

LEGISLATION:

The Good News... and the Bad News

By Laurella Desborough, AFA Legislative V.P.



First, the good news: During the past year there has been a significant change in the work of the bird and animal owners in regard to response to proposed regulations and proposed laws. The major change has been the interest and willingness to join together and work with other animal interest groups. This is the case even though a specific proposed law or regulation seems to affect only one animal group. In the past, the aviculturists have generally worked only with other aviculturists and often with the Pet Industry Joint Advisory Council, (PIJAC), but not usually with other animal interest groups. In terms of the total population of U. S. citizens, each animal interest group only represents a small number, (with the possible exception of the dog and cat fanciers and cattle and poultry producers). This means that when laws and regulations are proposed, it is difficult to motivate enough people to take action so that legislators recognize that the concerns of these animal owners must be addressed. However, when most animal interest groups work together and support each other's legislative interests, this brings a much larger number of people into the picture and the legislators are inundated with comments. This makes a huge difference for our interests because legislators respond not only to the issues, but to the numbers of people who contact them about the proposed law or regulation.

What does this mean for the Watchbird readership? It means that you may find the AFA and other avicultural organizations urging you to contact your legislators to inform them of your position on some regulatory matter or some proposed law regarding birds and other animals also. In order for us to maintain the

support of the other animal interest groups, we will need to support their issues when they arise. And, the other good news is this: It is going to be very easy for you to contact ALL the legislators involved in a specific issue because of the new and wonderful internet tool that has been made available to us. We call it EZ E-mail. Basically, the AFA legislative team or other animal legislative team prepares the content of the email, with choices of comments and sections where the sender can insert their remarks. Once the sender has completed the e-mail message, he or she presses send, and the message goes specifically to the list of legislators involved in the project, and addresses them by name. So, in a few minutes, a person can create their message and send it to ten, twenty or a hundred legislators. As you see, this enables each one of us to communicate with many legislators in a matter of a very few minutes.

Now, the bad news: During this legislative session many bills were proposed in most every state that related to birds and animals. Most of these proposals addressed issues that seem to be under the heading of local animal control, i.e., relating to dogs and cats, but in reading the details, one found that the bill also included birds, if not every animal, with the exception of native animals. The critical parts of any regulation or law include the intent, the definitions, and the specific regulations. Studying proposed laws is not entertaining; it is often grueling work.

However, unless we study these proposals and inform the public about them, we will find ourselves restricted right out of keeping birds and animals. Educating aviculturists, animal owners, legislators, regulators

(those that enforce the laws) and the general public should be a concern of each bird and animal owner. Most people, who do not own, keep or breed a specific type of bird or animal will not have any understanding of the proper husbandry and care that is needed. These people are then likely to believe that a law put forward under the guise of “requiring humane care” and “punishing the offenders” is a very reasonable and necessary law. That is because they have no idea of the real consequences resulting from laws written and sponsored by the folks in the animal rights organizations (examples: HSUS, Animal Protection Institute, In Defense of Animals, Doris Day Animal League, and PETA).

Illinois. The “animal caretaker” bill, HB707, would amend the Illinois Animal Welfare Act to replace the term ‘pet shop operator’ with ‘animal caretaker’. This new definition is so broad that it covers everyone who sells or gives away a pet, including bird and animal breeders. Animal caretakers must be licensed by the Illinois Department of Agriculture and the Department may inspect an animal caretaker’s premises. The inspector will decide whether or not the animal or bird owner is providing the proper environment for the bird or animal. HB707 adds to the requirements for caretakers that they must provide a “stimulating and enriching” environment. The bill specifies for birds, “a variety of toys, perches of different sizes and materials, and full-spectrum lighting”. In regard to the diet provided for birds, the bill states that this food must be “prescribed by an avian veterinarian”. When thinking about such requirements, think about finches as well as parrots and geckos as well as dogs or cats. Thankfully, HB707 was removed from consideration as a law for this legislative session, due to the outstanding efforts of the various animal interest groups: dog and cat fanciers, herp folks, and the avicultural community, including Judy Franklin, Jason Crean and Cliff Patterson. It was learned that the bill had been proposed by a pet bird owner and a local bird rescue group, who helped with the specific language and concepts. (This is a good example of the kinds of problems that well meaning people can bring to the rest of their community because they do not fully consider all the ramifications of legislation. They think in terms of the needs of a few types of birds or animals, yet the entire community of pet or companion bird and animal owners and breeders will be affected.)

West Virginia. Two WV Senate bills and two WV Assembly bills were put forward addressing somewhat

the same issue: SB 137: Animal Health Safety Control Act, SB 277: Animal Regulation Act, HB 2635: Animal Regulation Act, and HB 2620: Regulation of Exotic and Domestic Animals. Basically, these bills would have regulated ALL animals in West Virginia: dogs, cats, herps, rabbits, hamsters, birds, etc. After these bills were introduced, Colby Homer, (a Doberman Pinscher breeder who was monitoring WV legislation), started contacting representatives of various animal interest groups, including myself. I contacted Barry Thaxton, AFA State Coordinator. Beth Thaxton stepped forward and worked very long and hard with the team that Colby Homer put together, which included exotic cat representatives and herp representatives. The legislators ended up working with one bill, SB 277. The efforts of our WV legislative team created a mass of emails, faxes and phone calls to the legislators who were processing the bill. These team members passed out flyers, made personal calls to legislators, delivered letters to legislators, sent emails to internet animal interest groups, and attended hearings on the SB277.

PIJAC put out an alert on SB277, which included these comments: “...the West Virginia Animal Regulation Act would define thousands of pet species as exotic animals and prohibit their possession without a permit. The ban would include nearly every species of bird, fish, reptile and small animal. Other than dogs, cats and ferrets, very few species would escape this prohibition! The bill would also regulate as a pet store anybody that sells or gives away an animal in the state. An Exotic Animal Regulation Board established under the act would be granted authority to create standards for operating pet stores, including standards of animal care, and to prohibit import of “any exotic animal that threatens public health and safety” or is injurious to agriculture or the environment.” The board would set up regulations for the keeping of pets, the import and transport of animals, the investigation of violations and the seizure and destruction of animals. The bill made it illegal “for any person to possess or breed an exotic animal” without a special permit. But, under the bill’s definitions, almost no animal could qualify as domestic. All pet and companion animal owners saw this bill as very burdensome and very problematic. It appears that the bill was generated out of the request of the head of the Department of Agriculture and that the details of the bill were prepared by the staff from legislative language provided by the Animal Protection Institute!!! The last hearing for the bill was in the WV House Agricultural and Natural Resources Committee. Animal owners who attended this hearing spoke

against the bill. Tom Baker, owner of Perry Wildlife Zoo, spoke about all the federal regulations already in place concerning exotics, which was extremely helpful. Apparently the Department of Agriculture expressed concern about the "prairie dog problem" and was using this to encourage legislators to put in place extreme regulations on pet and companion animals of all types. This bill was stopped at this hearing and has been turned over to an "Interim Study Committee" for their review and recommendations. The WV Legislative chair, Colby Homer, has set up a group to prepare and submit recommendations to the Interim Committee.

Minnesota. MN State Senator Mee Moa introduced SF 1970 in April. This bill was specifically designed to make it illegal for pet stores to possess un-weaned parrots with fines up to \$1,000 per violation. Specifically it states:

"Sec. 2. [346.402] [SALE OF UNWEANED BIRDS.]

a) A pet shop must not be in possession of a bird or sell a bird unless the bird is weaned.

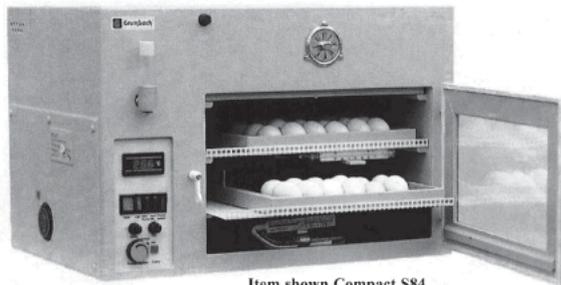
b) A vendor may not sell a bird at a swap meet or bird mart unless the bird is weaned.

c) At the time of sale, a pet shop location or vendor must document the weight of any hand fed bird under one year of age and note the weight on the sales receipt."

According to the bill's author, the language for this bill was provided by the Animal Protection Institute, Sacramento, California. The same animal rights organization that sponsored California AB202 regarding un-weaned birds. SF970 was not put forward for hearings during this legislative session, but is expected to surface again in 2006. I have promised to provide the bill's sponsors important information concerning this legislation. This is one of those "foot in the door" bills that will provide the first step for further restrictions. These three bills are only a few of the proposed bills during 2005. They are examples of bills that will place regulations on birds. ■

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