# Proposed Regulations Related to Sale and Transfer of Dogs, Record-Keeping Requirements and Potential Exceptions to Puppy Mill Prohibitions under the *Provincial Animal Welfare Services Act, 2019* (PAWS Act)

On June 6, 2024, Bill 159: *Preventing Unethical Puppy Sales Act, 2024,* received Royal Assent, which made key legislative amendments to the *Provincial Animal Welfare Services Act, 2019* (PAWS Act). It created new prohibitions related to the operation of puppy mills in Ontario, including associated new offences and new minimum penalties. It also created regulation-making authority to set out requirements for the sale or transfer of dogs, to govern record-keeping with respect to dogs, and for potential exemptions to puppy mill prohibitions in the PAWS Act. Currently there are no provincial requirements in Ontario related to the sale, transfer or recordkeeping requirements for dogs. The Ministry of the Solicitor General (the ministry) is now seeking feedback on proposed approaches in these areas to inform potential regulations to create new requirements related to the sale, transfer and recordkeeping for dogs that are bred and sold in Ontario. The proposed approaches below suggest setting out new requirements that would be met by breeders, sellers and other persons who sell or transfer dogs to new owners or custodians. Many organizations already keep records related to sale, transfer, identification, health, and breeding of dogs. This proposal would seek to potentially make regulations relating to sale, transfer and recordkeeping a standard for all organizations. This proposal for potential regulations is intended to improve the welfare of dogs in Ontario and to provide transparency and accountability between breeders, sellers, transferrers, and prospective pet owners and custodians of dogs.

The ministry is seeking input on the following proposed approaches for potential regulations which would:

1. Set requirements for breeders and third parties, such as brokers, involved in the sale and transfer of dogs;
2. Set record-keeping requirements related to keeping identification, health and/or breeding information on dogs; and
3. Set exemptions for specific puppy mill prohibitions already in the PAWS Act.

**The ministry welcomes your written feedback and comments on the proposals set out below. You may choose to fill out the response boxes set out in this document or submit your responses in another format (e.g., letter in Word or PDF format). Please submit your feedback to ministry via the Ontario Regulatory Registry website, or alternatively, via email to** **animalwelfareconsultation@ontario.ca****.**

#### Part 1: Requirements for Breeders and Third Parties involved in the Sale and Transfer of Dogs

**Statutory authority for the development of this regulation:**

[Section 23.1 (1) of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK37) specifies that no person shall sell or transfer a dog contrary to the regulations, if any, made by the Lieutenant Governor in Council. In addition, Section 23.3 (1), paragraph 4, prohibits anyone from facilitating the sale or transfer to any person of a dog from a premises at which a person is operating a puppy mill, except as prescribed by the Lieutenant Governor in Council. Neither of these provisions have yet been proclaimed into force.

**Proposal for provisions related to breeders and third parties involved with the sale and transfer of dogs:**

The ministry is exploring the development of provisions that would ensure that breeders and third parties[[1]](#footnote-2) do not benefit financially from irresponsible practices. Feedback is sought on the following:

* Prohibitions on selling/transferring dogs could be applied to breeders and third parties convicted of violating specific provisions under the PAWS Act (e.g., distress provisions, previous violations leading to the euthanization or death of a dog, etc.).
* Breeders could be asked to comply with certain standards that would provide the dog or puppy with the best outcome post-sale or transfer. Examples could include:
	+ Not selling a dog to individuals under 18 years of age;
	+ Not selling or transferring a dog less than 56 days old; and
	+ Microchipping the dog prior to sale or transfer.
* Provisions could be introduced that require third parties selling or transferring dogs to provide information to the prospective owner or custodian about their relationship to the breeder or previous owner of a dog.
* Exemptions may need to be considered when dogs and puppies are sold or transferred to certain parties (e.g., shelters, rescues, re-homing or fostering situations, etc.).

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| **Part 1 – Question 1a. Please provide your feedback on the proposed items in this section:**  |

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| **Part 1 – Question 1b. Is there additional information that the ministry should consider related to breeders and third parties?** |

**Proposal for provisions related to the health of dogs for sale and transfer:**

The ministry is exploring the development of provisions that would prevent the sale and transfer of sick dogs with certain health conditions and require disclosure of the dog’s health conditions/status where sale and transfer is permitted. Feedback is sought on the following:

* There are circumstances where health issues, whether hidden or visible, can render a dog or puppy unfit for sale or transfer.
* Provisions could be included that would prohibit the sale and transfer of a dog experiencing specific health issues without prior disclosure to the purchaser. Examples of possible health issues could be:
	+ Infectious diseases (e.g., parvovirus) and parasites;
	+ Nutritional deficiencies;
	+ Missing vaccines; and
	+ Congenital abnormalities.
* New provisions could be implemented gradually to allow for education and awareness to identify common health concerns.
* Prohibitions could be imposed on breeders or third parties from selling a dog with specific health issues until the dog is determined to be healthy enough for sale (e.g., determination by veterinarian).
* Details could be set out in regulation around how the disclosure of a dog’s medical history, including potential genetic or behavioural issues affecting normal function, would take place.
* Exemptions could be created for organizations that have the capacity to responsibly oversee the sale and transfer of dogs with health and behavioural issues.

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| **Part 1 – Question 2a. Please provide your feedback on the proposed items in this section:** |

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| **Part 1 – Question 2b. Is there additional information that the ministry should consider related to the health of dogs for sale and transfer?** |

**Proposal for provisions related to record-keeping requirements for sale and transfer:**

The ministry is exploring the development of provisions that would set out record-keeping requirements to improve transparency and accountability when selling or transferring a dog. Feedback is sought on the following:

* Provisions on maintaining records for dogs and puppies to help inform consumers before purchasing/adopting a dog. Records may include:
	+ owner and/or breeder information;
	+ vaccination and veterinary records, including genetic issues (if available);
	+ breed information (e.g., cross-bred vs purebred);
	+ rearing information; and
	+ (re)homing/sale details.
* Provisions that would require all breeders and third parties to use a written agreement when selling and transferring dogs, and the provision of bill of sale/ receipt recording the financial transaction may also be considered.
	+ Agreements could include information such as the name of the new owner, the name of the former owner, identifiers for the dog (e.g., breed or crossbreed, sex, age and description, including colour and placing of markings, if any, of the dog, and whether it is microchipped), the date of the sale, and the terms of the exchange of ownership. Agreements could also include policies on return/reimbursement for various reasons, such as when the seller is not aware of the illness at the time of sale, and/or symptoms of an underlying illness are not apparent at the time of sale.
	+ Receipts could include (but not be limited to) the name and address of the seller and the purchaser, date of the sale, and sale price.
* Requirements could be set for record retention practices such as the number of years that a breeder should hold onto sale/adoption agreements and receipts (e.g., records must be kept for two years).
* Provisions that would require retailers” (e.g., pet stores) to post information about where dogs for sale are sourced and to demonstrate they are not selling dogs and puppies acquired from puppy mills could also be considered.

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| **Part 1 – Question 3a. Please provide your feedback on the proposed items in this section:** |

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| **Part 1 – Question 3b. Is there additional information that the ministry should consider related to record-keeping practices for the sale or transfer of dogs?** |

#### Part 2: Record-Keeping Requirements Related to Keeping Identification, Health and/or Breeding Information on Dogs

[Section 14.1 of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK23) sets out that specific persons described in regulation are required to keep records. The ministry is proposing to create a regulation that would require breeders, sellers and transferrers of dogs to also keep records that relate to the identification of dogs, the dog’s health records, and breeding records (where applicable to breeders).

**Proposal for Identification Record (ID Records) Requirements:**

The proposed ID records would require breeders and third parties[[2]](#footnote-3) to retain a record for each dog on-site that contains the following information:

* Name or other marking on dog (e.g., number or coloured collar/mark), if given;
* Permanent identifier (e.g., tattoo, tag, and/or microchip number) – this permanent ID for the dog would also be logged on all other types of records (i.e., identification, breeding and health records) proposed below;
* Date of birth (if not born on-site, date of arrival and contact information for previous owners/source);
* Date of death and suspected/confirmed cause of death (including euthanasia), if applicable;
* Breed (or crossbreed);
* Sex;
* Colour(s); and
* Markings.

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| **Part 2 – Question 1a. Please provide your feedback on the ID records identified in this section:** |

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| **Part 2 – Question 1b. Are there additional ID records that should be included?** |

**Proposal for Breeding Records Requirements:**

The proposed breeding records that dog breeders would keep could include:

* The permanent identifier for the dog (e.g., tattoo, tag, and/or microchip number) to be noted on all identification, breeding and health records;
* For a female dog:
	+ Dates in heat;
	+ Dates bred;
	+ Males bred to;
	+ Whelping date (litter birth date);
	+ Birthing complications; and
	+ Number of dogs per litter including live/dead births.
* For a male dog:
	+ Dates bred; and
	+ Female dogs bred to.
* For offspring:
	+ Name or other marking on dog (e.g., number or coloured collar/mark) for surviving dogs; and
	+ Information to identify parents.

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| **Part 2 – Question 2a. Please provide your feedback on the breeding records identified in this section:** |

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| **Part 2 – Question 2b. Are there additional breeding records that should be included?** |

**Proposal for Health Record Requirements:**

The proposed health records that a breeder or third party[[3]](#footnote-4) would be required to keep for each dog that is on-site could include:

* The permanent identifier for the dog (e.g., tattoo, tag, and/or microchip number) to be noted on all identification, breeding and health records;
* Record of all non vet-administered treatments (e.g., flea treatment, tick treatment, etc.), including but not limited to:
	+ treatment name, dosage and date administered;
* Record of all veterinary exams and treatment, including and not limited to:
	+ record of any surgical procedures;
	+ record of vaccination and/or deworming treatment, including name, dosage and date;
	+ Dates and test results of infectious diseases;
	+ Record of medication and reason it was given, including dosage and date; and
	+ Date of spay or neuter, if dog is altered.
* All veterinary records must include contact information for the relevant veterinarian and veterinary clinic.

Originals of these records (e.g., printout of an electronic medical record from veterinarian) would be expected to be kept by breeders, while third parties (e.g., sellers, brokers, etc.) would be expected to have copies, and both breeders and third parties would be required to maintain current records for all dogs on site.

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| **Part 2 – Question 3a. Please provide your feedback on the health records identified in this section:** |

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| **Part 2 – Question 3b. Are there additional health records that should be included?** |

**Proposal on Record Retention Requirements:**

Lastly, this part of the proposal would also require breeders and third parties to retain records, including:

* specifying that records must be kept for a minimum of two years after the dog leaves the premises or dies on premises;
* keeping all records current, and readily accessible by personnel (e.g., owners, employees) on-site;
* maintaining records in a legible hard copy and/or electronic format; and
* if requested, providing all ID, health and breeding (if applicable) records to Animal Welfare Services (AWS) inspectors within the time frame requested.

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| **Part 2 – Question 4a. Please provide your feedback on the record retention provisions identified in this section:** |

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| **Part 2 – Question 4b. Are there additional record retention provisions that should be included?** |

#### Part 3: Exemptions Related to Specific Puppy Mill Prohibitions in the PAWS Act

Some of the puppy mill prohibitions in the PAWS Act allow for potential exemptions through regulation. The ministry is considering developing exemptions related to select prohibitions, including the following proposals:

1. [Section 23.2(1) of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK39) sets out that no person shall operate a puppy mill in Ontario. Section 23.2(2) paragraph 2 of the PAWS Act sets out that a person operates a puppy mill if the person breeds dogs and fails to isolate a dog from other dogs or animals and objects (including food and water containers) that are used by other dogs or animals, where the dog is suffering from a contagious disease or at high risk of developing a contagious disease, except in circumstances that may be prescribed in regulation.

**Proposal:**

Create an exception to this prohibition in cases where a veterinarian has advised, in writing, that isolation is unnecessary.

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| **Part 3 – Question 1. Do you agree with the proposed exception? Why or why not?** |

1. [Section 23.2(2) paragraph 4 of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK39) sets out that a person operates a puppy mill if the person breeds dogs and breeds a female dog that is less than 12 months old, except in such circumstances as may be prescribed in regulation.

**Proposal:**

No exceptions.

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| **Part 3 – Question 2. Do you agree with this proposal? Why or why not?** |

1. [Section 23.2(2) paragraph 5 of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK39) sets out that a person operates a puppy mill if the person breeds dogs and breeds a female dog for the first time before its second heat, except in such circumstances as may be prescribed in regulation.

**Proposal:**

No exceptions.

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| **Part 3 – Question 3. Do you agree with this proposal? Why or why not?** |

1. [Section 23.2(2) paragraphs 6 and 7 of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK39) sets out that a person operates a puppy mill if the person breeds dogs and breeds a parent dog with any dog in one of their litter, or breeds sibling dogs.

**Proposal:**

No exceptions.

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| **Part 3 – Question 4. Do you agree with this proposal? Why or why not?** |

1. [Section 23.2(2) paragraph 8 of the PAWS Act](https://www.ontario.ca/laws/statute/19p13?highlight=true&lang=en&option=%7B%22selection%22%3A%5B%22current%22%5D%2C%22result%22%3A%5B%22statute%22%2C%22regulation%22%5D%7D&paging=%7B%22page%22%3A1%2C%22pageSize%22%3A50%2C%22sort%22%3A%22Relevance%22%7D&searchMode=search&searchWithin=%5B%22title%22%2C%22body%22%5D&searchWithinResult=false&selection=consolidated+law&text=animals&trigger=1&useExact=false&withinResultSearch=#BK39) sets out that a person operates a puppy mill if the person breeds dogs and separates a puppy from its mother or substitute mother before the age of 56 days (8 weeks), except in such circumstances as may be prescribed in regulation.

**Proposal:**

Create an exception to this prohibition in cases where veterinarian recommends, in writing, that a puppy may be separated from its mother or substitute mother before the age of 56 days for health and welfare reasons (i.e., if a mother rejects a puppy or other littermates are showing aggression toward a puppy).

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| **Part 3 – Question 5. Do you agree with the proposed exception? Why or why not?** |

1. “third party” refers to persons that sell or transfer dogs on behalf of and/or in partnership with breeders, but do not breed/own the dogs themselves. [↑](#footnote-ref-2)
2. “third party” refers to persons that sell or transfer dogs on behalf of and/or in partnership with breeders, but do not breed/own the dogs themselves. [↑](#footnote-ref-3)
3. “third party” refers to persons that sell or transfer dogs on behalf of and/or in partnership with breeders, but do not breed/own the dogs themselves. [↑](#footnote-ref-4)