in these facilities.66

There has, however, been a positive development in the AWA regulations. Up until 2013, the AWA expressly exempted breeders who sold their dogs directly to the public from the licensing requirements.67 Because the regulations and licensing requirements only applied to “wholesale” breeders, i.e., those breeders who only sold to pet stores, the result was many, if not most, puppy mills were not subject to the regulations at all.68 As of November 2013, however, the AWA now subjects puppy mills that sell directly to the public to the AWA requirements, as well.69 Despite this massive loophole in the AWA regulations finally being closed, the problems in enforcement and weak standards still remain and make the AWA, without more, an ineffective solution to the puppy mill problem in North Carolina and across the country.

B. North Carolina’s Animal Cruelty Statute

The second main current law applicable to puppy mills is North Carolina’s animal cruelty statute.70 In relevant part, this statute states:

(a) If any person shall intentionally overdrive, overload, wound, injure, torment, kill, or deprive of necessary sustenance, . . . any animal, every

61 See id.
62 Id. § 2149(a).
63 Id. § 2149(b).
64 Id. § 2149(d).
65 See Tushaus, supra note 42, at 507–08.
66 Id. at 508.
68 See id.
69 See id.; Laws That Protect Dogs in Puppy Mills, supra note 13.
such offender shall for every such offense be guilty of a Class 1 misdemeanor.

(a) If any person shall maliciously kill, or cause or procure to be killed, any animal by intentional deprivation of necessary sustenance, that person shall be guilty of a Class H felony.

(b) If any person shall maliciously torture, mutilate, maim, cruelly beat, disfigure, poison, or kill . . . any animal, every such offender shall for every such offense be guilty of a Class H felony.

(c) As used in this section, the words “torture”, “torment”, and “cruelly” include or refer to any act, omission, or neglect causing or permitting unjustifiable pain, suffering or death.\textsuperscript{71}

This statute has been the basis for law enforcement busts of puppy mills in the past few years.\textsuperscript{72} N.C. Gen. Stat. § 14-360 makes cruelty to animals, including dogs, anywhere from a Class 1 misdemeanor to a Class H felony.\textsuperscript{73} In theory, the law would protect puppy mill animals from the physical harm they suffer. However, because the statute requires a showing of criminal intent or malice to be in violation of the law,\textsuperscript{74} a high legal burden, many law enforcement officers and prosecutors are unwilling to pursue such charges for the neglect that occurs at puppy mills, which often has no different effect on the animal than “intentional” and “malicious” cruelty.\textsuperscript{75} Even when enforced on a puppy mill breeder, as has happened with the recent busts, the law does not actually prevent animal cruelty; it only punishes abusers after the fact.\textsuperscript{76}

Reliance on an animal cruelty statute that requires intent and malice to warrant violation, even when that statute is strictly enforced, which is not often the case, requires dogs in puppy mills to endure possibly years of neglect and living in horrendous conditions before anything can be done about it. North Carolina needs a law on the books that provides standards breeders must follow to deter cruelty in the first place rather than merely inconsistently punishing breeders after the fact.

\textsuperscript{71} Id.

\textsuperscript{72} For example, the Hertford County breeder was charged with forty counts of animal cruelty. See HSUS North Carolina, supra note 3.

\textsuperscript{73} North Carolina also has a civil remedy for animal cruelty, which allows any person with standing to enforce the provisions of the criminal statute. See § 19A-2.

\textsuperscript{74} See id. § 14-360.

\textsuperscript{75} See 60 Dogs Rescued from N.C. Puppy Mill, supra note 6.

\textsuperscript{76} Id.
IV. WHAT WOULD HB 930 DO TO HELP SOLVE THE PROBLEM?

An equivalent to HB 930 would provide dogs in commercial breeding facilities basic protections, by requiring minimum standards of care that every breeder must follow. Specifically, HB 930 provided that:

Any person who owns, has custody of, or maintains [ten] or more female dogs over the age of six months that are capable of reproduction and kept primarily for the purpose of breeding and selling the offspring as pets shall provide the following for each dog owned, kept, or maintained by that person:

(1) Access to exercise on a daily basis.
(2) Access to fresh food and water . . . .
(4) Appropriate veterinary care . . . .
(7) Preventative care sufficient to keep dogs free from internal and external parasites . . . .
(9) A primary enclosure that . . . . is large enough that each dog can sit, stand, lie down, or turn around comfortably with no overcrowding.

Additionally, each breeder “shall keep the facility and primary enclosures clean and free from debris and odor, and shall remove feces and dispose of them as frequently as necessary.” The first violation of these standards would constitute a Class 3 misdemeanor, punishable by at least a $25 fine for each animal (but not more than $1,000). Every subsequent violation would constitute a Class 1 misdemeanor. The bill was rewritten, after encountering opposition from the hunting industry, to include exemptions from its requirements for dogs “being bred or trained primarily for hunting, sporting, field trials, or show.” The bill also includes an exemption for dogs “[k]ept primarily for purposes other than the sale of offspring as pets.”

While the bill is by no means a complete solution, it would improve the existing legal structure for a number of reasons. Although at first glance the standards resemble the minimal protections contained in the AWA, the proposed standards provide more protection in several significant respects. HB 930 requires “exercise on a daily basis.”

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78 Id.
79 Id.
80 Id.
81 Id.
82 Id.
83 Id.
84 See supra Part III.A (discussing the Animal Welfare Act).
85 N.C. H.R. 930.
North Carolina’s Puppy Mill Problem

something the AWA standards do not require. The size of the primary enclosure requirement seems to require a significantly larger enclosure in which the dog must be kept than that which is required under the AWA. Also, the HB 930 standards require “solid footing” in enclosures, something the AWA does not explicitly require.

In addition to the higher standards required by HB 930, setting standards at the state level, rather than relying on federal inspectors, will make proper inspection, regulation, and enforcement a more realistic possibility. Additionally, removing the strict legal burdens of “intent” and “malice” that are contained in the current animal cruelty statute will make it more likely that law enforcement officers will investigate and enforce the standards. Finally, the standards will help protect the dogs in puppy mills from cruelty in the first place, rather than punishing breeders for cruelty after the abuse to the animal has already taken place.

In short, HB 930 would have been a popular addition to the current North Carolina laws protecting animals. The bill had overwhelming popular support among the citizens of North Carolina, and was passed with just as much support in the House. Even the Governor of North Carolina and his wife expressed support for the law. The dogs suffering in puppy mills cannot afford to wait. Despite not being a complete solution, HB 930 is a simple way to provide these dogs with basic, necessary standards of care until North Carolina can enact further protective legislation.

86 See supra Part III.A (discussing the Animal Welfare Act).
87 See supra Part III.A
88 N.C. H.R. 930.
89 See supra Part III.A (discussing the Animal Welfare Act).
91 It should be noted, however, that the American Kennel Club (“AKC”) opposes the bill, preferring to devote more resources to enforce current laws. See Carter Coyle, Humane Society Pushes for Puppy Mill Law in NC, Fox 8 News (Apr. 4, 2014, 5:24 PM), http://myfox8.com/2014/04/04/humane-society-pushes-for-puppy-mill-law-in-nc/. However, as noted in the discussion of current NC laws, the protections currently in place are inadequate.
93 The bill passed in the House with 101 “yes” votes, and only 14 “no” votes. House Bill 930, supra note 21
V. WHAT ELSE NEEDS TO BE DONE?

As mentioned in the previous section, HB 930 does not provide the perfect solution. Although an equivalent to HB 930 should be passed because it is a simple way to provide immediately necessary, basic protections for dogs in breeding facilities, it is inadequate in several respects. North Carolina can, and should, take the example of other states and enact further, more powerful legislation to help protect puppy mill dogs.

This section will provide examples of legislation in other states that would be effective in North Carolina. Specifically, these further suggestions concern (1) restricting the age at which a female dog can be bred as well as restricting the number of times a female dog can be bred; (2) providing an enforcement mechanism by instituting inspection requirements; (3) requiring an animal history certificate for any dog purchased from a pet-store or breeding facility; and (4) allowing consumer remedies for the purchase of an unhealthy puppy. Additionally, this section will argue that, although all of these legislative efforts provide steps in the right direction, perhaps the most effective effort may be to simply raise public awareness about the horrendous conditions of puppy mills. Finally, the author will present the point that an overhaul of a dog’s legal status as “property” will be necessary to fully achieve the welfare these animals deserve.

It should be noted that this section is not intended to present a complete discussion of each of these alternatives. It is merely a brief introduction to some of the steps North Carolina might take in the future to protect commercially bred dogs.

A. Female Breeding Restrictions

HB 930, although it provides minimum living conditions for the dogs living in puppy mills, does little to prevent the constant over-breeding of the female dogs. As described above, this constant breeding can have its own serious health effects on the female dogs being bred, as well as the puppies being born in this manner. A law limiting the number of times a dog can be bred could be added. In drafting such a law, North Carolina could look to a similar Nevadan provision. Nevada prohibits any breeder from breeding a female dog

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96 See supra Part II.
before the dog is eighteen months old, as well as from breeding a female more than once a year.\textsuperscript{98} A law such as this prevents the negative health effects that come along with breeding a female before she is mature and ensures adequate rest between breeding cycles.

\textbf{B. Inspection Requirements}

The second measure that can, and should, be undertaken is to ensure that the breeding facilities to which HB 930 applies are routinely monitored and inspected. As demonstrated by the weak enforcement of the AWA regulations,\textsuperscript{99} the standards of care provided in HB 930 would do little without proper enforcement. As the ASPCA recognizes, “[s]trong standards of care are meaningless if inspections are never conducted and violations go unpunished.”\textsuperscript{100}

For an example, North Carolina could look to Pennsylvania’s licensing and inspection requirements. Pennsylvania requires every commercial pet breeder to obtain a license to operate.\textsuperscript{101} In addition to the initial inspection required to obtain a license, biannual inspections of each breeder are required, so that the regulations are properly enforced.\textsuperscript{102} Similar licensing requirements and frequent inspections would provide North Carolina an enforcement mechanism for the standards contained in HB 930.

\textbf{C. Animal History Certificates}

Another addition North Carolina could make to HB 930 is something similar to a law that Virginia recently passed. Virginia recognized that, despite the breeder regulations already in place, pet stores were circumventing the requirements by purchasing puppies from out-of-state puppy mills, often from states with minimal or no protections for the dogs (such as North Carolina).\textsuperscript{103}

Recent Virginia legislation requires any pet store to provide the purchaser with an “animal history certificate,” which must contain “the animal’s breed, sex, age, color, and birth date”; “the name and address

\textsuperscript{98} \textit{Id.}

\textsuperscript{99} \textit{See supra} Part III(a).

\textsuperscript{100} \textit{Laws That Protect Dogs in Puppy Mills, supra note 13.}

\textsuperscript{101} 3 PA. CONS. STAT. § 459-209 (2008).

\textsuperscript{102} \textit{Id.} § 459-218 (2008).

of the person from whom the pet dealer purchased the animal”; and “the breeder’s name and address,” among other things. Requiring this information means pet stores in Virginia can no longer mislead consumers about the source of the dogs they are selling.

D. Consumer Remedies

Another suggestion is for North Carolina to enact a so-called “lemon law”: a law that provides remedies to consumers who purchase a puppy mill pet, either directly from the puppy mill or from a pet shop, who turns out to be sick (as puppy mill dogs often are). Because consumers can obtain a remedy against a pet store for selling an unhealthy dog, these laws provide an incentive for pet stores to sell healthy, non-puppy mill dogs. As of April 2014, twenty-one states have enacted such laws. The laws vary in amount of time available to submit a claim, as well as in the available remedies, but Delaware’s “Purchaser Remedies” provides a model to which North Carolina could look when drafting its legislation.

Delaware’s statute provides that a purchaser is entitled to a remedy if “[w]ithin [twenty] days after purchase of the animal, a licensed veterinarian states in writing that the animal suffers or has died from an illness, disease, or other defect adversely affecting the animal’s health that existed . . . on or before delivery to the purchaser,” or if “[w]ithin [two] years after purchase . . . the animal possesses or has died from a congenital or hereditary condition.” The twenty-day and two-year time periods provide sufficient time for a purchaser to recognize and diagnose a health problem.

If a purchaser is entitled to a remedy, he or she may either (1) return the dog and obtain a full refund, as well as reimbursement for veterinary fees; (2) exchange the animal; or (3) retain the animal and receive reimbursement for veterinary fees. A North Carolina law similar to Delaware’s would provide consumers who unknowingly purchase an unhealthy puppy mill dog a remedy. This available rem-

104 VA. CODE ANN. § 3.2-6512 (Supp. 2014).
106 Id.
107 Id.
109 Id. § 4005(a)(1).
110 Id. § 4005(a)(2).
111 Id. § 4005(b).
edy would hopefully provide more of an incentive for pet stores and breeders to sell healthy, well-cared-for dogs.

E. Raising Public Awareness

While laws like HB 930, Pennsylvania’s licensing and inspection requirements, Virginia’s certificate requirement, and Delaware’s purchase protection laws are desirable and represent a step in the right direction, “they do not effectively eliminate the cycle that supports and perpetuates the existence of puppy mills.”112 As long as there exists a market and an opportunity for breeders to make a profit selling their animals, even the most innovative regulations will continue to be ineffective, and pets will continue to suffer. And, as long as unsuspecting consumers continue to purchase dogs from pet stores and irresponsible breeders, such a market will continue to exist.

While a law outright prohibiting the commercial sale of dogs would eradicate this puppy mill cycle by eliminating the legal market for dogs, such a law is sure to be met with substantial opposition and would also punish those responsible breeders who provide adequate care for their animals. As has been argued throughout this Note, laws like HB 930 and others are immediately necessary and important to provide protections for the dogs in these breeding facilities. However, what will ultimately be needed is more than legislation.

While organizations such as the ASPCA and the Humane Society of the United States have done wonderful work in promoting various legislation across the country, perhaps more funding and efforts should be put into making the consumer aware of the conditions in which these dogs live, the manner in which they are bred, and how consumers contribute to the problem when they buy that adorable puppy in the pet shop window. As Kailey Burger argued in her Note, “[d]ecreasing demand for designer dogs, and increasing public awareness about where and how pets are bred, would have a significant impact on the breeding industry. If consumers demanded puppies be bred humanely, breeders would be forced to either comply or risk losing business.”113 Additionally, devoting more resources to encouraging other means for the consumer to get their family pet, such as adoption from a local animal shelter (many of which have purebred dogs for

112 Tushaus, supra note 42, at 514.
adoption), would not only help to curb the demand for puppy mill dogs but also save the lives of dogs in animal shelters.

However, as such consumer awareness measures are likely to take time, and as “it would be an impossible task to eliminate puppy mills with the enactment of one piece of legislation, immediate measures need to be taken to reduce further negative effects of these facilities on society, reputable breeders, and the animals themselves.”\(^\text{114}\) That is why HB 950, as a step in the right direction, should become law immediately.

**F. The Ultimate Goal: Changing the Legal Status of Nonhuman Animals**

In concluding this section, it should be noted that a massive overhaul of the legal status of animals as human “property” is necessary before the rights of these animals—who indeed are intelligent, living beings capable of feeling (and expressing) pain, fear, and love—will be truly realized. Even aside from being intelligent, feeling creatures, in the eyes of many people, dogs are considered human companions. Many individuals view their dogs as members of their family. They certainly do not view their dogs in the same they view other “property,” such as their cars or clothes. Yet, in the eyes of the law, dogs are not treated much differently; they are fundamentally considered human property.\(^\text{115}\)

Steven Wise and the Nonhuman Rights Project are doing incredible work advocating for legal rights of nonhuman animals.\(^\text{116}\) While Professor Wise’s work focuses on members of the great ape family, as well as dolphins, orcas, and elephants,\(^\text{117}\) the premise for his work with those animals is likely valid for dogs as well. “Like humans, . . . [these] animals have a concept of their personal past and future . . . [and] suffer the pain of anticipating never-ending confinement.”\(^\text{118}\) Society

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\(^\text{117}\) Id.
\(^\text{118}\) Id.
should come to realize that dogs, and other nonhuman animals, deserve recognition in the law wholly aside from their status merely as property. Until such recognition occurs, even the most innovative and effective legislation will fall short.

However, realizing the substantial hurdles to overcome and the time it will take to achieve such a fundamental legal change, this Note focuses on smaller steps toward achieving for these animals the protections that they so rightly deserve.

VI. CONCLUSION

In April 2014, a group of five German Shepherds, rescued from the Duplin County puppy mill bust a month earlier, were made available for adoption by the Brunswick County Animal Protective Services. Found just two weeks earlier in cages, covered in mud and their own feces, the rescued dogs were cleaned up and quickly found the joy of being able to run, play, and cuddle with their fellow rescues.

Thanks to many different people and organizations, the story of these German Shepherds has become an encouraging, heartwarming success story in North Carolina, counteracting the tragic situation from which they came. Sadly, however, many more dogs in puppy mills across the state are still suffering from deplorable conditions and physical and mental abuse.

As documented throughout this Note, puppy mills subject undeserving dogs to a lifetime of neglect and abuse. The prevalence of these puppy mills in North Carolina has become unacceptable. HB 930 is far from a perfect solution, but it will provide much needed humane standards of care for the animals and will provide a basis for future legislation. Whatever the reason for the stall in the Senate, it unfortunately does not seem to be connected to the merits of the legislation. The dogs suffering in these puppy mills should not be forced to wait for North Carolina senators to work out whatever it is that is

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120 Id.

121 The failure to get the bill passed seems attributable to some combination of backlash over the leaked conversation with Senator Rabon. See Update: N.C. Senate Won’t Consider “Puppy Mill” Bill in 2014, supra note 22; see also Schofield, supra note 22; Coyle, supra note 91 (noting opposition from the AKC and other agricultural groups).
keeping the legislation from being considered. An equivalent to HB 950 must be passed in the 2015 legislative session, or North Carolina’s dogs will continue paying the price.