

# LETTER OF RECOMMENDATIONS FOR BILL 51

## Animal Health Protection Act

(R.S.Q., c. P-42)

To the attention of :  
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### BILL 51

#### **Act to amend the *Animal Health Protection Act* principally regarding the security and welfare of animals**

The spirit of the regulation is to protect animals!

### COMMENTS AND RECOMMENDATIONS CONCERNING BILL 51

*Bill 51* is a small step forward towards a more humane treatment of animals. In fact, more dissuasive measures, such as increased fines and longer suspensions, will certainly contribute somewhat to diminishing animal suffering but, on the other hand, other aspects of the problem which are just as important have not been addressed at all:

- 1- Breeding and puppy mills: no permit required?
- 2- Science and religions: authorized to torture and kill animals
- 3- Mandatory sterilization: an essential preventive measure
- 4- Animal overpopulation: source of animal suffering and cruelty
- 5- Activity involving an animal: what are the activities covered by the Act?

As long as these fundamental points are not clarified, and not echoed in the Act, the problems of suffering, mistreatment and cruelty towards animals cannot be resolved in a satisfactory manner.

The present letter of recommendations arises from a broader report which examines *Bill 51* and all the modifications that it proposes to bring to Act P-42, the *Animal Health Protection Act*. For more information and to better comprehend the topics addressed, it is strongly recommended to consult the complete analysis report of *Bill 51* in PDF format, and many other related documents, at the following link:

<http://www.respect-animal.ca/Animaux-LoisReglements/>

## 1- BREEDING AND PUPPY MILLS: NO PERMIT REQUIRED?

Every rational person agrees that a breeder, regardless of the number of animals he/she produces, should always be the holder of an operating permit to at least verify his/her competency and method of operation. Unfortunately, *Bill 51* does not seem to be on board with this idea since, with Article 7, it fixes a minimum number of animals before a permit is obligatory, without distinguishing between the individual who owns animals for his own personal pleasure and the commercial breeder. No other Article in Act P-42 seems willing to regulate breeders, and their existence is completely ignored. At the moment, only Article 55.9.4.2 could apply to breeders, and most of them would not require a permit to operate:

### **Bill 51, Article 7**

#### **55.9.4.2 (Added)**

##### **Minimum quota.**

No person may be the owner or custodian of 20 or more animals, whether cats or dogs, without holding a permit issued for that purpose by the Minister.

##### **Kittens and puppies under six months of age.**

For the purposes of the first paragraph, kittens or pups less than six months old born to a female kept on the same premises are excluded from the calculation of the number of cats or dogs.

##### **Exemption.**

Holders of the permit provided for in section 55.9.4.1 are not subject to the first paragraph of this section.

We're speaking here of 20 animals excluding those under six months of age, which can make for an appreciatively large quantity of animals. With this Article, breeders benefit from an undue privilege since, in fact, pounds, animal houses and premises kept by persons or organizations dedicated to the protection of animals do not have this same preferential treatment because, in Article 55.9.4.1., we obligate them to be holders of a permit, regardless of the number of animals they collect or have in their charge:

### **Bill 51, Article 7**

#### **55.9.4.1 (Added)**

##### **Mandatory permit.**

No person may operate premises where cats or dogs are taken in with a view to transferring them to a new place of custody, euthanizing them or having them euthanized by a third party, without holding a permit issued for that purpose by the Minister.

##### **Pounds and animal houses.**

Among the premises referred to in the first paragraph are pounds, animal houses and premises kept by persons or organizations dedicated to the protection of animals.

We truly have the impression that breeders benefit from favoritism. To oblige all breeders to be holders of a permit, Article 55.9.4.1 could be amended to read as follows:

### **Bill 51, Article 7**

#### **55.9.4.1 (Added)**

##### **Mandatory permit.**

No person may *breed cats or dogs, or* operate premises where cats or dogs are taken in with a view to transferring them to a new place of custody, euthanizing them or having them euthanized by a third party, without holding a permit issued for that purposes by the Minister.

##### **Breeding, pounds and animal houses.**

Among the premises referred to in the first paragraph are *breeding premises*, pounds, animal houses and premises kept by persons or organizations dedicated to the protection of animals.

## 2- SCIENCE AND RELIGIONS: AUTHORIZED TO TORTURE AND KILL ANIMALS

Article 55.9.15 of *Act P-42* allows certain organizations to be excluded from section IV.1.1 of said Act, thereby authorizing them to mistreat, torture and kill animals for scientific or religious reasons that are highly debatable or even outlandish. As the equality of men and women holds precedence over religious dogma, it is the same with the security and welfare of animals, and the Bill should recognize this fact.

As well, in the *Law on Freedom of Religion* (R.S.Q, c. L-2), it is clearly set out as of Article 1 that the free exercise of religion is only permitted if it is not incompatible with peace and security. In fact, certain rites involving animals which are carried out by certain religious sects and communities, are so odious and in contradiction to the social morality of the Act, that an Article (L.R.Q., c. P-42, a. 55.9.15) had to be introduced to exclude them from this same Act, as well as excluding science with its unspeakable experiments on animals. Let us examine what this Article 55.9.15 in question says:

**Act P-42** (*Animal Health Protection Act*)

### 55.9.15

#### Permitted activities and practices

Notwithstanding the provisions of this division, the following activities and practices continue to be permitted:

- 1° agricultural, teaching or scientific research activities involving animals, provided they are practiced in accordance with generally recognized rules;
- 2° ritual practices involving animals prescribed by the laws of a religion.

### Article 55.9.15 is an affront to the spirit of the Act and contains several major deficiencies

Article 55.9.15 creates a dangerous legal grey zone. What are, in fact, these *generally recognized rules* mentioned in paragraph 1°, and who determines them? These questions are paramount, since by recognizing these rules *de jure*, they are tacitly integrated into the Act. We all know that, in practice, most of the time these rules fall short in the spirit and provisions of the Act, and authorize the most odious abuses. This is why this Article was written, decreeing that the Act would not apply to these organizations. By refusing to regulate or abolish these disgusting practices, the Legislator allows these private organizations to take the law into their own hands and rewrite their own rules and code of ethics based, obviously, on their own interests and not on the welfare of animals, all while being accountable to no one, which is clearly totally chaotic and unacceptable. As well, the freedom of religion invoked in paragraph 2° does not constitute permission to infringe upon the Act and commit immoral and atrocious acts upon animals: this is a highly unreasonable compromise.

Knowing that these rites are often based on false beliefs and folkloric superstitions, it is inconceivable that we permit these sacrificial practices to continue. If Article 55.9.15 is not amended, all the entities mentioned in this Article will not be subject to the new *Regulation on the Security and Welfare of cats and dogs* which will come into force on June 14<sup>th</sup>, 2012, and they will be able to continue their activities as usual, because the regulation will not apply to them. To truly insure the security and welfare of these animals, Article 55.9.15 of *Act P-42* should rather be abolished, or modified to read as follows:

**Act P-42** (*Animal Health Protection Act*)

### 55.9.15 (*Amended*)

#### Practices and activities involving animals.

All practices or activities involving animals, notably activities in agriculture, teaching, scientific research, entertainment, competition, as well as ritual practices prescribed by the laws of a religion, should not contravene the present division. The security and welfare of animals must be assured throughout the entire course of the practice or activity.

#### Prohibited practices and activities.

All practices or activities involving violence towards an animal, obliging the animal to fight or to defend his life, or having as their aim the needless putting to death of an animal for recreational or ideological reasons, as in bullfights, religious sacrifices, dog and cock fights, and rodeos, are prohibited.

### 3- MANDATORY STERILIZATION: AN ESSENTIAL PREVENTIVE MEASURE

To Article 17 of *Bill 51*, it is proposed to add Article 55.9.14.2 to *Act P-42* to lay a foundation for future regulations concerning animal protection. Paragraph 9° of this article speaks of preventive measures to improve the health protection of animals, notably vaccination, isolation and quarantine. But an equally important measure that is missing from this list and should be included is *sterilization*. In fact, a coherent sterilization program is known to counter animal overpopulation and the transmission of several serious diseases transmitted by, among others, the genital organs. As well, sterilized animals do not fight over females or territory, thereby preventing illnesses transmitted during these fights via blood and saliva.

To not include *sterilization* as a preventive measure is like baling water out of a boat without plugging the leak – the effort is in vain and without end, because we all know at what rate cats, for instance, reproduce, and if we don't sterilize, the problem only gets worse. Obviously, the introduction of such a measure represents a significant logistic effort of implementation and accessibility, but constitutes a giant step towards countering overpopulation and the transmission of disease. Here is the Article in question:

#### **Bill 51, Article 17**

##### **55.9.14.2.**

##### **Regulation.**

The government may, by regulation:

(...)

9° determine preventive measures for cats or dogs, in particular, vaccination, isolation or quarantine, and foresee methods, procedures and conditions applicable to those measures;

Introducing this measure in the Act can be done with a simple addition, as follows:

#### **Bill 51, Article 17**

##### **55.9.14.2. (Amended)**

##### **Regulation.**

The government may, by regulation:

(...)

9° determine preventive measures for cats or dogs, in particular, *sterilization*, vaccination, isolation or quarantine, and foresee methods, procedures and conditions applicable to those measures;

As we can see, *sterilization* is very much in line with the preventive measures concerning cats and dogs. This request should be possible to grant, since it is not asking that the measure be introduced immediately, but included as a subject for future regulation.

#### 4- ANIMAL OVERPOPULATION: SOURCE OF ANIMAL SUFFERING AND CRUELTY

In Québec, the overpopulation of cats and dogs is a significant problem that must be resolved. It is obvious that control of the animal population will not be the product of any one measure applied to any one sector of activity, but rather several concerted measures applied to several sectors, such as breeding centers, shelters, pet shops, etc. To obtain efficient action against the problem of animal overpopulation, it is imperative to regulate all these activities and not allow them to be prey to the cruel and immoral laws of the market and of profit.

*Bill 51* must at least recognize the existence of the problem of the overpopulation of cats and dogs, and Article 55.9.14.2 is particularly appropriate for that. By adding a paragraph addressing animal overpopulation, we would lay a foundation for future regulation on this topic.

##### **Bill 51, Article 17**

##### **55.9.14.2. (Amended)**

##### **Regulation.**

The government may, by regulation:

(...)

- 12° determine measures to control the population of cats and dogs, notably the implementation of a sterilization program, the establishment of quotas for breeders, as well as the development of a series of concerted actions providing greater efficiency;

By working to eliminate animal overpopulation, we help to eliminate much needless suffering and many unworthy acts of cruelty by the human race.

#### 5- ACTIVITY INVOLVING AN ANIMAL: WHAT ARE THE ACTIVITIES COVERED BY THE ACT?

In paragraphs 1° and 5° of Article 55.9.14.2, which Article 17 of *Bill 51* proposes adding to *Act P-42*, there is mention of an "*activity involving an animal*" without defining the word "*activity*", and the "*premises in which an activity involving a cat or a dog is carried on*" without defining the word "*premises*". In fact, the significance of these words is very important in terms of understanding the Bill. Does the Bill speak here of *all* activity and *all* premises involving an animal, without exception, or should it list the activities and premises which will be considered by the Bill?

For example, do the words "*activity*" and "*premises*" mentioned in Article 17 of *Bill 51* include the following activities and premises:

- religious rites and slaughterhouses;
- breeding, and puppy and kitten mills;
- the collecting of animals, pounds and shelters;
- scientific experiments and laboratories;
- exhibitions, circuses and animal competitions;
- dog racing and dog fighting;
- zootherapy activities.

Thank you for considering the points I have made, and please accept my sincerest regards,

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Signature

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