

March 1, 2023

Ms. Kelly Andrews, CAE
Minnesota Veterinary Medical Association
101 Bridgepoint Way
St. Paul, Minnesota 55075

RE: Opposition to S.F. 1136 and H.F. 1167, establishing the Minnesota Companion Animal Board

Dear Ms. Andrews:

We are writing in response to your request for our thoughts on MN S.F. 1136 and H.F. 1168, which would establish the Minnesota Companion Animal Board (CAB) with primary authority for regulating companion animals in Minnesota. We worry this legislation creates more problems than it solves and we have described some of our many areas of concern below. Among other issues, the population to which the proposal appears to apply is ill-defined and extremely broad. Such a broad definition (including reference to “pets” and related definitions in Minnesota 343.20, Subd. 6 and 346.36, Subd. 6) suggests this proposal’s applicability to not only companion animals in breeding facilities, kennels, shelters, and rescues/fosters, but also to those in pet stores, classrooms, private homes, and other locations. It is not clear what the CAB’s role and authorities would be with respect to companion animals/pets in so many facilities/locations.

The AVMA is strongly opposed to providing the CAB with authority, via Sec. 2 Companion Animal Board; Purpose, “to promote the ... welfare of cats, dogs, and other pets...and support the human-animal bond.” A pet’s health is a necessary component of its welfare and promoting a pet’s welfare involves collaborative information exchange and decision-making by its owner/caretaker (client) and the veterinarian, with some decision-making further overseen by regulatory agencies (e.g., requirements for disease control, addressing neglect and abuse). The AVMA’s Model Veterinary Practice Act (MVPA) defines the “Practice of Veterinary Medicine” as: “To diagnose, prognose, treat, correct, change, alleviate, or prevent animal disease, illness, pain, deformity, defect, injury, or other physical, dental, or mental conditions by any method or mode” [MVPA Section 2-18]. MN S.F. 1136 and H.F. 1168 would give oversight to the CAB for what the AVMA maintains is the responsibility of a licensed veterinarian working with the animal’s owner/caretaker and with oversight already provided by the Board of Veterinary Medicine and the Board of Animal Health. We recognize Sec. 2 states “The board’s authority must not be interpreted or constructed to interfere with or supersede the authority of the Board of Veterinary Medicine over the practice veterinary medicine under chapter 156, or the authority of the Board of Animal Health to control and prevent dangerous and reportable diseases under chapter 35”; however, this proposal appears to directly and intentionally create overlaps in authorities that are not necessary to assure appropriate care for pets in Minnesota and that are likely to create considerable confusion and delays in response to identified issues.

In reviewing Sec. 3, Board Structure, we note that not all those who would be overseen by the enforcement provisions of this proposal are represented on the Board and that others are insufficiently represented. Should this proposal move forward, we recommend that additional individuals be added to the Board to ensure a comprehensive knowledge base and appropriate boots-on-the-ground experience as follows:

- Better represent the range of companion animals that are bred by adding a breeder who raises non-native birds, small mammals, fish, or non-venomous amphibians or reptiles; and
- Add a member representing retailers who sell companion animals to the public from their physical location (e.g., pet stores, aquarium retailers).

Section 4 provides for regulatory enforcement of existing statute and regulations addressing the proper care of animals in certain types of facilities, but not all facilities holding and dealing in companion animals appear to be considered. For example, requirements for animal shelters and rescues/fosters, who hold, care for, and offer companion animals to the public are not addressed. To assure comprehensive protection for companion animals in Minnesota, we recommend drafting and adopting statute and implementing regulations that address holding and care in shelters and rescues/fosters that are similar to those adopted for commercial dog and cat breeders in sections 347.57 through 347.65 of the Minnesota Statutes. The AVMA has drafted and offers a [model bill and regulations](#)¹ to assure appropriate care for dogs intended for use as pets that comprehensively addresses multiple types of facilities and may be helpful. An accompanying document provides [background and context for the model](#).²

The AVMA is also concerned about Sec. 4. Subd. 3., Services and Resources, that states “(b) The board must determine and define community and statewide needs for the welfare of companion animals. The board must support these needs by collecting analyzing, and disseminating quantitative and qualitative data as it relates to companion animals and their care. (c) Based on an analysis of need, the board may establish statewide programs or collaborate with and assist in the delivery of services and resources provided by Minnesota-based (1) nonprofit organizations, (2) local governments, (3) veterinary clinics or practices, and (4) postsecondary institutions with a mission or programs targeting companion animal welfare or the human-animal bond.” The language provided in Subd. 3(b) does not specify the type and extent of data/information to be collected or who would be collecting and analyzing that data/information. For example, in addition to a focus on dealers, breeders, shelters, rescues/fosters, and other commercial/institutional situations, will the CAB be attempting to assess how many and how animals are housed and cared for in private homes, what is provided to them in the way of diet and preventive health care, and/or the prevalence of particular companion animal diseases and conditions? Data and other information related to these interests may be collected to support provision of services in veterinary clinics; however, that information also may be subject to client/patient confidentiality requirements. Is it the intent of the legislature to have the CAB use the office of the State Public Health Veterinarian (SPHV), State Animal Health Official (SAHO), or another qualified party to help gather and analyze the information and data desired? The AVMA believes the type and extent of information and data to be collected should be more fully and carefully described, and that the rationale and responsibility for collecting and analyzing this information should be clear. For example, collection and analysis of disease-related information should be done under the oversight of the SPHV and/or SAHO.

We also are not clear as to why this language in Sec. 5. Subd. 3., Certificates of Veterinary Inspection, has been included: “The Board of Animal Health must provide a copy of each new certificate of veterinary inspection for companion animals to the Companion Animal Board within 30 days of the receipt of the certificate of veterinary inspection.” The proposed language provides no rationale as to why it is necessary to share Certificates of Veterinary Inspection (CVI) with the CAB or what the CAB will do with this information. We strongly recommend the rationale for collecting this information be clearly stated and that comment be sought from the Minnesota SAHO and SPHV on this topic, as well as from the National Assembly of State Animal Health Officials (NASAHO).

In conclusion, we oppose the proposed legislation because the compelling need, purpose, function, and benefits of the proposed CAB are not clear; vague definitions create a scope that is troublingly broad; there is potential for interference with the practice of veterinary medicine; and the proposal appears to conflict with existing responsibilities and regulation for oversight of companion animal care in the state of Minnesota. If adopted as proposed, this bill and its CAB are likely to create tremendous confusion, delays, and added expense and litigation in addressing issues impacting the state's companion animals.

We appreciate the opportunity to review this legislative proposal and your consideration of our concerns.

Sincerely,



Janet D. Donlin, DVM, CAE
Executive Vice President and Chief Executive Officer

¹ AVMA. Model bill and regulations to assure appropriate care for dogs intended for use as pets. Available at: <https://www.avma.org/resources-tools/avma-policies/model-bill-and-regulations-assure-appropriate-care-dogs-intended-use-pets>. Accessed February 18, 2023.

² AVMA. Model bill and regulations to assure appropriate care for dogs intended for use as pets: background and context. Available at: https://www.avma.org/sites/default/files/resources/Care_for_Dogs_Model_Act_and_Regs_Backgrounder.pdf. Accessed February 18, 2023.