

My name is Tom Levy. I am a long time breeder and exhibitor of dogs as well as a member of the Salem area Silver Falls Kennel Club. I believe in health and genetic testing of all breeding animals.

While this bill disturbs me in many ways, I want to focus primarily on one particular point. This bill appears to be in conflict with state anti-trust regulations as defined in ORS 646.705 to ORS 646.805. This bill restricts a pet store's source of supply for animals to a very limited group creating a monopoly, a prohibited practice per ORS 646.730. The crucial points of ORS 646 are included in my written testimony.

At the hearing last week there were some things said in support of this bill that I found rather peculiar and would like to comment on. Per the testimony given last week, pet stores do not take good enough care of dogs that are purchased from breeders but the care is sufficient for shelter or rescue animals. Also, an animal behaviorist testified that puppies from pet stores had a socialization problem but said nothing about socialization problems of shelter/rescue dogs that were abused or the feral dogs that are imported by rescue organizations and shelters to fulfill people's desires to adopt a rescue dog.

646.715 Declaration of purpose. (1) The Legislative Assembly deems it to be necessary and the purpose of ORS 646.705 to 646.805 and 646.990 is to encourage free and open competition in the interest of the general welfare and economy of the state, by preventing monopolistic and unfair practices, combination and conspiracies in restraint of trade and commerce, and for that purpose to provide means to enjoin such practices and provide remedies for those injured by them.

(2) Without limiting the scope of ORS 646.705 to 646.805 and 646.990, it is the legislative purpose that it apply to intrastate trade or commerce, and to interstate trade or commerce involving an actual or threatened injury to a person or property located in this state. The decisions of federal courts in construction of federal law relating to the same subject shall be persuasive authority in the construction of ORS 646.705 to 646.805 and 646.990. [1975 c.255 §3; 2001 c.415 §1]

646.730 Monopolies prohibited. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of trade or commerce, shall be in violation of ORS 136.617, 646.705 to 646.805 and 646.990. [1975 c.255 §5]

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