

HB 1065: Why Reasonable Anti-Tethering Legislation Works By Monica Schreiber

Summary: This is a reasonable, limited piece of legislation that nudges animal welfare laws up to a level that better corresponds with how the majority of reasonable people believe dogs should be treated. **Less restrictive than similar laws passed recently in other states**, the proposed law would, among other provisions, forbid chaining a dog from 10 p.m. to 6 a.m. and require that the tether not become entangled and be of a certain length. It would also disallow the use of pinch or choke collars on chained dogs and require access to shade. The provisions of HB 1065 would put a dent in a method of confinement favored by backyard breeders, dog fighters, and negligent people who, for example, find themselves tired of the family dog and think nothing of tying him to a tree and leaving him there for five, ten, fifteen years, often without proper vet care, decent food, exercise, or companionship.

What the Proposed Law Is NOT: Nothing in HB 1065 suggests that dogs should not be properly confined (e.g. in a fenced yard) or allowed to roam free. No provision of the proposed bill suggests that people cannot tie up dogs for reasonable periods of time. **In short, the vast majority of responsible dog owners would not be affected by this law.** The legislation also makes allowances for dogs that are being used for agricultural purposes.

Why put limits on chaining? There are humanitarian and other public policy reasons for ending 24/7 chaining. An increasing number of states and municipalities are making similar modifications to their laws in order for animal control and police officers to tackle many abusive situations. Current Pennsylvania laws allow a dog to be chained for its entire life, in any weather, as long as minimal food, water and so-called shelter are provided. Unless the dog is in imminent danger of dying – e.g., from dehydration, malnutrition, hypothermia, heat stroke, or an embedded collar – it will spend the rest of its days attached to the chain. Chained dogs become easy prey for predators, roaming dogs, and all too often, cruel people who recognize that a chained animal can do little to defend itself if set on fire, beaten, hit with firecrackers, etc. In addition, **chained dogs are far more likely than socialized dogs to attack.** The *Journal of the American Veterinary Medical Association* has reported that 17 percent of dogs involved in fatal attacks on humans (between 1979 and 1998) were restrained on their owners' property at the time of the attack, and the book "Fatal Dog Attacks" (by Karen Delise, Anubis Press, November 1, 2002) states that 25 percent of fatal attacks were inflicted by chained dogs. The victims of such attacks are often children. Furthermore, a tethered dog that happens to get loose from his chains is often aggressive and out of control. In addition, the law would **give law enforcement an additional avenue for confronting illegal dog fighters** because dog fighters always chain their dogs 24/7 (unless the dogs are fighting) on short, heavy chains to increase the dogs' frustration and desire to fight. Drug dealers also strategically place chained dogs outside their places of "business" to deter unwanted visitors. **HB 1065 would help clamp down on so-called "backyard breeding."** There can be few public policy reasons for making life easier for unlicensed breeders who often keep chained dogs in puppy mill-type conditions in order to make a few dollars.

What are Other States Doing? Laws such as HB 1065 are **part of a nationwide trend**. While most legislation has been at the local level, several states have passed or are considering legislation to limit perpetual chaining. In 2006, California passed a law limiting chaining to no more than 3 hours in any 24-hour period. Since 2003, Connecticut has had a law prohibiting chaining for an "unreasonable" time period. This year, Texas also passed a law that limits chaining at night, in inclement weather, and under other circumstances. Fourteen states proposed legislation this year, and bills are still in committee in South Carolina, Pennsylvania, New York, and New Jersey.

The balance is simple: Should our public policy be one of allowing people to subject dogs to a lifetime of agony simply because they want to profit from the dogs, fight the dogs, or simply can't think of anything else to do with a dog but tie it to a stake in the ground? Or, should our public

policy err on the side of reasonable laws that foster humane treatment of animals, but still allow legitimate breeding and would not even affect the vast majority of pet owners?

Responses to the Typical Questions

What about people who don't want to bring their dogs inside – at night or any other time?

To some people, a dog is, unfortunately, not a family companion. However, our society – our state – is already well past the place where people can say, “It is my dog. Don’t tell me what to do with my dog.” Existing laws already tell people a great deal about what they can and cannot do with regard to their dogs: they can’t starve or beat it, they must license it, and get it the required shots. Responsibility goes hand in hand with animal ownership. It is simply time for Pennsylvania to fill some holes in existing laws and recognize that chaining a dog for its life is as much a form of abuse as starving a dog or beating it.

In any case, HB 1065 simply tells people they have to figure out an alternative to chaining from 10 p.m. to 6 a.m. They can build a fence, bring the dog inside, put it in a kennel, or, if there is simply no alternative in their minds: they shouldn’t get or keep a dog in the first place.

What about people who don't have fences or can't afford to build one?

The response is similar to the one above: responsibility and financial commitment go hand in hand with owning a dog, or any animal. Simply put, if the only way someone can “afford” to keep a dog is to keep it in chains around the clock, then public policy dictates that our laws should not encourage such types of pet ownership. If properly enforced, the provisions of HB 1065 should eventually cause more people to think through the implications of getting and keeping a dog. If 24/7 chaining is not an option, less people will eventually choose to keep dogs as “lawn ornaments.” In any case, countless people without fences own dogs, whether they live in single-family homes or apartments. They walk their dogs.

What about hunters? Don't they often chain their dogs 24/7?

Old habits are hard to break, it is true. But it also holds true that just because something has “always been done,” that does not make it right. Countless hunters also happen to be dog lovers, and they treat their dogs with kindness and respect, and many of these same dogs live in the home and are reported to hunt better due to increased bonding with their caretaker. In states like California, which limits tethering to 3 hours in any 24-hour period, hunting has continued without any noticeable issues.

In the final analysis, the reasonable, no-chaining-at-night provisions of the bill would also have the simple effect of preventing hunters, breeders, every-day pet owners from taking the “easy” way out. How to properly care for and confine a dog should be part of every decision to get a dog. With the provisions of HB 1065, our state is simply telling people they must adhere to some minimal standards of care.