

## RESPONSES FROM SENATOR CARRIE RUUD AND REPRESENTATIVE MIKE FREIBERG, AUTHORS OF THE COMPANION ANIMAL BOARD BILL, TO MVMA COMMENTS

1. **MVMA COMMENT:** *“A major concern that we and other opponents have about this bill is that its definition of “Companion Animals” goes beyond dogs and cats. It includes “any animal owned, possessed by, cared for, or controlled by a person for the present or future enjoyment of that person or another as a pet or companion, or any stray pet or stray companion animal.” (see MN Stat. 343.20(6)) This bill could pertain to literally any species of animal.”*

**AUTHORS' RESPONSE:** The Companion Animal Board (CAB) bill uses the existing definition of “companion animal” within Minnesota law ([Minn. Stat. sec. 343.20, subd. 6](#)), which can apply to any animal that is a pet or companion and meets the definition in current law. The CAB bill specifically **excludes** an “agricultural animal or farm animal that is used for food, other farm or agricultural products, or other agricultural uses.” ([See CAB bill: Sec. 2\(c\)](#).) This same language (farm animal exclusion) is in existing law, as cited under the Pet and Companion Animal Welfare Act ([Minn. Stat. sec. 346.43](#)). The scope of the Act (existing law) is targeted to veterinarians, boarding facilities, and commercial animal facilities, citing specific standards for the care of equines, dogs and cats, pet birds, rodents, and other animals — all of whom are defined as pet or companion animal ([Minn. Stat. sec. 346.36, subd. 6](#)). This Act was first passed into law in 1983 and has had no confusion or dispute as to definitions by the veterinary profession. Further, the definition of pet and companion animal as per chapters 343 and 346 has been used by the Minnesota courts for decades with no problem.

2. **MVMA COMMENT:** *“The mission of the BAH is “to protect the health of the state’s domestic animals through education and cooperation with veterinarians, producers, owners and communities.” The Board has done an outstanding job of carrying out this mission for over 100 years.”*

**AUTHORS' RESPONSE:** Much has changed over the past 100 years. The pet industry has grown and evolved and companion animals are seen as part of the family. It is estimated to be a \$275 billion industry by 2030 — Morgan Stanley Forecasts (up from \$17 billion in 1994). A Companion Animal Board, focused solely on issues pertaining to companion animal welfare, is needed by the State of Minnesota to prioritize, lead, and respond to these changes — and free up the BAH to focus on dangerous animal disease.

3. **MVMA COMMENT:** *“This bill makes an incorrect assumption that the Board of Animal Health (BAH) is ineffective in dealing with small animal disease and welfare issues, and addresses only livestock disease issues. BAH has effectively managed the health and well-being of commercial dogs and cats in MN through inspections of pet breeders and recently has created a new Breeder Excellence Program to recognize quality breeders in Minnesota.”*

**AUTHORS' RESPONSE:** When the CAB bill is passed, two existing laws will be transferred from the Board of Animal Health to the new Companion Animal Board: the dog and cat breeder law and the kennel and dealer law, which licenses and inspects animal shelters and others that meet the law's definition. One core concern is the fact that the BAH failed to conduct rule-making for the breeder law. This means no rules have been established for clear administration of the law as per the intent of the MN Legislature. The CAB will assume this duty. The Breeder Excellence Program cited above is a statutory requirement of the dog and cat breeder law.

4. **MVMA COMMENT:** *“BAH manages reportable diseases of dogs and cats such as *Brucella canis* and tularemia. The Board administers companion animal health certificates, and has the authority to deny entry of certain animals or disease conditions into the state. The Board has been protecting the health and welfare of companion animals in the state for over 100 years.”*

**AUTHORS' RESPONSE:** The Board of Animal Health (BAH) manages reportable dangerous diseases of dogs and cats and other animals as defined by [Minnesota Statutes Chapter 35](#). This power and authority remains with the BAH, as per existing law. Administration of Certificate of Veterinary Inspection (CVIs) remains the same. The BAH will continue to administer and maintain CVIs. The CAB bill requires a copy of the CVIs so the CAB can review the number and type of companion animals entering and leaving the state.

5. **MVMA COMMENT:** *“The Board of Animal Health already has a long and established working relationship with the faculty and expertise available at the University of Minnesota College of Veterinary Medicine and its Veterinary Medical Center, and the UMN Veterinary Diagnostic Lab and staff.”*

**AUTHORS’ RESPONSE:** As the BAH is responsible for control of dangerous animal disease, these relationships are necessary for the BAH to achieve its mission. The CAB, through its board members and staff, will also have strong relationships and collaborations with the University of Minnesota and veterinarians as well as other professions, organizations, associations, and local, state, and federal agencies throughout Minnesota that work in the companion animal welfare field.

6. **MVMA COMMENT:** *“The Board of Animal Health also has established working relationships with the Minnesota Department of Health, Minnesota Department of Agriculture, Minnesota Department of Natural Resources, as well as many other state and federal agencies. In addition, it has long-standing relationships with other animal and livestock groups.”*

**AUTHORS’ RESPONSE:** State agencies should be collaborative with others and establish working relationships. While these relationships are necessary for disease control in the food supply, no companion animal welfare organizations are listed on the BAH website as partners. The CAB will have working relationships and networks within the companion animal welfare field. NOTE: [An audit of the Board of Animal Health](#) was conducted by the Office of the Legislative Auditor citing multiple concerns with the BAH.

7. **MVMA COMMENT:** *“The Board of Animal Health is effectively carrying out its mission to protect the health and welfare of ALL domestic animals in Minnesota. The state needs a strong and functioning BAH. This bill would strip the board of the authorities and funding needed to maintain its mission.”*

**AUTHORS’ RESPONSE:** Minnesota needs a strong and functioning BAH to prevent and respond to all animals and animal disease. The CAB will not "strip" the BAH of authorities or funding, but rather free up BAH staff to focus on its duties of prevention and control of dangerous animal disease. The authors support the BAH keeping funds used for enforcement of the two companion animal laws (which will be transferred to the CAB), so the BAH can redirect these funds to support its core mission and priorities.

8. **MVMA COMMENT:** *“This latter point is of particular significance following the re-entry of African swine fever virus (ASFV) into the western hemisphere (Hispaniola) for the first time in the last 40 years. ASFV is a highly fatal disease of swine with mortality rates exceeding 95% in clinical cases. The entry of this virus into the US would immediately stop the export of pork depressing the price of pork, beef, and poultry, as well as depress grain exports abroad. Collectively, this is estimated to cost US agriculture \$16.5B during the first year. This bill would reduce the effectiveness of the MNBAH and provide this virus a potentially greater opportunity to enter the United States and devastate our agricultural sector. We need a very strong and functioning BAH; therefore, this bill should be defeated and should not be allowed to reemerge.”*

**AUTHORS’ RESPONSE:** African swine fever virus and other dangerous animal diseases should be the focus of the Board of Animal Health (BAH); disease eradication is the priority of the Board. The BAH is already stretched thin and should not assume other responsibilities and duties beyond its knowledge and expertise. The companion animal industry and issues are growing and evolving, as is the animal welfare field. The CAB will have the necessary expertise to address and prioritize these issues, freeing up the BAH to respond effectively to dangerous animal diseases.

9. **MVMA COMMENT:** *“Instead of helping companion animals, the CAB bill will disrupt an effective and efficient method for dealing with companion animal disease and welfare concerns. It adds another layer of bureaucracy and confusion to a system that is currently working well.”*

**AUTHORS’ RESPONSE:** The CAB will provide a more effective and efficient method of dealing with companion animal welfare needs. Shifting companion animal welfare issues to the CAB frees up the BAH to focus on disease control. Being 100% dedicated to companion animal welfare issues, the CAB will lead and discuss community issues, such as animal shelter management, statewide spay and neuter, pet food banks, accessible and affordable veterinary care, emergency and disaster services, lost and found animals, animal rescue networking, human health benefits (human-

animal bond) with the elderly, veterans, disabled, and medical conditions, companion animal needs of local governments, and many other issues. As with all state agencies, the CAB is mandated by current law ([Minn. Stat. sec. 35.06](#)) to immediately notify the Board of Animal Health of any known or suspected contagious or infectious disease as defined on the BAH's [Reportable Disease List \(Minn. R. 1721.0020 Subp.7\)](#). This reporting method does not change.

**10. MVMA COMMENT:** *“Animal Folks and other prominent animal welfare individuals and organizations (who support CAB) were part of the original supporters of the commercial cat and dog breeder legislation that was implemented in 2015. In other words, they helped craft the original breeder bill that they now want to dismantle or take over.”*

**AUTHORS' RESPONSE:** The Companion Animal Board bill is led by Senator Carrie Ruud (R) and Representative Mike Freiberg (D). These chief authors introduced the CAB bill to provide the necessary state structure for expertise in and oversight of companion animal issues in Minnesota, including the unique bond between humans and animals. The CAB bill is coauthored by a bi-partisan group of legislators. The CAB will have 13 Governor-appointed board members representing a wide range of knowledge and skills on companion animal welfare (see board list in #12 below). The CAB bill transfers two existing laws, the dog and cat breeder law and the kennel and dealer law, from the BAH to the CAB, allowing for appropriate expertise in these areas. The CAB bill is supported by over 22 organizations throughout Minnesota representing expertise with companion animal welfare and the human-animal bond.

**11. MVMA COMMENT:** *“Minnesota has animal welfare laws and enforcement entities in this state that are more than adequate to address any concerns intended to be addressed by CAB. The authority for enforcing these statutes already lies with the Minnesota Federated Humane Societies that is charged with investigating animal welfare issues in the state (MN Stat.343.22).”*

**AUTHORS' RESPONSE:** Cruelty to animals is criminal law; the Companion Animal Board bill does not have the duty to enforce criminal animal anti-cruelty laws. Law enforcement (police/sheriff), the Animal Humane Society, and the MN Federated Humane Societies are all granted authority to investigate animal cruelty through Minnesota Statutes [Chapter 343](#) (Prevention of Cruelty to Animals). As with other state agencies, suspected or known animal cruelty will be reported to law enforcement. Section 22 cited above is incorrect to the point made; that section of law deals with individuals submitting animal cruelty complaints directly to the court.

**12. MVMA COMMENT:** *“Despite its stated desire to manage companion animal health and welfare issues, the CAB’s 13 member governing structure only has 2 member veterinarians with the rest being primarily community members. This compares to the Board of Animal Health with over 20 veterinarians on staff, field reps, and in leadership roles.”*

**AUTHORS' RESPONSE:** The animal welfare field has multiple professions, disciplines, and skill sets, reflecting a broad knowledge of animal welfare and care involving animals, people, and organizations. The CAB is constructed with 13 Governor appointed board members on purpose to present a wide range of perspectives in the animal welfare field. In addition to 2 licensed veterinarians, the board also includes 2 members from animal shelters (one located in greater Minnesota and one from the metro area), 1 member from the College of Veterinary Medicine at the U of M, 1 member from a qualified animal rescue organization, 1 member from a county or municipality, 1 specialist with the animal-human bond, 1 dog breeder, 1 representative from the Board of Animal Health, 1 animal control officer, and 2 members from the public. By comparison, there are 6 board members of the Board of Animal Health — four of whom, by law, are livestock producers and 2 are veterinarians. All board members of the CAB and staff, including inspectors, will have 100% expertise or experience with companion animal welfare — providing the appropriate knowledge needed.

**13. MVMA COMMENT:** *“The CAB proposal intends to diminish the stature of BAH as a leading animal health protection and welfare entity in this state. Although promoters of the bill claim no stake on BAH financial resources, it is impossible that this duplicative regulatory board would not divert BAH funds.”*

**AUTHORS' RESPONSE:** Transferring the two laws from the BAH to the CAB will free up the BAH to focus on its mission of animal disease control and prevention. By doing a more effective job with dangerous disease control, this will increase the stature of the BAH. To support the duties of the CAB, the bill authors are asking general funds from the

State Government Finance and Policy budget. (The Agriculture budget funds the Board of Animal Health.) This means, once the dog/cat breeder law and kennel/dealer laws are transferred to the CAB, the BAH will have *more* money to support its mission of disease control. The CAB will also be funded by a specialty companion animal license plate to support services and resources and a grant program.

14. **MVMA COMMENT:** *“The funding mechanism and distribution of funds being proposed in the bill are also extremely questionable and unusual for a newly created state agency. The bill states that the CAB can accept monies from anywhere, including special interest groups or entities of interest to the members of the CAB Board itself. The CAB would also have the authority to distribute funding to any entity, including entities of interest to the members of the CAB Board itself. This is a direct conflict of interest and should not be allowed.”*

**AUTHORS’ RESPONSE:** Accepting gifts, grants, or contributions is common in Minnesota law. Same or similar language in the bill ([See CAB bill: Section 6](#)) can be found in other laws. Examples: Dept. of Health ([Minn. Stat. sec. 144.074](#)); Dept. of Agriculture ([Minn. Stat. sec. 17.03, 17.101, 17.1015](#)), Dept. of Human Services ([Minn. Stat. sec. 245.073](#)); Dept. of Natural Resources - MN Critical Habitat Private Sector Matching Account ([Minn. Stat. sec. 84.943](#)). The CAB grant program will allow for grants to four entities: 1) nonprofits; 2) veterinary clinics and practices; 3) local governments; and 4) postsecondary institutions ([See CAB bill: Section 4, subd. 4](#)). As for acceptance and use of funds, all state agencies must adhere to ethical standards as per existing law ([Minn. Stat. sec. 10A.01, subd. 35, clause \(6\)](#).) These are the same conflict of interest requirements that apply to members of the legislature and members of other boards with rulemaking authority, such as the Board of Animal Health.

15. **MVMA COMMENT:** *“The CAB bill includes rule-making authority. With the broad scope definition of a “companion animal” and far-reaching aspects of the language, this new board would be able to make rules that may affect our state’s poultry flocks and livestock herds. Rather than relying on the owner or manager of animals, the livestock and poultry industry may be subject to new additional rules and regulations.”*

**AUTHORS’ RESPONSE:** The CAB bill does not have the authority to create rules or regulations for "poultry flocks and livestock herds." The bill excludes farmed animals used as food and agricultural products (refer to CAB bill section 2(c)); this exclusion is the same language used in the Pet and Companion Animal Welfare Act, passed in 1983 (refer to response in #1). Two sections in the CAB bill reference rule-making authority.

- [Section 10 of the CAB bill](#)— Applies to existing rules parts 1721.0490, subpart 3 and 1721.0520, which is the kennel and dealer law (for animal shelters) to make conforming changes related to the transfer of duties under section 8.
- [Section 5, Subd. 1 of CAB bill](#) — Applies to making rules necessary to carry out the duties of the CAB, citing sections 347.68 to 347.70. Section 69 specifically refers to the dog and cat breeder law, which will be transferred to the Companion Animal Board for enforcement. For the protection of public health and the welfare of animals, the breeder law allowed for additional standards to be established by rule ([Minn. Stat. 347.59, \(d\)](#)):"A commercial breeder must comply with any additional standards the board considers necessary to protect the public health and welfare of animals covered under sections 347.57 to 347.61. The standards must be established by rule." The Board of Animal Health failed to conduct rulemaking for the dog and cat breeder law, as intended by the Minnesota Legislature. The CAB will conduct rule-making and fulfill this duty.

16. **MVMA COMMENT:** *“The CAB proponents have failed to outline what is not being properly handled through the Board of Animal Health or elsewhere in properly addressing state animal humane issues, breeder operation issues, etc. Consequently, we must assume that their primary aim is to shut down many of the breeder operations in this state.”*

**AUTHORS’ RESPONSE:** Establishment of a Companion Animal Board is a governance and structural issue for Minnesota, involving the needs of the state and the ability to adapt. How Minnesota government is currently structured does not serve the needs of companion animals and those who care for these animals — today and into the future. Creation of a Companion Animal Board is a smart and balanced solution with 3 core duties:

- **Enforcement** — Enforce laws pertaining to regulation and welfare of companion animals.
- **Communication and Education** — Be an expert and "communication hub" on companion animal issues, including the role these animals play with families and the human-animal bond.

- **Services and Resources** — Oversee a collaborative approach for delivery of companion animal services and resources throughout Minnesota. To support these services, the CAB will have a grant-making program funded by a specialty companion animal license plate; grants will be available for nonprofits, veterinarians, academic institutions, and local governments.

17. **MVMA COMMENT:** *“The CAB concept cannot be found in other states except for a program, located on the east coast that is run through the state’s Health and Social Services Department.”*

**AUTHORS’ RESPONSE:** Many states have different programs related to animal welfare. Each state varies in the type of program and how each is structured and enforced. Some states have established a commission, task force, advisory council, office, or animal welfare fund to administer programs, such as statewide spay/neuter or assistance with animal shelters, and address community needs. In 2014, Delaware created an Office of Animal Welfare within the Health and Social Services Department. Some existing programs for companion animals had originally been directed to agriculture and were not given the priority and resources needed; these programs were consolidated under the Office of Animal Welfare. This office is highly successful.

18. **MVMA COMMENT:** *“Lastly, we plead with state legislators, state leaders, and others to further question the intent and motives of those behind this legislation. Once you do you will understand this bill is designed to allow special interest groups to control funding streams and resources for their own purposes.”*

**AUTHORS’ RESPONSE:** The CAB bill is authored by Senator Carrie Ruud (R) and Representative Mike Freiberg (D) and co-authored by a bi-partisan group of legislators. The intent and motives of the authors are to create a state board with specific expertise and skills to lead and respond to issues pertaining to companion animals and the needs of the people, organizations, and communities throughout Minnesota.

19. **MVMA COMMENT:** *The CAB would have authority to change the practice of veterinary medicine at veterinary clinics.*

**AUTHORS’ RESPONSE:** There is nothing in the bill language that would change or interfere with the practice of veterinary medicine. Veterinary practice falls under the Veterinary Practice Act ([Chapter 156](#)), which is administered by the MN Board of Veterinary Medicine.

For additional information on the bill to establish a Companion Animal Board visit [mncab.org](http://mncab.org).