



AMERICAN
KENNEL CLUB®

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American Kennel Club Testimony on SB 44 – Unattended Dogs – Extreme Weather Conditions and Heat

The American Kennel Club (AKC) provides this written testimony on behalf of our Maryland dog clubs and thousands of constituent dog owners in Maryland. We are a club of more than 5,000 local and breed dog clubs around the country, including 78 clubs in Maryland. Our affiliated clubs maintain America's largest purebred rescue network, and for over 135 years AKC has been proud to be the only non-profit purebred registry devoted to the health and well-being of all dogs.

It is this expertise – and the decades of experience represented by our local kennel clubs and constituent dog owners – that leads us to note some concerns with the current proposal and our request for an unfavorable report.

The AKC supports the intent of Senate Bill 44 and believes that no dog should be left in any conditions that would jeopardize their health. In fact, several Maryland counties have already passed their own ordinances on this issue and there is nothing that stops those that have not from doing so as well. Nevertheless, this bill, as written, will not protect all Maryland dogs and would penalize those dogs that can thrive outside of the stated temperature ranges proposed by the bill, while potentially harming those that cannot withstand the extreme ends of the temperatures permitted.

When considering dogs ability to handle the weather, we should be looking at the **individual dog** and its ability to handle the environment **based on its breed (or mix thereof), its general health and condition, and its age.**

We agree with the American Veterinary Medical Association (AVMA) and proponents of this bill that no pet should be left outside for long periods in below-freezing weather – ***if the dog's health and safety are at risk.*** Several breeds, like the Chesapeake Bay Retriever can handle temperatures below 32 degrees for longer than 30 minutes. In the same way, short haired mixed or pure breeds may not be able to handle such a temperature for even 15 minutes.

In short, this bill tries to institute a "one size fits all" solution that penalizes some dogs and potentially harms others regardless of the availability of "suitable shelter."

Additionally, we agree with guidelines provided by AVMA for the protection of dogs in summer months that include making sure dogs have access to shade when outside. Yet the same proponents of the bill who cite AVMA guidance for cold weather are willing to place many dogs at danger by ignoring the AVMA guidelines for the protection of dogs in summer months by failing to require access to continuous shade for a dog outdoors during summer months so long as the temperature does not exceed 90 degrees Fahrenheit.

Proponents of SB 44 have mentioned that the neighboring states of both Pennsylvania (PA Title 18 Sec. 5536 (a) (1)(iv)) and Virginia (VACode Sec. 3.2-6500) have passed laws that prohibit dogs being outside in defined temperatures. They fail to mention that these laws apply only to dogs that are tethered. In fact, VACode Sec. 3.2-6500 Definitions, which defines adequate shelter, allows an animal control officer to determine if the animal is safe: ... *The outdoor tethering of an animal shall not constitute the provision of adequate shelter ... or (c) (1) during a heat advisory issued by a local or state authority, (2) when the actual or effective outdoor temperature is 85 degrees Fahrenheit or higher or 32 degrees Fahrenheit or lower, or (3) during the effective period for a severe weather warning issued for the area by the National Weather Service, including a winter storm, tornado, or severe*

thunderstorm warning, **unless an animal control officer, having inspected an animal's individual circumstances in clause (c) (1), (2), or (3), has determined the animal to be safe from predators and well suited and well equipped to tolerate its environment.**

Further, other states have either passed or have current proposals that base the determination on the dog and not the temperature. For example, Connecticut, which often has harsher winters than Maryland, is currently considering a bill that would ban the tethering of dogs when **the outdoor environmental conditions pose an adverse risk to the health or safety of a dog based on such dog's breed, size, age, thickness of coat, or physical condition.**

The American Kennel Club is extremely grateful that the bill allows exemptions "*if the dog is lawfully and actively engaged in hunting; livestock herding or guarding; sledding; sporting; or training.*" AKC believes that "**acclimatization**" needs to be added to the list of exemptions. Many sportsmen and other trainers have noted that any time that a trained dog may be called upon to perform a specific task in potential adverse conditions (for example search and rescue), the dog must first be acclimated to those conditions. This avoids any potential harm that might result from performing the task without proper preparation.

Again, AKC agrees with the goals of SB 44 and is grateful and appreciative that it will protect some dogs in the state of Maryland. However, we oppose the bill because of its reliance on an absolute temperature to determine when a dog may be endangered by extreme weather instead of the dog itself based on **the age, breed, general health and condition of the dog and its ability to withstand the environment.** Further, it places many dogs in danger by failing to require access to continuous shade, as recommended by AVMA, for a dog outdoors during summer so long as the temperature does not exceed 90 degrees Fahrenheit.

I would remind you that dogs are the most diverse mammals on earth and laws regulating dogs outdoors should acknowledge that diversity. Different dogs should be treated differently, in order to ensure all dogs are protected. Unfortunately, this bill fails to do so. Therefore, I request an unfavorable report.

Thank you for reviewing and considering my testimony.



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