

Solving the Puppy Mill Problem: Using “Carrots and Sticks” to Encourage Compliance with the Animal Welfare Act

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ABSTRACT

The puppy mill industry supplies puppies for the public to purchase. Puppy mills maximize profits by frequently breeding dogs kept in poor living conditions. These dogs lack proper nutrition, shelter, and care. Puppy mill owners then sell puppies bred in these facilities to the public directly or through pet stores. Puppy mills are problematic because these operations sacrifice the health of dogs for profit. Current puppy mill regulations focus on threatening perpetrators with the “stick,” but this Comment argues that a “carrot” approach may be better.

Currently, the Animal Welfare Act (“AWA”), a federal statute, regulates puppy mills. The AWA aims to ensure the humane treatment of pets and animals used in research and commerce. AWA provisions apply to puppy mill owners and set licensing and animal care standards. The AWA also contains enforcement mechanisms through provisions regarding facility inspections, license suspension or revocation, civil penalties, and criminal punishments. Thus, the AWA takes a punitive approach to puppy mills. However, the AWA ineffectively solves the puppy mill problem because of both statutory loopholes and inadequate enforcement. Inspectors fail to report or properly record AWA violations, and puppy mill owners who violate the AWA often evade punishments.

This Comment argues that the current AWA framework fails to protect puppy mill dogs. Specifically, federal, state, and local governments should incentivize puppy mill owners to improve their facilities’ conditions. Governments should also provide incentives to opponents of puppy mill improvement, such as the American Kennel Club. Finally,

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governments should incentivize animal shelters and the public to adopt dogs to reduce the demand for puppy mill puppies.

Table of Contents

I. INTRODUCTION	848
II. BACKGROUND	850
A. Puppy Mills.....	850
1. What is a Puppy Mill?.....	851
2. The Emergence of Puppy Mills and the Current State of the Industry	854
3. Public Support of Puppy Mills	856
B. The Animal Welfare Act.....	858
1. History and Purpose of the AWA	858
2. AWA Provisions	859
C. Current AWA Ineffectiveness and Inadequacy.....	862
1. Loopholes in the AWA	863
2. USDA's Lack of Enforcement of AWA Provisions	863
3. State Approaches to Animal Protection Laws.....	864
D. Current and Proposed Solutions to AWA Ineffectiveness	866
1. Retail Pet Sale Bans	866
2. Laws Seeking to Enact Stronger Enforcement.....	867
E. The Carrot-and-Stick Approach: Incentives or Punishments?	867
1. Overview of Carrots and Sticks	868
2. Implementing the "Carrot" in Renewable Energy and Drug Decriminalization.....	869
III. ANALYSIS	870
A. Renewable Energy and Drug Decriminalization as a Model for Fixing the Puppy Mill Problem.....	870
B. Using Incentives as a "Carrot" to Improve and Combat Puppy Mills	871
1. Incentivizing Puppy Mill Owners: Money and Education	872
2. Beating Out the Opposition: Incentivizing Opponents of Puppy Mill Laws.....	874
3. Incentivizing Adoption: Partnering Animal Shelters and Businesses	876
4. Incentivizing the Public: Educating and Encouraging Alternatives to Puppy Mill Dog Purchases	877
IV. CONCLUSION	878

I. INTRODUCTION

One day, you decide to purchase a puppy. You visit your nearest pet store and pick out the sweetest, cutest critter. Alternatively, you may search for puppies online or see an advertisement. You then meet a

stranger, pay that person some money, and take home your new furry friend. But where did your new puppy *really* come from?

Your new companion likely came from a “puppy mill.”¹ Puppies purchased from pet stores, the Internet, and advertisements commonly come from puppy mills.² Animal organizations and courts offer varying definitions of puppy mill.³ These facilities are problematic because the owners sacrifice the well-being and lives of dogs for money.⁴ Puppy mills remain an issue in the United States because they operate legally, and because consumers often do not know the true origins of the dogs they purchase.⁵

The federal government governs puppy mills through the Animal Welfare Act (“AWA”).⁶ This statute aims to ensure the humane treatment of pets and animals used in research and commerce.⁷ To achieve this goal, the AWA sets licensing and care requirements that people engaging in activities using animals under the statute’s scope must follow.⁸ AWA provisions also include enforcement mechanisms, such as inspections, license suspension or revocation, penalties, and criminal punishments.⁹ However, puppy mill owners continue mistreating their dogs because the United States Department of Agriculture (USDA) does not effectively and adequately enforce the AWA.¹⁰ Statutory loopholes exempting certain animals, people, and businesses from AWA provisions partially cause ineffective AWA enforcement.¹¹ Additionally, USDA inadequately enforces the AWA because inspectors fail to discipline violators and report and correct violations observed during inspections.¹²

1. *The Puppy Pipeline*, AM. SOC’Y FOR THE PREVENTION OF CRUELTY TO ANIMALS [hereinafter *Puppy Pipeline*], <https://perma.cc/W5NM-9RZ4> (last visited Feb. 29, 2024).

2. *See id.*; *see also* HUMANE SOC’Y OF THE U.S., PUPPY MILLS AND PET STORES 1 (2020) [hereinafter *PET STORES*], <https://perma.cc/ZR49-5E85>.

3. *See, e.g., Puppy Mills FAQ*, HUMANE WORLD FOR ANIMALS [hereinafter *FAQ*], <https://perma.cc/RA4N-4ZZJ> (last visited Mar. 5, 2025) (defining a puppy mill as “an inhumane, commercial dog breeding facility in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits.”).

4. *See More Puppies, More Profits*, AM. SOC’Y FOR THE PREVENTION OF CRUELTY TO ANIMALS [hereinafter *More Puppies*], <https://perma.cc/5G8B-39CF> (last visited Feb. 29, 2024).

5. *See FAQ*, *supra* note 3; *see also* *PET STORES*, *supra* note 2.

6. *See, e.g.*, Animal Welfare Act, 7 U.S.C. §§ 2131–34, 2136, 2140, 2143, 2145–46, 2149.

7. *See id.* § 2131.

8. *See id.* §§ 2133–34, 2143.

9. *See id.* §§ 2146, 2149.

10. *See* Press Release, Am. Soc’y for the Prevention of Cruelty to Animals, New Audit Shines a Light on Major Deficiencies in the USDA’s Oversight of Dog Dealers (July 15, 2021) [hereinafter *Shines Light*], <https://perma.cc/M63Y-X5T5>.

11. *See* 7 U.S.C. § 2132(g); *see also* 9 C.F.R. § 1.1 (2023).

12. *See* *Shines Light*, *supra* note 10.

Thus, this Comment argues that federal, state, and local governments should adopt a new “carrot” approach to address the puppy mill problem because the AWA’s “stick” approach is insufficient.¹³ First, Part II describes puppy mills and the AWA.¹⁴ Part II then highlights AWA enforcement problems and discusses proposed solutions to the AWA’s ineffectiveness.¹⁵ Finally, Part II details the carrot-and-stick approach and governmental applications of this approach to renewable energy development and drug decriminalization.¹⁶

Next, Part III argues that federal, state, and local governments must use a carrot approach to fix the puppy mill problem.¹⁷ The puppy mill carrot approach imitates the incentives used in renewable energy and drug decriminalization efforts.¹⁸ To fix puppy mills, governments must incentivize puppy mill owners, opponents of puppy mill legislation, animal shelters, and the public.¹⁹

II. BACKGROUND

Puppy mills remain problematic despite laws regulating their operations and proposals to improve their conditions.²⁰ Before discussing solutions to the puppy mill problem, this Comment describes puppy mills and their operations.²¹ Then, this Comment details the AWA’s current legal framework for regulating puppy mills and its ineffective enforcement at the federal and state levels.²² Next, Section II.D. examines proposals for improving puppy mills.²³ Finally, Part II concludes by explaining the carrot-and-stick approach.²⁴

A. *Puppy Mills*

Section II.A first describes dog mistreatment within puppy mills to explain these facilities’ problematic nature.²⁵ Puppy mill history and current puppy mill operations highlight the mills’ poor conditions.²⁶ Puppy

13. Arindra Mishra, *Stick and Carrot Theory—Easy Explanation*, MGMT. WKLY. (Oct. 11, 2021), <https://perma.cc/JQB8-Z4S3>; see also *infra* Section III.B.

14. See *infra* Sections II.A–B.

15. See *infra* Sections II.C–D.

16. See *infra* Section II.E.

17. See *infra* Section III.B.

18. See *infra* Sections II.E, III.A.

19. See *infra* Section III.B.

20. See *infra* Sections II.B–D.

21. See *infra* Section II.A.

22. See *infra* Sections II.B–C.

23. See *infra* Section II.D.

24. See *infra* Section II.E.

25. See *infra* Section II.A.1.

26. See *infra* Section II.A.2.

mills remain prominent in the United States because the public supports these operations.²⁷

1. What is a Puppy Mill?

Several animal organizations define “puppy mills.”²⁸ Humane World for Animals defines a puppy mill as “an inhumane, commercial dog breeding facility in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits.”²⁹ Similarly, Best Friends—another animal group—refers to puppy mills as “‘factory farm[s]’ for dogs, where profit takes priority over the health, comfort and welfare of the dogs.”³⁰ Overall, the defining characteristics of puppy mills include commercial dog breeding, profit prioritization, and poor living conditions.³¹

The poor living conditions that puppy mill dogs face distinguish puppy mills from other dog breeding operations.³² Puppy mill owners neglect basic care by failing to provide veterinarians, groom fur, trim nails, and clean teeth.³³ Furthermore, the dogs live in unsanitary, disease-filled conditions in small, wire-floored cages stacked together.³⁴ These cages restrict a dog’s ability to move.³⁵ Mills that cage dogs outside expose the dogs to extreme heat and cold.³⁶ Puppy mill owners also ignore the dogs’ social and emotional needs, and the dogs often have negative experiences with humans.³⁷ Furthermore, puppy mills constantly breed female dogs to maximize the number of puppies available for sale.³⁸ Puppy mill owners then take these puppies from their mothers too soon and ship them to other locations, like pet stores.³⁹ Finally, when a dog no longer serves the puppy mill owner’s purposes, the puppy mill owner often abandons or kills the dog.⁴⁰

Iowa puppy mill owner Daniel Gingerich ran an abusive puppy mill.⁴¹ Inspectors examining Gingerich’s puppy mill detailed the condition

27. See *infra* Section II.A.3.

28. *FAQ*, *supra* note 3; see also *What is a Puppy Mill?*, BEST FRIENDS [hereinafter BEST FRIENDS], <https://perma.cc/F5FA-JQUZ> (last visited Feb. 29, 2024).

29. *FAQ*, *supra* note 3.

30. BEST FRIENDS, *supra* note 28.

31. See *id.*; see also *FAQ*, *supra* note 3.

32. See BEST FRIENDS, *supra* note 28; see also *FAQ*, *supra* note 3.

33. See *More Puppies*, *supra* note 4.

34. See *id.*

35. See *id.*

36. See *id.*

37. See *id.*

38. See *id.*

39. See *id.*

40. See *id.*

41. See Complaint at 1, *United States v. Gingerich*, No. 4:21-cv-00283, 2021 U.S. Dist. LEXIS 248625 (S.D. Iowa Sept. 28, 2021).

of Golden Retriever #142, one of several severely emaciated dogs.⁴² Golden Retriever #142 died from her emaciated condition.⁴³ Her death inspired federal legislation to improve puppy mill conditions, but no bills have passed yet.⁴⁴ Inspectors observed further mistreatment at Gingerich's puppy mill, including dogs exposed to hot temperatures and insects.⁴⁵ Inspectors also detailed dirty living conditions, including horse stalls with animal feces and outdoor shelters with wet, moldy straw.⁴⁶ Inspectors located sick dogs with poor dental health, overgrown toenails, and matted fur at the mill.⁴⁷ The dogs also ate moldy food and drank contaminated water, both of which contained insects.⁴⁸ Finally, inspectors found two dead dogs on Gingerich's property.⁴⁹

Beyond physical mistreatment, puppy mill owners also emotionally and psychologically abuse their dogs.⁵⁰ Puppy mill dogs display more fearful and nervous behaviors and less excitement and energy around humans than other dogs.⁵¹ Adopters of former puppy mill dogs have testified to these observations.⁵²

42. See *id.* at 12, 16 (detailing that the inspectors observed Golden Retriever #142, an emaciated Poodle, and another emaciated Golden Retriever different from Golden Retriever #142).

43. See *Goldie's Act: New Legislation Introduced to Protect Dogs in Puppy Mills*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS (Dec. 2, 2021) [hereinafter *New Legislation*], <https://perma.cc/W794-3KV4>; see also *Goldie's Act (Federal)*, ANIMAL LEGAL DEFENSE FUND [hereinafter ALDF], <https://perma.cc/SM2R-DM3W> (last updated Aug. 31, 2023).

44. See *New Legislation*, *supra* note 43; ALDF, *supra* note 43; see also *Goldie's Act*, H.R. 1788, 118th Cong. (2023) (according to LEXIS's Legislative Outlook, the bill introduced into the House in 2023 has failed); *Goldie's Act of 2024*, S. 4033, 118th Cong. (2024) (indicating that the 2024 bill in the Senate has failed, as seen in LEXIS's Legislative Outlook).

45. See *Complaint*, *supra* note 41, at 22, 24, 26.

46. See *id.* at 12, 24.

47. See *id.* at 15–18.

48. See *id.* at 19–21, 26.

49. See *id.* at 3 (stating that inspectors found these dead dogs among other dogs in poor health that Gingerich hid in horse stalls).

50. See Franklin D. McMillan et al., *Mental Health of Dogs Formerly Used as 'Breeding Stock' in Commercial Breeding Establishments*, 135 APPLIED ANIMAL BEHAV. SCI. 86, 90 (2011).

51. See *id.* (including, for example, "sensitivity to touch" and fear of strangers).

52. See Barbara S. & Charlie S., *Former Puppy Mill Dog Still Has Challenges*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS (Oct. 21, 2021), <https://perma.cc/7VGZ-GVJ5> (describing a former puppy mill Samoyed's fearful behaviors, including trembling, running away from her adopters, and fearing her surroundings); see also Isabella D., *Puppy Mill "Mom" Beats the Odds, but Carries the Trauma*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS (June 8, 2020), <https://perma.cc/JG27-K9DR> (explaining that former female puppy mill dog Groovy "fears her own shadow and the wind," and treats her toys like her puppies).

Despite this mistreatment, puppy mills remain legal in the United States.⁵³ Furthermore, people struggle to identify and regulate puppy mills because no single, universal legal definition of what constitutes a puppy mill exists.⁵⁴ In *Avenson v. Zegart*, the Minnesota District Court articulated a potential puppy mill definition. The court stated that “[a] ‘puppy mill’ is a dog breeding operation in which the health of the dogs is disregarded in order to maintain a low overhead and maximize profits.”⁵⁵ This definition mirrors the Humane World for Animals’s definition.⁵⁶ Thus, the *Avenson* court and the Humane Society agree on the same puppy mill definition.⁵⁷

The court in *Martinelli v. Petland, Inc.*, adopted the *Avenson* definition.⁵⁸ In *Martinelli*, the parties disputed the use of “puppy mill” in discovery requests.⁵⁹ The defendant claimed that the plaintiffs should not use the vague phrase puppy mill “because there is no universal definition of ‘puppy mill.’”⁶⁰ However, the court decided that the lack of a universal definition did not prevent the defendant from understanding the discovery requests.⁶¹ Additionally, the court found the plaintiff’s use of the *Avenson* definition provided sufficient guidance to the defendant.⁶² However, the defendant argued the *Avenson* definition was insufficient because a non-binding district court developed the *Avenson* definition, the definition had no cited source, and the definition simply reflected capitalism’s profit motive.⁶³ However, the court found the defendant’s objections to the *Avenson* definition immaterial to the discovery request.⁶⁴

In contrast, *Smith v. Humane Society of the United States* did not adopt the *Avenson* definition.⁶⁵ Instead, the court used dictionaries to develop a puppy mill definition.⁶⁶ The court developed its own definition because the defendant’s report describing the plaintiff’s dog operations did

53. See *FAQ*, *supra* note 3.

54. See Sandra K. Jones, *Dealing Dogs: Can We Strengthen Weak Laws in the Dog Industry?*, 7 RUTGER L.J. & PUB. POL’Y 442, 448 (2010).

55. *Avenson v. Zegart*, 577 F. Supp. 958, 960 (Minn. Dist. Ct. 1984).

56. See *FAQ*, *supra* note 3.

57. See *id.*; see also *Avenson*, 577 F. Supp. at 960.

58. See *Martinelli v. Petland, Inc.*, No. 10-407, 2010 U.S. Dist. LEXIS 107629, at *18–19 (D. Kan. Oct. 7, 2010).

59. *Martinelli*, 2010 U.S. Dist. LEXIS 107629, at *18–20.

60. *Id.* at *18.

61. See *id.* at *18–20.

62. See *id.* at *19–20.

63. See *id.* at *19 (explaining that the defendant argued the *Avenson* definition was insufficient because “there is nothing wrong with making a profit” in a capitalist society).

64. See *id.*

65. See *Smith v. Humane Soc’y*, 519 S.W.3d 789, 800–01 (Mo. 2017) (explaining the court developed a dictionary definition of puppy mill because the defamation report, the subject of the litigation, did not define the term).

66. See *id.*

not define puppy mill.⁶⁷ Thus, the lack of a single, universal, legal definition of a puppy mill creates difficulties, as seen in *Avenson*, *Martinelli*, and *Smith*.⁶⁸ The lack of a definition allows puppy mill owners to dispute the term to avoid having their operations classified as puppy mills.⁶⁹ Because courts may diverge and apply different puppy mill definitions, regulators and courts struggle to identify and regulate puppy mill owners.⁷⁰

2. The Emergence of Puppy Mills and the Current State of the Industry

Puppy mills emerged when humans began commercially breeding dogs in the United States after World War II.⁷¹ Farmers needed a new income source because crops and livestock failed.⁷² Following USDA's encouragement, some farmers started commercially breeding dogs instead of growing crops.⁷³ Dog breeding also allowed farmers to earn money year-round.⁷⁴ Pig and poultry farmers easily transformed pens and coops into dog kennels.⁷⁵ Dogs bred cheaply, replenished quickly, and their puppies attracted high prices.⁷⁶ As more people began commercially breeding dogs, especially in agricultural communities, puppy mill operations spread.⁷⁷ Likewise, more pet stores emerged to sell the puppy mills' expanding dog population.⁷⁸

Today, puppy mills still mass-produce dogs for profit, and about 10,000 licensed and unlicensed puppy mills exist in the United States.⁷⁹ Approximately 500,000 dogs live in these mills.⁸⁰ Because one female dog roughly produces around 9.4 puppies each year, and about 76,779 female dogs live in these facilities, these operations produce an estimated 721,727

67. *See id.*

68. *See id.*; *see also* *Avenson v. Zegart*, 577 F. Supp. 958, 960 (Minn. Dist. Ct. 1984); *Martinelli*, 2010 U.S. Dist. LEXIS 107629 at *18–20.

69. *See Avenson*, 577 F. Supp. at 960; *see also Martinelli*, 2010 U.S. Dist. LEXIS 107629 at *18–20; *Smith*, 519 S.W. 3d at 800–801.

70. *See Avenson*, 577 F. Supp. at 960; *see also Martinelli*, 2010 U.S. Dist. LEXIS 107629 at *18–20; *Smith*, 519 S.W. 3d at 800–801.

71. *See* Adam J. Fumarola, *With Best Friends Like Us Who Needs Enemies? The Phenomenon of the Puppy Mill, the Failure of Legal Regimes to Manage it, and the Positive Prospects of Animal Rights*, 6 BUFF. ENV'T. L.J. 253, 262 (1999).

72. *See id.*; *see also* Paul Solotaroff, *The Dog Factory: Inside the Sickening World of Puppy Mills*, ROLLING STONE (Jan. 3, 2017), <https://perma.cc/5R48-5A4Z>.

73. *See* Fumarola, *supra* note 71.

74. *See* DOG BY DOG (5414 Productions, 2015).

75. *See* Solotaroff, *supra* note 72.

76. *See id.*

77. *See* DOG BY DOG, *supra* note 74.

78. *See* Fumarola, *supra* note 71.

79. *See* HUMANE SOC'Y OF THE U.S., PUPPY MILLS: FACTS AND FIGURES (2025), <https://perma.cc/2M6V-8CYZ>.

80. *See id.*

puppies in one year.⁸¹ However, this figure only considers USDA-licensed puppy mills.⁸² When combined with unlicensed mills, roughly 2.2 million puppies originate from puppy mills.⁸³

Certain states are major hubs for puppy mill breeding.⁸⁴ These “[p]uppy [m]ill [b]elt” states include Ohio, Missouri, Indiana, Iowa, Oklahoma, Pennsylvania, Kansas, Arkansas, Texas, Michigan, Illinois, and Nebraska.⁸⁵ Each year, the Humane Society publishes a list of problematic puppy breeders and dealers in its “Horrible Hundred” reports.⁸⁶ The Horrible Hundred reports detail puppy mill violations and mistreatment, and these lists spread awareness about puppy mill conditions.⁸⁷ However, operators listed in these reports do not necessarily run the worst puppy mills in the United States because some operations are so hidden that people cannot find and inspect them.⁸⁸ The Humane Society’s 2023 list of “100 problem puppy breeders and dealers,” included operators in all of the puppy mill belt states, except Michigan.⁸⁹ The 2024 report, however, included neither Texas nor Michigan.⁹⁰ Puppy mill distribution also varies within states.⁹¹ In Missouri, puppy mills are spread throughout the state and are highly concentrated in several counties.⁹² In contrast, puppy mills in Pennsylvania are primarily concentrated in Lancaster County.⁹³ Although distribution varies within and among states, puppy mills remain a prominent industry in the United States.⁹⁴

81. *See id.*

82. *See id.*

83. *See id.*

84. *See What is a Puppy Mill?*, BAILING OUT BENJI (Nov. 13, 2022) [hereinafter BAILING OUT BENJI, *Puppy Mill*], <https://perma.cc/NK5N-ACRB>.

85. *Id.*

86. HUMANE SOC’Y OF THE U.S., THE HORRIBLE HUNDRED 2–3 (2023) [hereinafter HORRIBLE HUNDRED 2023], <https://perma.cc/TJ5B-77J5>; *see also* HUMANE SOC’Y OF THE U.S., THE HORRIBLE HUNDRED 2–3 (2024) [hereinafter HORRIBLE HUNDRED 2024], <https://perma.cc/3KYH-QE6L>.

87. *See* HORRIBLE HUNDRED 2023, *supra* note 86; HORRIBLE HUNDRED 2024, *supra* note 86.

88. *See* HORRIBLE HUNDRED 2023, *supra* note 86, at 3; HORRIBLE HUNDRED 2024, *supra* note 86, at 3.

89. HORRIBLE HUNDRED 2023, *supra* note 86.

90. *See* THE HORRIBLE HUNDRED 2024, *supra* note 86, at 4.

91. *See* Map of Missouri Puppy Mills, BAILING OUT BENJI [hereinafter Missouri Map], <https://perma.cc/EYA5-734K> (last visited Oct. 15, 2023); *see also* Map of Pennsylvania Puppy Mills, BAILING OUT BENJI [hereinafter Pennsylvania Map], <https://perma.cc/N3G9-PPUV> (last visited Oct. 15, 2023).

92. *See* Missouri Map, *supra* note 91.

93. *See* Pennsylvania Map, *supra* note 91.

94. *See* Missouri Map, *supra* note 91; *see also* Pennsylvania Map, *supra* note 91.

3. Public Support of Puppy Mills

Puppy mills remain prominent because people continue purchasing puppy mill dogs.⁹⁵ Puppy mill owners “maximize profit by producing the highest number of puppies at the lowest possible cost.”⁹⁶ However, businesses, including puppy mills, only survive if customers buy products.⁹⁷ The puppy mill industry survives because the public purchases their puppies.⁹⁸ For example, pet stores purchase more puppies when dogs sell quickly to meet demand.⁹⁹ However, low puppy sales indicate decreased public demand for puppies.¹⁰⁰ Pet stores then purchase fewer puppies, thus decreasing puppy mill profits because the mills sell fewer puppies.¹⁰¹

People purchase puppy mill dogs through retail pet stores.¹⁰² Puppy mill owners sell puppies to pet store operators, who then sell the puppies to the public.¹⁰³ A “dog broker” or “puppy dealer” links puppy mill owners and pet stores.¹⁰⁴ A dog broker or puppy dealer purchases puppies “in bulk” from puppy mill owners and then sells the puppies to pet stores.¹⁰⁵ Puppy mill owners and brokers hire “transporters” or “carriers” to transport the puppies over large distances for long periods.¹⁰⁶ These puppies may die in vehicle accidents or when trucks overheat.¹⁰⁷

People then frequently buy puppy mill puppies at pet stores.¹⁰⁸ However, the public often does not know the puppies’ true source.¹⁰⁹ Pet stores and puppy mills use language and advertising to hide the puppies’ origins.¹¹⁰ For example, pet stores and puppy mill owners claim that USDA-licensed breeders and USDA-approved facilities breed the

95. See *Puppy Pipeline*, *supra* note 1; see also BAILING OUT BENJI, *Puppy Mill*, *supra* note 84.

96. *More Puppies*, *supra* note 4.

97. See BAILING OUT BENJI, *Puppy Mill*, *supra* note 84.

98. See *id.*

99. See *id.*

100. See *id.*

101. See *id.*

102. See PET STORES, *supra* note 2.

103. See *id.*

104. *Puppy Pipeline*, *supra* note 1.

105. *Id.*

106. *Id.*

107. See PET STORES, *supra* note 2.

108. See *Puppy Pipeline*, *supra* note 1; see also FAQ, *supra* note 3.

109. See BEST FRIENDS, *supra* note 28; see also Jones, *supra* note 54, at 454–55; Press Release, Best Friends, New Survey Reveals More Than Two in Five Americans Don’t Realize Pet Shop Puppies Are Bred in Inhumane Mills (June 23, 2014) [hereinafter New Survey Reveals], <https://perma.cc/89T3-L5J7>.

110. See PET STORES, *supra* note 2.

puppies.¹¹¹ However, USDA licensing does not guarantee that a breeder does not operate a puppy mill.¹¹² Thus, the public unknowingly supports puppy mills by buying puppies from these operations through pet stores.¹¹³

Additionally, the public supports puppy mills by purchasing puppies directly from puppy mill owners and brokers.¹¹⁴ Puppy mill owners and brokers sell puppies directly to the public through online sales and print advertisements.¹¹⁵ Brokers serve as middlemen between breeders and buyers by pairing puppies and buyers together.¹¹⁶ Puppy mill owners disguise themselves as family breeders and either send buyers puppies without first meeting the dog or prevent buyers from coming directly to where the owner keeps the dogs.¹¹⁷ Regardless of the purchasing method, the public's purchases of puppy mill puppies allow the mill owners to run profitable businesses.

Finally, the public's preferences support puppy mills. Puppy mills breed trendy, in-demand dog breeds.¹¹⁸ Many people want "hypoallergenic breeds, extra tiny dogs or trendy breed mixes marketed as 'designer' dogs."¹¹⁹ People also support puppy mills by choosing to buy a dog rather than to adopt a shelter dog.¹²⁰ Thus, buyer preferences and purchases continue the puppy mill cycle.

Puppy mill breeding practices harm puppy mill dog purchasers.¹²¹ Marley's owners purchased Marley, a Cavalier King Charles Spaniel, from a California pet store.¹²² Marley suffered from various health conditions, including parasite infections, knee and hip dislocations, and hereditary diseases.¹²³ Ultimately, Marley's owners euthanized three-year-

111. See *id.*; see also *Want to Buy a Puppy? Don't be Fooled by Pet Stores and Puppy Mills*, HUMANE WORLD FOR ANIMALS [hereinafter *Buy a Puppy*], <https://perma.cc/EW45-FWXM> (last visited Mar. 12, 2025).

112. See *infra* Section II.B.2.

113. See BEST FRIENDS, *supra* note 28; see also Jones, *supra* note 54, at 454–55; New Survey Reveals, *supra* note 109.

114. See Jones, *supra* note 54, at 454; see also *Puppy Pipeline*, *supra* note 1.

115. See Jones, *supra* note 54, at 454; see also *Puppy Pipeline*, *supra* note 1; Katherine C. Tushaus, *Don't Buy the Doggy in the Window: Ending the Cycle that Perpetuates Commercial Breeding with Regulation of the Retail Pet Industry*, 14 DRAKE J. AGRIC. L. 501, 504 (2009).

116. See *Puppy Pipeline*, *supra* note 1.

117. See Tushaus, *supra* note 115; see also *Buy a Puppy*, *supra* note 111.

118. See HUMANE SOC'Y OF THE U.S., DESIGNER, TEACUP, AND HYPOALLERGENIC DOGS (2020), <https://perma.cc/KMF3-ET8F>.

119. *Id.*

120. See PET STORES, *supra* note 2.

121. See *id.* at 2.

122. See *Their Dog Died at 3 Years Old: What Marley's Family Wants You to Know*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS (Sept. 17, 2020), <https://perma.cc/DB9Q-KPBF>.

123. See *id.*

old Marley to relieve her pain.¹²⁴ As Marley's story illustrates, puppy mill purchases create financial hardship for purchasers because the puppies often have costly health conditions.¹²⁵ Owners bear these costs because pet stores refuse to help with these expenses.¹²⁶ However, these hereditary and life-threatening conditions are preventable because these problems result from improper breeding practices in puppy mills.¹²⁷

B. *The Animal Welfare Act*

Puppy mill mistreatment continues despite legal prohibitions and regulations.¹²⁸ The AWA, a federal statute governing puppy mills, aims to ensure the humane treatment of covered animals.¹²⁹ This Section examines the AWA and its relationship to puppy mill operations.¹³⁰ Section II.B then briefly discusses the AWA's enactment and Congress's purposes in passing the statute.¹³¹ To conclude, this Section examines the AWA's text and explains the statute's scope, applicability, and requirements.¹³²

1. History and Purpose of the AWA

Congress enacted the Laboratory Animal Welfare Act in 1966 to prevent people from stealing animals for research.¹³³ Federal lawmakers passed the Laboratory Animal Welfare Act because of Pepper, a Dalmatian stolen and killed for research.¹³⁴ In 1970, legislators renamed

124. *See id.*

125. *See id.*; *see also Store-Bought Pup with Hereditary Disease Highlights Urgency of Shutting Down the Puppy Mill Pipeline*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS (Feb. 6, 2020) [hereinafter *Store-Bought Pup*], <https://perma.cc/2CXE-SW67> (detailing the story of Griffin, a puppy mill pup purchased from a pet store with a hereditary disease that prevented him from walking properly; explaining that Griffin's family contacted the pet store, but the pet store refused to cover Griffin's medical bills and only offered to take Griffin back, which left Griffin's family feeling deceived).

126. *See Store-Bought Pup*, *supra* note 125.

127. *See* Connie T., *Dwarf German Shepherd Victim of Cruel Breeding Industry*, AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS, <https://perma.cc/EJ9S-ZGBR> (last visited Oct. 15, 2023) (explaining a dwarf German Shepherd suffered from Pituitary Dwarfism, a hereditary condition, even though genetic testing detects and prevents the disease).

128. *See infra* Section II.B.2.

129. *See infra* Section II.B.1.

130. *See infra* Section II.B.

131. *See infra* Section II.B.1.

132. *See infra* Section II.B.2.

133. *See Animal Welfare Act*, ANIMAL WELFARE INST. [hereinafter *ANIMAL WELFARE INST.*], <https://perma.cc/F3SP-9QPS> (last visited Feb. 29, 2024); *see also Animal Welfare Act Timeline*, NAT'L AGRIC. LIBR. [hereinafter *Timeline*], <https://perma.cc/T5FT-L28A> (last visited Feb. 29, 2024).

134. *See Timeline*, *supra* note 133.

the statute the Animal Welfare Act and have since expanded and amended this law.¹³⁵

Congress enacted the AWA to achieve several specific goals. Legislators primarily passed the AWA to regulate interstate and foreign commerce.¹³⁶ These federal lawmakers recognized that animals and activities using animals largely comprised and impacted commerce.¹³⁷ Thus, the AWA sought to eliminate burdens on commerce and regulate animals and animal activities in commerce.¹³⁸ Congress had three aims in enacting the AWA: (1) secure humane care and treatment for pets, research animals, and exhibition animals; (2) provide humane treatment while animals were transported in commerce; and (3) prevent animals from being stolen and used in commerce.¹³⁹

2. AWA Provisions

The federal government primarily uses the AWA to regulate animal treatment and care.¹⁴⁰ Overall, the AWA “addresses the humane treatment of animals intended for research, bred for commercial sale, exhibited to the public, or commercially transported.”¹⁴¹ The AWA focuses on specific animal uses, including researching, breeding, exhibiting, transporting, importing, and fighting.¹⁴² The AWA’s scope also includes pets.¹⁴³

Congress derives its power to enact the AWA from the U.S. Constitution’s Commerce Clause and the U.S. Supreme Court’s interpretation of the clause.¹⁴⁴ The AWA’s scope is limited because the statute applies only to “animals and activities” in “interstate or foreign commerce or [those that] substantially affect such commerce or the free flow thereof.”¹⁴⁵ Animal-related activities that do not involve interstate or foreign commerce fall outside of the AWA’s scope.¹⁴⁶ Instead, state and

135. See ANIMAL WELFARE INST., *supra* note 133.

136. See Animal Welfare Act, 7 U.S.C. § 2131.

137. See *id.*

138. See *id.*

139. See *id.*

140. See CONG. RSCH. SERV., THE ANIMAL WELFARE ACT: BACKGROUND AND SELECTED ISSUES 1 (2023) [hereinafter ISSUES], <https://perma.cc/6MJ9-ATGE>.

141. *Id.*

142. See *id.* at 1–4.

143. See *id.* at 3.

144. See U.S. CONST. art 1, § 8, cl. 3; see also *United States v. Lopez*, 514 U.S. 549, 558–59 (1995) (explaining that Congress regulates three activity types under its Commerce Clause power: (1) “channels of interstate commerce”; (2) “instrumentalities of interstate commerce, or persons or things in interstate commerce”; and (3) “activities having a substantial relation to interstate commerce”).

145. 7 U.S.C. § 2131.

146. See *id.*

local laws regulate other animal welfare topics and animal-related activities.¹⁴⁷

To begin, the AWA defines key terms used in the statute's text. One key term is "animal," as the AWA only covers "any live or dead dog, cat, monkey (nonhuman primate mammal), guinea pig, hamster, rabbit, or such other warm-blooded animal . . . being used, or is intended for use, for research, testing, experimentation, or exhibition purposes, or as a pet."¹⁴⁸ Other warm-blooded animals include zoo animals and captive marine animals.¹⁴⁹ Thus, the AWA does not apply to all animals.¹⁵⁰

Furthermore, the AWA covers the activities of specific people and entities. AWA provisions apply to research facilities, dealers, exhibitors, intermediate handlers, and carriers.¹⁵¹ The AWA addresses puppy mills through its provisions regarding dealers, intermediate handlers, and carriers. A dealer is:

any person who, in commerce, for compensation or profit, delivers for transportation, or transports, except as a carrier, buys, or sells, or negotiates the purchase or sale of, (1) any dog or other animal whether alive or dead for research, teaching, exhibition, or use as a pet, or (2) any dog for hunting, security, or breeding purposes.¹⁵²

Puppy mill owners fulfill the AWA's dealer definition by selling dogs as pets and buying dogs for breeding.¹⁵³ The AWA also governs puppy mill operations through the definitions of intermediate handler and carrier.¹⁵⁴ An intermediate handler is "any person . . . who is engaged in any business in which he receives custody of animals in connection with their transportation in commerce."¹⁵⁵ A carrier is an "operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire."¹⁵⁶ Thus, the intermediate handler and carrier definitions address puppy mill operations by including people involved in transporting puppy mill dogs.¹⁵⁷

147. See ISSUES, *supra* note 140, at 2; see also *infra* Section II.C.3. (discussing state and local animal welfare laws).

148. 7 U.S.C. § 2132(g).

149. See ISSUES, *supra* note 140, at 3.

150. See *id.*; see also 7 U.S.C. § 2132(g).

151. See 7 U.S.C. §§ 2133–34, 2136, 2140, 2143.

152. *Id.* § 2132(f).

153. See *id.*

154. See *id.* § 2132(i).

155. *Id.*

156. *Id.* § 2132(j).

157. See *id.* § 2132 (i)-(j).

The AWA requires operating licenses for dealers and exhibitors.¹⁵⁸ Dealers need licenses to sell or transport animals used as pets.¹⁵⁹ The AWA also forbids unlicensed dealers and exhibitors from selling, transporting, or buying animals among each other.¹⁶⁰ However, AWA licensing requirements exempt small, “de minimis” operations.¹⁶¹ For example, this exemption applies to puppy mill operators that keep “four or fewer breeding female” dogs and sell the puppies as pets or exhibits.¹⁶² People transporting animals, such as intermediate handlers and carriers, do not need licenses under the AWA.¹⁶³ The AWA’s licensing requirements also exempt retail pet stores.¹⁶⁴ Finally, the AWA sets registration requirements similar to those for licenses.¹⁶⁵

Dealers and exhibitors must receive licenses from the Secretary of Agriculture or USDA employees representing them (the “Secretary”).¹⁶⁶ The Secretary issues licenses when applicants prove compliance with AWA standards and agree to continue compliance.¹⁶⁷ The Secretary may suspend or permanently revoke licenses for AWA violations.¹⁶⁸ License suspension or revocation prohibits a person from engaging in AWA activities, such as buying, selling, and transporting animals.¹⁶⁹ Furthermore, AWA violators may incur civil penalties and criminal punishments.¹⁷⁰

In addition to setting licensing and registration requirements, the AWA sets animal care and treatment guidelines to protect animals in interstate commerce.¹⁷¹ The AWA seeks to provide “humane care and treatment” to AWA-covered animals.¹⁷² Accordingly, the Secretary sets standards for “the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors.”¹⁷³ These standards must include minimum standards “for handling, housing, feeding, watering, sanitation, ventilation, shelter from extremes of weather and

158. *See id.* § 2134.

159. *See id.*

160. *See id.*

161. 7 U.S.C. § 2133.

162. 9 C.F.R. § 2.1(a)(3)(iii) (2023).

163. *See id.* § 2.1(a)(3)(v)–(vi).

164. *See id.* § 2.1(a)(3)(i).

165. *See* 7 U.S.C. § 2136 (requiring registration for research facilities, intermediate handlers, carriers, and unlicensed exhibitors but exempting retail pet stores).

166. *Id.* §§ 2132–33.

167. *See id.* § 2133.

168. *See id.* § 2149(a).

169. *See* 9 C.F.R. § 2.10(c) (2020).

170. *See* 7 U.S.C. § 2149(b), (d).

171. *See id.* § 2131.

172. *Id.*

173. *Id.* § 2143(a)(1).

temperatures, adequate veterinary care,” and exercise.¹⁷⁴ The Secretary also develops standards that intermediate handlers and carriers must follow when transporting and handling animals in interstate commerce.¹⁷⁵ Thus, the AWA requires the Secretary to take steps to provide animals with humane care and treatment.

The AWA also contains enforcement and compliance mechanisms. Currently, USDA’s Animal and Plant Health Inspection Service (“APHIS”) enforces the AWA.¹⁷⁶ Within APHIS, the Animal Care (“AC”) unit oversees enforcement.¹⁷⁷ To ensure AWA compliance, agency representatives investigate and inspect dealers, exhibitors, intermediate handlers, carriers, and research facilities.¹⁷⁸ The AC may inspect applicants seeking licenses under the AWA.¹⁷⁹ Agency representatives also inspect licensed and registered facilities unannounced.¹⁸⁰ Finally, AC inspects facilities after receiving public complaints or learning of unlicensed or unregistered facilities.¹⁸¹

C. Current AWA Ineffectiveness and Inadequacy

Despite AWA regulations, puppy mill owners prioritize profits over their dogs’ well-being.¹⁸² Puppy mill owners continue mistreating dogs because USDA ineffectively and inadequately enforces the AWA.¹⁸³ Additionally, the AWA’s statutory loopholes hinder the statute’s effectiveness.¹⁸⁴ Furthermore, states fail to protect puppy mill dogs and to properly enforce puppy mill laws.¹⁸⁵

174. *Id.* § 2143(a)(2).

175. *See id.* § 2143(a)(4) (explaining that, for example, the Secretary may set standards for “containers, feed, water, rest, ventilation, temperature, and handling” during transportation).

176. *See About Animal Care*, ANIMAL & PLANT HEALTH INSPECTION SERV. [hereinafter *Animal Care*], <https://perma.cc/4R9M-2GP6> (last modified Aug. 14, 2024); *see also Animal Welfare Act*, ANIMAL & PLANT HEALTH INSPECTION SERV. [hereinafter APHIS, *Animal Welfare Act*], <https://perma.cc/N5KK-HZCP> (last modified Jan. 12, 2022).

177. *See Animal Care*, *supra* note 176; *see also* APHIS, *Animal Welfare Act*, *supra* note 176.

178. *See* 7 U.S.C. § 2146(a).

179. *See AWA Inspection and Annual Reports*, ANIMAL & PLANT HEALTH INSPECTION SERV. [hereinafter *Annual Reports*], <https://perma.cc/8THW-FEZ7> (last modified Feb. 25, 2025); *see also Animal Welfare Act Inspections*, ANIMAL & PLANT HEALTH INSPECTION SERV. [hereinafter *Inspections*], <https://perma.cc/5YPN-GXU8> (last modified Nov. 18, 2020).

180. *See Annual Reports*, *supra* note 179; *see also Inspections*, *supra* note 179.

181. *See Annual Reports*, *supra* note 179; *see also Inspections*, *supra* note 179.

182. *See More Puppies*, *supra* note 4.

183. *See infra* Section II.C.2.

184. *See infra* Section II.C.1.

185. *See infra* Section II.C.3.

1. Loopholes in the AWA

Puppy mill owners can circumvent AWA provisions. One loophole exists in the statute's animal definition. The AWA excludes birds, rats, and mice bred for research purposes, horses used for non-research purposes, and "farm animals . . . used or intended for use as food or fiber" ¹⁸⁶ Furthermore, this definition does not mention cold-blooded animals, such as fish and reptiles. ¹⁸⁷ The AWA's narrow animal definition leaves many animals unprotected. Glaringly, rats and mice constitute approximately 95% of research animals, yet the AWA excludes them. ¹⁸⁸ Thus, most research animals lack protection despite the AWA's goal to provide humane treatment and care to research animals. ¹⁸⁹

The statute's retail pet store exemption creates another AWA loophole. A retail pet store is "a place of business or residence at which the seller, buyer, and the animal available for sale are physically present so that every buyer may personally observe the animal prior to purchasing and/or taking custody of that animal after purchase." ¹⁹⁰ Puppy mill owners qualify for the exemption if they sell puppies "directly to the public," such as by bringing buyers to the puppy mill but keeping buyers away from operations. ¹⁹¹ Puppy mill owners also previously used online sales to claim this exemption, but APHIS closed this loophole. ¹⁹²

2. USDA's Lack of Enforcement of AWA Provisions

AWA enforcement is also problematic because USDA inadequately enforces AWA provisions. ¹⁹³ The Office of the Inspector General ("OIG") audited USDA and found a pattern of inadequate AWA enforcement. ¹⁹⁴ For example, OIG observed that AC typically did not enforce AWA provisions for first-time violators and failed to act against repeat violators. ¹⁹⁵ Similarly, APHIS's penalty calculation method allowed

186. Animal Welfare Act, 7 U.S.C. § 2132(g).

187. See ISSUES, *supra* note 140, at 3.

188. See *The Importance of Animal Research*, NAT'L ASS'N FOR BIOMEDICAL RSCH., <https://perma.cc/SW5P-TCDC> (last visited Nov. 16, 2023); see also 7 U.S.C. § 2132(g).

189. See 7 U.S.C. § 2131(1).

190. 9 C.F.R. § 1.1 (2023).

191. *Id.*; see also Jones, *supra* note 54, at 454.

192. See CONG. RSCH. SERV., *THE ANIMAL WELFARE ACT: BACKGROUND AND SELECTED ANIMAL WELFARE LEGISLATION* 3 (2016), <https://perma.cc/RZA5-UCXD> (stating APHIS closed the online sale loophole by changing the retail pet store definition to require the seller, buyer, and animal to all be present to allow the buyer to actually see the animal).

193. See Shines Light, *supra* note 10.

194. See *id.*

195. See OFF. OF INSPECTOR GEN., ANIMAL & PLANT HEALTH INSPECTION SERVICE ANIMAL CARE PROGRAM: INSPECTIONS OF PROBLEMATIC DEALERS 2, 8–9 (2010), <https://perma.cc/A3FS-2B8X>.

APHIS to award penalties too low to deter violations.¹⁹⁶ These low penalties were possible because APHIS wrongly applied penalty guidelines.¹⁹⁷ Other inspection problems included inspectors improperly issuing violations, wrongly lowering penalties for repeat violators, and incorrectly asserting good faith to reduce penalties.¹⁹⁸

Inspectors exacerbate enforcement problems by failing to correct violations and protect animals in poor conditions.¹⁹⁹ OIG observed that APHIS did not remove unhealthy animals in conditions that violated the AWA.²⁰⁰ Instead, inspectors gave violators opportunities to correct the non-compliance.²⁰¹ For instance, APHIS inspectors observed a severely emaciated dog known as Golden Retriever #142 when they inspected puppy mill owner Daniel Gingerich's facility.²⁰² APHIS repeatedly observed Golden Retriever #142's emaciated state, yet inspectors left the dog in Gingerich's care, eventually leading to her death.²⁰³ Thus, APHIS failed to remove the emaciated dog despite the inspectors' ability to treat or confiscate the animal under the AWA.²⁰⁴

3. State Approaches to Animal Protection Laws

Although AC enforces the AWA, state and local governments also enact animal welfare laws.²⁰⁵ As of 2020, however, 16 states still lack state puppy mill laws.²⁰⁶ For states with these laws, the requirements vary, as only 17 states require both licenses and inspections.²⁰⁷ And even states with comprehensive puppy mill laws do not adequately protect animals.²⁰⁸

196. *See id.* at 2.

197. *See id.*

198. *See id.* at 18, 31–33 (describing an inspector's wrongful classification of a tick violation as an indirect instead of a direct violation during an Oklahoma facility inspection; explaining an inspector's improper application of APHIS's "per animal, per day" counting method by counting an unlicensed Indiana breeder's sales of 19 puppies sold over two days as two violations, not a violation for each animal sold; stating APHIS's misapplication of a good faith penalty reduction to a Tennessee facility that failed to correct previous violations; detailing APHIS's reduction of an Ohio breeder's penalty by claiming the breeder, who had 29 prior violations, had no previous violations).

199. *See id.* at 9.

200. *See id.*

201. *See id.*

202. *See Complaint, supra* note 41, at 12.

203. *See id.*; *see also New Legislation, supra* note 43; ALDF, *supra* note 43.

204. *See* 9 C.F.R. § 2.129(a)–(c) (2001) (stating APHIS may tell a dealer, exhibitor, intermediate handler, or carrier to treat a suffering animal and that if such a person cannot be located or refuses to treat the animal, APHIS may treat the animal itself or confiscate the animal for treatment or euthanasia).

205. *See* Animal Welfare Act, 7 U.S.C. § 2145(a).

206. *See* HUMANE SOC'Y OF THE U.S., STATE PUPPY MILL LAWS IN THE U.S. (2020), <https://perma.cc/ZSD6-RCLK>.

207. *See id.*

208. *See id.*; *see also* BAILING OUT BENJI, *Puppy Mill, supra* note 84.

For example, both Missouri and Pennsylvania require licenses and inspections, yet remain puppy mill belt states.²⁰⁹

Despite being a puppy mill belt state, Missouri's laws establish puppy mill care standards that are "among the strongest" in the United States.²¹⁰ The Missouri Canine Cruelty Prevention Act requires dog shelters to (1) have "adequate space [for dogs] to turn around and stretch" and (2) protect dogs "from the elements."²¹¹ Missouri law also prohibits wire flooring and requires floor designs that will not harm or allow an animal's legs and feet "to pass through any openings."²¹² Still, the 2023 Horrible Hundred report reveals that Missouri breeders violate these requirements.²¹³ Inspectors observed flooring with gaps large enough for puppies' legs to fit through in John and Anna Mary Reiff's Missouri puppy mill.²¹⁴ Thus, Missouri's laws show that states with protective laws fail to protect puppy mill dogs.²¹⁵

Moreover, puppy mill owners may avoid punishment despite violating state puppy mill laws.²¹⁶ For example, operator Matthew Stoltzfus violated Pennsylvania's Dog Law.²¹⁷ The Pennsylvania government criminally charged Stoltzfus but later dropped the case.²¹⁸ Stoltzfus kept his license and continued selling puppies online.²¹⁹

Additionally, state agencies do not always properly enforce puppy mill laws. For example, the Missouri Department of Agriculture's 2008 audit revealed that the Animal Care Facilities Act ("ACFA") program only inspected 1,111 of 2,769 required facilities in 2006.²²⁰ Likewise, a 2001 audit concluded that improper inspections placed animals in dangerous conditions.²²¹ The audit reported that state inspections only took 15 to 30 minutes and were not as thorough as federal inspections.²²² State inspectors also failed to report visible violations.²²³ Even if state agencies

209. See BAILING OUT BENJI, *Puppy Mill*, *supra* note 84.

210. AM. SOC'Y FOR THE PREVENTION OF CRUELTY TO ANIMALS, STATE PUPPY MILL CHART 2, 5 (2015), <https://perma.cc/5WZS-Z8S5>.

211. MO. REV. STAT. § 273.345(2) (2010).

212. *Id.* § 273.345(7)(3); see also MO. CODE REGS. ANN. tit. 2 § 30-9.030(1)(F)(1)(B)(X) (2020).

213. See HORRIBLE HUNDRED 2023, *supra* note 86, at 11–18.

214. See *id.* at 16.

215. See *id.*; see also MO. REV. STAT. § 273.345(7)(3); MO. CODE REGS. ANN. tit. 2 § 30-9.030(1)(F)(1)(B)(X).

216. See DOG BY DOG, *supra* note 74.

217. See *id.*

218. See *id.*

219. See *id.*

220. See SUSAN MONTEE, MO. STATE AUDITOR, AUDIT OF MISSOURI DEPARTMENT OF AGRICULTURE 18 (2008), <https://perma.cc/F4D8-MWSC>.

221. See CLAIRE MCCASKILL, MO. STATE AUDITOR, AUDIT OF ANIMAL CARE FACILITIES INSPECTION PROGRAM (2001), <https://perma.cc/M6UF-HQNJ>.

222. See *id.* at 2–3.

223. See *id.* at 3, 5.

issued violations, they may allow repeat offenders to keep operating.²²⁴ For example, Pennsylvania inspectors have repeatedly issued warnings and violations to Pennsylvania puppy mill owner Margaret Graft starting in 2010, yet Graft continues to operate and hold a Pennsylvania license.²²⁵ Hence, state agencies inadequately enforce state puppy mill protection laws and allow violators to continue operating.²²⁶

D. Current and Proposed Solutions to AWA Ineffectiveness

Puppy mills remain problematic due to federal and state governments' ineffective enforcement.²²⁷ Governments have proposed and implemented solutions to fix puppy mill enforcement problems.²²⁸ First, state and local governments have enacted retail pet sale bans to stop puppy mill dog sales.²²⁹ Governments have also attempted to enact new laws that would strengthen AWA enforcement.²³⁰

1. Retail Pet Sale Bans

States and local governments enacted retail pet sale bans to combat puppy mills.²³¹ A retail pet sale ban disrupts a puppy mill's consumer base because these bans prevent pet stores from selling commercially sourced animals, including dogs.²³² Thus, these laws encourage adoption over commercial pet purchases.²³³ California enacted the first state retail pet sale ban in 2017.²³⁴ Other state and local governments also enacted these bans, including Maryland and Chicago.²³⁵ More states and cities are currently trying to pass these bans.²³⁶ For example, Pennsylvania recently tried enacting Victoria's Law to ban commercial retail pet sales, but the bill failed.²³⁷

Retail pet sale bans have survived constitutional challenges.²³⁸ Courts upheld these bans despite challenges from pet stores and breeders in

224. See HORRIBLE HUNDRED 2023, *supra* note 86, at 24.

225. See *id.*

226. See *id.*; see also Montee, *supra* note 220.

227. See *supra* Section II.C.2–3.

228. See *infra* Section II.D.

229. See *infra* Section II.D.1.

230. See *infra* Section II.D.2.

231. See *Retail Pet Sale Bans*, ANIMAL LEGAL DEF. FUND [hereinafter *Retail Pet Sale Bans*], <https://perma.cc/Z3EF-GQRS> (last visited Feb. 29, 2024).

232. See *id.*; see, e.g., CAL. HEALTH & SAFETY CODE § 122354.5 (Deering 2023).

233. See *Retail Pet Sale Bans*, *supra* note 231.

234. See *id.*

235. See *id.*

236. See, e.g., S.B. 44, 203rd Gen. Assemb., Reg. Sess. (Pa. 2019).

237. See *id.*

238. See *Park Pet Shop, Inc. v. City of Chicago*, 872 F.3d 495, 497–98 (7th Cir. 2017).

several cases.²³⁹ For example, a court upheld Chicago's ban under the Commerce Clause and the Illinois Constitution.²⁴⁰ However, state governments have used preemption to prevent local governments from enacting these bans.²⁴¹ For instance, the Arkansas state legislature recently preempted laws from local governments banning retail pet sales.²⁴² Thus, although retail pet sale bans originally combated puppy mills effectively, preemption claims threaten the future of these bans.²⁴³

2. Laws Seeking to Enact Stronger Enforcement

Finally, governments attempted to enact laws that would strengthen puppy mill enforcement, such as Goldie's Act.²⁴⁴ This proposed legislation sought to strengthen USDA's AWA enforcement by increasing inspections and changing violation recording methods.²⁴⁵ Goldie's Act wanted inspectors to inspect dealers', exhibitors', and researchers' facilities at least once per year.²⁴⁶ If inspectors found violations, they needed to fully record and detail the violations.²⁴⁷ Inspectors also would have needed to continue inspections until facilities corrected the violations.²⁴⁸ Additionally, Goldie's Act tried to protect animals in poor health by requiring inspectors to immediately remove suffering animals.²⁴⁹ Finally, the proposed statute aimed to increase the harshness of penalties for violations, such as by prohibiting penalty reductions over 10%.²⁵⁰

E. The Carrot-and-Stick Approach: Incentives or Punishments?

This Comment now describes the carrot-and-stick approach to provide solutions to the puppy mill problem. The carrot-and-stick framework outlines two methods for altering people's behavior.²⁵¹ Although people use both approaches, the carrot approach has gained

239. *See id.*

240. *See id.* (explaining Chicago's ban complied with the Commerce Clause because the ban did not "discriminate against interstate commerce" and complied with Chicago's rulemaking powers under the Illinois Constitution).

241. *See* H.B. 1591, 94th Gen. Assemb., Reg. Sess. (Ark. 2023); *see also* *Preemption*, LEGAL INFO. INST., <https://perma.cc/E726-P7MZ> (last visited Feb. 29, 2024) (defining preemption as the process by which governments with greater authority prevent governments with less authority from passing conflicting laws).

242. *See* Ark. H.B. 1591.

243. *See id.*; *see also* *Park Pet Shop*, 872 F.3d at 497–98.

244. *See* Goldie's Act, H.R. 1788, 118th Cong. (2023).

245. *See id.*

246. *See id.*

247. *See id.*

248. *See id.*

249. *See id.*

250. *See id.*

251. *See* Mishra, *supra* note 13.

popularity in both the legal field and society generally.²⁵² Specifically, the U.S., Oregon, and Portuguese governments implemented the carrot approach in renewable energy development and drug decriminalization.²⁵³

1. Overview of Carrots and Sticks

The carrot-and-stick approach describes two ways to influence the behavior of individuals and groups.²⁵⁴ The “carrot” encourages a specific behavior with rewards.²⁵⁵ In contrast, the “stick” punishes people to deter behaviors.²⁵⁶ In this Comment, the “stick” refers to punishment, and the “carrot” refers to an incentive.²⁵⁷

People seeking to influence a person’s or group’s behavior must choose the carrot, the stick, or both.²⁵⁸ Currently, people increasingly choose the carrot approach because this approach has gained momentum in the legal field and in society.²⁵⁹ For example, legal systems increasingly use tax incentives and subsidies to influence taxpayers’ behaviors.²⁶⁰ Non-legally, parenting techniques demonstrate the carrot approach’s growth.²⁶¹ Many parents have abandoned physical punishments, like spanking, in favor of other behaviors, like encouragement.²⁶² However, both society and law continue to use the stick approach.²⁶³ For example, the military uses the stick approach.²⁶⁴ Drafts threaten criminal punishment to ensure military service, and boot camps use disciplinary measures to prevent behavioral infractions.²⁶⁵ In the legal field, parties threaten damages to prevent contract breaches.²⁶⁶ The current legal framework for addressing puppy mill violations uses the stick approach, as AWA violators may receive fines or have licenses revoked.²⁶⁷

252. See Gerrit De Geest & Giuseppe Dari-Mattiacci, *The Rise of Carrots and the Decline of Sticks*, 80 U. CHI. L. REV. 341, 343–44 (2013).

253. See *infra* Section II.E.2., III.A..

254. See Mishra, *supra* note 13.

255. *Id.*

256. *Id.* (illustrating the carrot and stick approach through the example of a donkey, as a person persuades a donkey to move by either placing a carrot in front of the donkey or hitting the donkey with a stick).

257. *Id.*

258. See *id.*

259. See De Geest & Dari-Mattiacci, *supra* note 252.

260. See *id.* at 343.

261. See *id.* at 344.

262. See *id.*

263. See *id.* at 343.

264. See *id.* at 386.

265. See *id.*

266. See *id.*

267. See *supra* Section II.B.2.

2. Implementing the “Carrot” in Renewable Energy and Drug Decriminalization

The United States government offers tax incentives to encourage renewable energy.²⁶⁸ Renewable energy tax benefits exemplify the carrot approach because these tax incentives influence people’s behaviors through rewards.²⁶⁹ As part of the Inflation Reduction Act (“IRA”), Americans receive monetary benefits for installing renewable energy utilities and increasing energy efficiency.²⁷⁰ For example, Section 25C establishes the Energy Efficient Home Improvement Credit.²⁷¹ Under Section 25C, Americans may receive a tax credit up to 30% of the cost of making “qualified energy efficiency improvements.”²⁷² Likewise, Section 25D establishes the Residential Clean Energy Credit.²⁷³ This program allows Americans who install qualifying renewable energy equipment to receive a tax credit.²⁷⁴ These tax incentives demonstrate just two carrots out of many that the federal government uses to encourage renewable energy development.²⁷⁵

Additionally, approaches to drug decriminalization in Portugal and Oregon reflect a shift away from the stick approach.²⁷⁶ In 2001, Portugal passed the Decriminalization of Drug Use Act, or Law 30/2000.²⁷⁷ This law “changed the *nature* of the sanctions” for drug possession and consumption.²⁷⁸ Law 30/2000 eliminates punishments for drug “acquisition, possession, and consumption.”²⁷⁹ Similarly, Oregon passed the Drug Addiction Treatment and Recovery Act in 2020.²⁸⁰ The Act expressly adopts a carrot approach and states “a health-based approach to addiction and overdose is more effective, humane and cost-effective than

268. See I.R.C. §§ 25C, 25D.

269. See *Incentive*, LEGAL INFO. INST., <https://perma.cc/DL3R-CHAC> (last visited Feb. 29, 2024).

270. See *Home Energy Tax Credits*, INTERNAL REVENUE SERV., <https://perma.cc/6XW2-HKQK> (last updated Jan. 29, 2025).

271. See I.R.C. § 25C.

272. *Id.* § 25C(a)(1).

273. See *id.* § 25D.

274. See *id.* § 25D(a)(1)–(6).

275. See also *Credits and Deductions Under the Inflation Reduction Act of 2022*, INTERNAL REVENUE SERV., <https://perma.cc/9L45-KREC> (last updated Feb. 13, 2025) (listing other incentives for renewable energy included in the IRA, such as the Clean Electricity Investment Credit and the Clean Electricity Production Credit).

276. See Hannah Laqueur, *Uses and Abuses of Drug Decriminalization in Portugal*, L. & SOC. INQUIRY 746, 747 (2015), <https://perma.cc/VC9V-LBUE>; see also *Drug Addiction and Recovery Act (Measure 110)*, OR. HEALTH AUTH. [hereinafter *Measure 110*], <https://perma.cc/3JCL-367Z> (last visited Mar. 5, 2025).

277. See Laqueur, *supra* note 276, at 747, 749.

278. *Id.* at 747.

279. *Id.*

280. See *Measure 110*, *supra* note 276.

criminal punishments.”²⁸¹ Thus, Oregon law promotes drug treatment and recovery over drug punishments.²⁸²

III. ANALYSIS

Federal, state, and local governments must use a carrot approach to fix the puppy mill problem.²⁸³ Governments must implement this approach because the AWA’s current stick approach ineffectively regulates puppy mills.²⁸⁴ Instead, American governments should use a carrot approach inspired by the methods used to increase renewable energy use and curb drug abuse.²⁸⁵ The AWA presently uses punishments to ensure AWA compliance.²⁸⁶ However, the AWA’s stick approach fails to adequately improve puppy mill conditions.²⁸⁷ Thus, this Comment provides a new approach for solving the puppy mill problem, specifically the carrot approach.²⁸⁸

A. Renewable Energy and Drug Decriminalization as a Model for Fixing the Puppy Mill Problem

Governments must apply a carrot approach to the puppy mill problem because of the approach’s results in renewable energy and drug decriminalization. Solar energy’s growth in the United States demonstrates the IRA’s successful use of the carrot approach.²⁸⁹ The Solar Energy Industries Association (“SEIA”) examined the IRA’s impacts on solar energy development.²⁹⁰ Solar companies have planned 155 gigawatts of “new production capacity” since the IRA’s enactment.²⁹¹ SEIA projects the IRA will create 160 more gigawatts of solar energy “over the next 10 years.”²⁹² Generally, solar energy grew about 28% annually due to tax credits, reduced expenses, and high demand.²⁹³ Thus, *carrots* successfully encouraged renewable energy.

281. OR. REV. STAT. § 430.383(1)(b) (2021).

282. *See id.* § 430.383(2)(a)–(b) (stating, however, that the law only removes punishments “for low-level drug possession.”).

283. *See infra* Part III.

284. *See supra* Section II.C.

285. *See infra* Section III.A.

286. *See supra* Section II.B.2.

287. *See supra* Section II.C.

288. *See infra* Section III.B.

289. *See Impact of the Inflation Reduction Act*, SOLAR ENERGY INDUS. ASS’N (Sept. 19, 2022), <https://perma.cc/8E6Y-WZ7T>.

290. *See id.*

291. *Id.*

292. *Id.*

293. *See Solar Industry Research Data*, SOLAR ENERGY INDUS. ASS’N, <https://perma.cc/E8SQ-3STU> (last visited Apr. 18, 2025).

In contrast, drug decriminalization has led to both mixed opinions and mixed results, but progress has occurred.²⁹⁴ The Cato Institute's 2009 report praised Portugal's drug decriminalization, claiming that the method: (1) allows Portugal to address drug and drug-related issues better than other European countries; and (2) repurposes prior punishment resources into treatment services.²⁹⁵ The report further praised Portugal for assuaging the opposition's fears that the country would become a hotspot for drug use.²⁹⁶ However, the Obama administration criticized the Cato Institute's conclusions and considered the report's evidence inconclusive and inadequate.²⁹⁷ The Obama administration further acknowledged that other data reached contrary results to the Cato Institute's conclusions.²⁹⁸ Advocates supporting decriminalization efforts argued that the United States might lower its incarceration rate by adopting Portugal's drug decriminalization, although "violence and crime" from drug use may persist.²⁹⁹ Thus, governments should apply the carrot approach to puppy mills because renewable energy and drug decriminalization successfully implemented this approach, at least to some degree.³⁰⁰

B. Using Incentives as a "Carrot" to Improve and Combat Puppy Mills

A carrot approach incentivizes puppy mill owners to provide higher-quality care and living conditions for puppy mill dogs.³⁰¹ The carrot approach also eliminates opposition to improving puppy mill conditions.³⁰² Governments can implement a carrot approach that incentivizes puppy mill owners to reduce breeding outputs by promoting adoptions through partnerships between businesses and animal shelters.³⁰³ Finally, a carrot approach incentivizes the public to stop supporting puppy mills, further encouraging puppy mill owners to reduce puppy production.³⁰⁴ Thus, because governments used the carrot approach to address other problems, and USDA ineffectively enforces the AWA's

294. See Laqueur, *supra* note 276, at 776.

295. See GLENN GREENWALD, CATO INST., DRUG DECRIMINALIZATION IN PORTUGAL 1, 6, 27–28 (2009), <https://perma.cc/G7C8-WC3Y>.

296. See *id.*

297. See *Drug Decriminalization in Portugal: Challenges and Limitations*, OFF. OF NAT'L DRUG CONTROL POL'Y (2010), <https://perma.cc/YNU5-WFNC>.

298. See *id.*

299. Laqueur, *supra* note 276, at 776.

300. See *supra* Section III.A.

301. See *infra* Section III.B.1.

302. See *infra* Section III.B.2.

303. See *infra* Section III.B.3.

304. See *infra* Section III.B.4.

stick approach, governments should use a new carrot approach to combat puppy mills.³⁰⁵

1. Incentivizing Puppy Mill Owners: Money and Education

Governments must mainly incentivize puppy mill owners because they are the direct operators, and thus controllers, of puppy mill conditions.³⁰⁶ Puppy mill owners sacrifice their dogs' welfare to increase profits.³⁰⁷ Therefore, governments must design incentives that allow puppy mill owners to retain profits, or otherwise they will not provide higher-quality care to their dogs.³⁰⁸

First, monetary incentives combat the puppy mill problem because these financial payments allow puppy mill owners to maintain their profits.³⁰⁹ For example, puppy mill owners often do not provide dogs with veterinary care.³¹⁰ To encourage puppy mill owners to provide this care, governments could subsidize veterinary costs.³¹¹ This subsidy would allow puppy mill owners to improve their dogs' health without sacrificing profits.³¹² Alternatively, governments can directly provide puppy mill owners with veterinarians to ensure that these owners do not misuse vet care money.³¹³ Thus, a subsidy-based or supply-based carrot approach incentivizes puppy mill owners to provide veterinary care to puppy mill dogs.³¹⁴

Governments should also compensate puppy mill owners for foregone breeding profits during breeding breaks to incentivize better puppy mill conditions.³¹⁵ Puppy mill owners constantly breed female dogs to maximize puppies sold for profit.³¹⁶ Governments can provide payments to incentivize puppy mill owners to give female dogs rest from breeding.³¹⁷ These payments compensate puppy mill owners for lost profits from the puppies that they could have sold if the puppy mill owner

305. *See supra* Sections II.C, II.E, III.A.

306. *See More Puppies, supra* note 4.

307. *See id.*

308. *See id.*

309. *See id.*

310. *See id.*

311. *See supra* Section II.A.1.

312. *See supra* Section II.A.1.

313. *See generally* U.S. DEP'T OF JUST., DOJ GRANTS FINANCIAL GUIDE 128–30 (2024) [hereinafter DOJ FINANCIAL GUIDE], <https://perma.cc/54A3-WV7D> (explaining that parties receiving federal funds must use those funds for the granted purposes, and that parties misuse federal funds by using the money for a purpose other than the specified purpose).

314. *See supra* Section II.E.2. (discussing tax incentives to influence people's energy choices).

315. *See More Puppies, supra* note 4.

316. *See id.*

317. *See id.*

bred the female dog.³¹⁸ Thus, monetary benefits incentivize puppy mill owners to improve puppy mill conditions. However, governments must ensure puppy mill owners do not take compensation payments and continue breeding female dogs.³¹⁹ The carrot approach fails if puppy mill owners continue traditional breeding practices.³²⁰

Governments can also incentivize puppy mill owners through education. Puppy mill dog mistreatment partially results from puppy mill owners seeing dogs as “livestock” and handling dogs like “inanimate objects.”³²¹ Puppy mill owners also see dogs as “cash crops” and “agricultural products.”³²² These views reduce dogs to objects rather than living companions.³²³ Thus, educational programming can encourage puppy mill owners to view puppy mill dogs in ways that promote better treatment. For example, educational efforts should discuss rationales for respecting animals, such as an animal’s ability to suffer and think.³²⁴

However, several challenges to incentivizing puppy mill owners exist.³²⁵ The first challenge is determining which entity should serve as the implementer. This Comment recommends federal, state, and local governments implement this carrot approach.³²⁶ Governments may also struggle to finance the carrot approach. Possible solutions to this problem include using taxes or rearranging government budgets.³²⁷ For example, governments could tax pet supply purchases to fund the puppy mill incentive program, similar to how state governments use taxes on gas sales to pay for transportation-related expenses.³²⁸ Likewise, the federal government could create the puppy mill incentive program through its

318. *See id.*

319. *See* DOJ FINANCIAL GUIDE, *supra* note 313.

320. *See supra* Section II.A.1.

321. Natasha Catherine, *The Amish and Animal Cruelty: An Unexpected Mix*, ANIMAL ADVOC. OF S. CENT. PA. BLOG (Feb. 3, 2018), <https://perma.cc/DV79-9U6J>.

322. DOG BY DOG, *supra* note 74, at 12:22–12:25.

323. *See id.*; *see also* Catherine, *supra* note 321.

324. *See* Michael Ray Harris, *A Right of Ethical Consideration for Non-Human Animals*, 27 HASTINGS ENV’T L.J. 71, 84–85 (2021).

325. *See generally* DOJ FINANCIAL GUIDE, *supra* note 313 (discussing inappropriate uses of granted federal funds).

326. *See generally* I.R.C. §§ 25C, 25D (providing an example of a tax incentive framework implemented by the Internal Revenue Service, a federal agency); *see also* OR. REV. STAT. § 430.383 (2021) (providing an example of a state government’s drug decriminalization initiative).

327. *See What Are State Gas Taxes and How Are They Used?*, URB. INST. & BROOKINGS INST. (Jan. 28, 2025) [hereinafter *State Gas Taxes*], <https://perma.cc/E3VH-H7EY>; *see also What is Mandatory and Discretionary Spending?*, URB. INST. & BROOKINGS INST. [hereinafter *Discretionary Spending*], <https://perma.cc/2DD7-HW4B> (last updated Jan. 2024).

328. *See State Gas Taxes*, *supra* note 327.

normal budgeting practice of rearranging its discretionary spending to reallocate and save money in the federal budget.³²⁹

Finally, governments may struggle to distribute incentives and ensure puppy mill owners properly use the incentives they receive.³³⁰ Despite AWA licensing requirements, not all puppy mill owners are licensed or known to exist.³³¹ Thus, puppy mill owners may not receive incentives if governments have no information about them. However, governments can encourage unlicensed puppy mills to register so the owners can receive incentives.³³² Additionally, governments should develop methods to ensure that puppy mill owners use the financial incentives to actually improve conditions.³³³ Governments can ensure proper use of the money by requiring puppy mill owners to log purchases.³³⁴ Governments can also condition financial incentives on completing educational credits.³³⁵

2. Beating Out the Opposition: Incentivizing Opponents of Puppy Mill Laws

Furthermore, governments must disincentivize opponents who obstruct efforts to improve puppy mill conditions.³³⁶ These opponents include dog breeding and registration clubs, like the American Kennel Club (AKC).³³⁷ AKC has opposed legislation proposing puppy mill improvements, including Goldie's Act and the Puppy Protection Act.³³⁸

For example, the federal Puppy Protection Act seeks to add humane treatment conditions to the AWA.³³⁹ The Act sets requirements for floors, space, temperature, food, water, exercise, veterinary care, and socialization.³⁴⁰ The Act also improves female dog breeding practices by setting: (1) the youngest age a person can breed a female dog; and (2) the amount of litters a dog, both over the dog's entire life and within a specific

329. See *Discretionary Spending*, *supra* note 327.

330. See DOJ FINANCIAL GUIDE, *supra* note 313.

331. See *supra* Sections II.A.2, II.B.2.

332. See generally Mishra, *supra* note 13 (explaining the use of carrots to influence people's behaviors).

333. See DOJ FINANCIAL GUIDE, *supra* note 313.

334. See *id.* at 131.

335. See *supra* Section III.B.1.

336. See *infra* Section III.B.2.

337. See Kitty Block & Sara Amundson, *American Kennel Club Opposed 450+ Bills Designed to Help Dogs*, HUMANE SOC'Y OF THE U.S.: A HUMANE WORLD BLOG (June 30, 2023), <https://perma.cc/78PE-4CFF>.

338. See AKC GOV'T REL., *US Congress: Animal Rights Groups are Lobbying for More Restrictions on Dog Breeders. Congress Needs to Hear Your Voice Too.*, AM. KENNEL CLUB (Apr. 26, 2023) [hereinafter AKC GOV'T REL.], <https://perma.cc/SAG6-YZ9W>.

339. See Puppy Protection Act of 2023, H.R. 1624, 118th Cong. (2023).

340. See *id.*

timeframe, can birth.³⁴¹ AKC criticizes the Puppy Protection Act, claiming the provisions are “arbitrary, one-size-fits-all mandates.”³⁴² To prevent enactment, AKC has encouraged members to contact congressional representatives and express opposition to the bill.³⁴³ Thus, dog breeding and registration groups, like AKC, impede improvements to puppy mill conditions.

To improve puppy mill conditions, governments must provide opponents like AKC with incentives. For example, governments should compensate AKC for the money the group will lose from decreased dog registrations.³⁴⁴ This compensation may reduce AKC’s opposition to puppy mill laws because improving puppy mill conditions threatens the group’s profits from dog registration fees.³⁴⁵ AKC breeders include puppy mill owners, some of whom are on the Horrible Hundred.³⁴⁶ If governments force puppy mills, including those facilities involving AKC breeders, to improve conditions, these operations will breed fewer dogs for AKC registration and profit.³⁴⁷ Thus, governments could compensate AKC for lost profits by paying for lost dog registrations.³⁴⁸ This compensation could, in turn, reduce AKC’s opposition to laws improving puppy mill breeding conditions.³⁴⁹

However, governments must use financial incentives cautiously in order to avoid bribery accusations.³⁵⁰ Bribery occurs when a person offers “anything of value” to a “public official” to change the official’s actions.³⁵¹ Governments may take bribery-like actions by giving opponents money in exchange for the opponents ending their opposition.³⁵² Thus, governments must carefully use this incentive.

Additionally, governments should incentivize partnerships between AKC and animal rights groups. Currently, AKC and animal rights groups oppose one another because they do not agree on whether puppy mill conditions should be improved or how to improve them.³⁵³ However, animal rights groups may avoid AKC opposition by working with AKC to propose legislation. For example, if AKC and animal rights groups

341. *See id.*

342. *Supra* AKC GOV’T REL., *supra* note 338.

343. *See id.*

344. *See* DOG BY DOG, *supra* note 74.

345. *See id.*

346. *See* Block & Amundson, *supra* note 337; *see also supra* Section II.A.2.

347. *See* DOG BY DOG, *supra* note 74.

348. *See id.*

349. *See id.*

350. *See* 18 U.S.C. § 201(b)(1).

351. *Id.*

352. *See id.*

353. *See* AKC GOV’T REL., *supra* note 338; *see also* Block & Amundson, *supra* note 337.

developed the Puppy Protection Act together, AKC may not have criticized the provisions as too arbitrary and generic.³⁵⁴ AKC and animal rights groups must focus on their shared interest in animals and compromise, despite the groups' mutual attacks and criticisms.³⁵⁵

3. Incentivizing Adoption: Partnering Animal Shelters and Businesses

Governments should also provide incentives to encourage adoption. Adoption incentives lead people to stop purchasing dogs from puppy mills.³⁵⁶ Adoption therefore incentivizes puppy mills to reduce breeding operations because the public demands shelter pets, not puppy mill puppies.³⁵⁷ Incentives that increase adoptions from animal shelters or rescues would connect people with animals that need homes and divert people from purchasing puppy mill dogs through pet stores, puppy mills, or online advertisements.³⁵⁸ To encourage adoptions over puppy mill dog purchases, governments should incentivize partnerships between animal shelters and businesses.

Currently, some animal shelters and businesses partner to promote adoptions.³⁵⁹ For example, PetSmart and PetSmart Charities partner with animal shelters to facilitate adoptions.³⁶⁰ PetSmart stores display animals from local shelters in Everyday Adoption Centers, a practice that has led to over 11 million adoptions.³⁶¹ PetSmart and PetSmart Charities also host National Adoption Weekends, which resulted in 32,985 adoptions in March 2020.³⁶² PetSmart's partnerships with local shelters show that partnerships between shelters and businesses facilitate adoptions, as these large adoption numbers highlight.³⁶³ To increase adoptions, governments should incentivize future partnerships between businesses and shelters like the PetSmart program.

354. See AKC GOV'T REL., *supra* note 338.

355. See *id.*; see also Block & Amundson, *supra* note 337.

356. See *Puppy Pipeline*, *supra* note 1.

357. See *supra* Section II.A.3.

358. See *Puppy Pipeline*, *supra* note 1.

359. See Press Release, PetSmart Charities, A Record-Breaking 32, 985 Pets Find Homes During PetSmart Charities National Adoption Weekend (Mar. 6, 2020) [hereinafter *Record-Breaking*], <https://perma.cc/BGJ4-APLD>.

360. See *Creating Families Through Our Adoption Programs*, PETSMART CHARITIES [hereinafter *Creating Families*], <https://perma.cc/Y663-JQP4> (last visited Mar. 5, 2025).

361. See *id.*; see also *Adoptions at PetSmart Stores*, PETSMART CHARITIES, <https://perma.cc/PS9H-CMZC> (last visited Mar. 5, 2025).

362. See *Record-Breaking*, *supra* note 359.

363. See *id.*; see also *Creating Families*, *supra* note 360.

4. Incentivizing the Public: Educating and Encouraging Alternatives to Puppy Mill Dog Purchases

Finally, governments should incentivize the public to fix the puppy mill problem.³⁶⁴ The public supports puppy mills by purchasing puppies from pet stores and puppy mill owners.³⁶⁵ However, governments can use financial incentives and educational efforts to weaken the public's support of puppy mills, thus forcing puppy mill owners to reduce puppy production.

Governments can financially incentivize the public by providing tax deductions for animal shelter donations and adoptions.³⁶⁶ Currently, governments allow tax deductions for charitable donations.³⁶⁷ If governments allow people to claim special tax deductions for animal shelter donations, support for animal shelters would increase and support for puppy mills would decrease.³⁶⁸ These entities can then use donations for animal care, outreach events, and operating expenses.³⁶⁹ Thus, governments should give tax deductions for animal shelter donations because these deductions divert the public's money away from puppy mills and their supporters, such as AKC.³⁷⁰

Similarly, governments can allow tax breaks for adopting shelter animals.³⁷¹ Governments currently give tax credits for adopting children.³⁷² However, governments do not allow deductions for animal adoption costs.³⁷³ Amending the tax code to allow tax breaks for pet adoptions incentivizes people to adopt, rather than purchase, pets.³⁷⁴ Altering people's behavior to adopt helps resolve the mill problem because dog purchases from pet stores or puppy mill owners support puppy mills.³⁷⁵

Finally, governments can educate the public and encourage people to adopt. According to a 2014 Best Friends survey, 43% of Americans do not

364. *See infra* Section III.B.4.

365. *See supra* Section II.A.3.

366. *See generally* 26 U.S.C. § 170(a) (stating that the general rule allows tax deductions for "any charitable contribution").

367. *See id.*

368. *See How to Help Animals in Shelters and Rescues*, HUMANE SOC'Y OF THE U.S., <https://perma.cc/YA7N-QYPK> (last visited Feb. 29, 2024).

369. *See id.*

370. *See supra* Sections II.A.3, III.B.3.

371. *See generally* 26 U.S.C. § 23(a)(1), (d)(1)-(2) (explaining parents adopting children can claim "adoption expenses," including "reasonable and necessary adoption fees" as tax credits).

372. *See id.*

373. *See The Tax Benefits of Donating to Animal Shelters and Caring for Rescue Pets*, TAXACT BLOG, <https://perma.cc/N6MR-AS2A> (last visited Feb. 29, 2024).

374. *See, e.g.*, I.R.C. §§ 25C, 25D (providing two examples of tax incentives governments used to incentivize behavior, specifically incentivizing renewable energy).

375. *See supra* Section II.A.3.

know that pet stores primarily source puppies from puppy mills.³⁷⁶ Best Friends suggests that this lack of knowledge contributes to the public's decision to purchase rather than adopt pets.³⁷⁷ Additionally, online purchases support puppy mills because people purchasing puppies online know nothing about a puppy's source.³⁷⁸ Thus, public education about puppy mills, pet stores, and online sales helps solve the puppy mill problem by creating more informed consumers.³⁷⁹ By providing the public with knowledge about the sources of pet purchases, governments encourage people to adopt, rather than buy, dogs.

IV. CONCLUSION

Puppy mills breed dogs in inhumane conditions to maximize profits.³⁸⁰ The AWA's current stick approach fails to stop this mistreatment due to ineffective USDA enforcement.³⁸¹ Thus, governments should use a carrot approach to solve the puppy mill problem.³⁸² First, governments should incentivize puppy mill owners with monetary benefits so that they can improve conditions without sacrificing profits.³⁸³ Next, governments should also incentivize opponents of puppy mill legislation.³⁸⁴ Finally, and most importantly, governments should encourage partnerships between shelters and businesses, which will incentivize the public to adopt.³⁸⁵ In sum, the carrot approach offers a clear path forward towards solving the puppy mill problem.

376. See New Survey Reveals, *supra* note 109.

377. See *id.*

378. See DOG BY DOG, *supra* note 74.

379. See New Survey Reveals, *supra* note 109.

380. See *supra* Section II.A.

381. See *supra* Section II.C.

382. See *supra* Section III.B.

383. See *supra* Section III.B.1.

384. See *supra* Section III.B.2.

385. See *supra* Sections III.B.3–4.