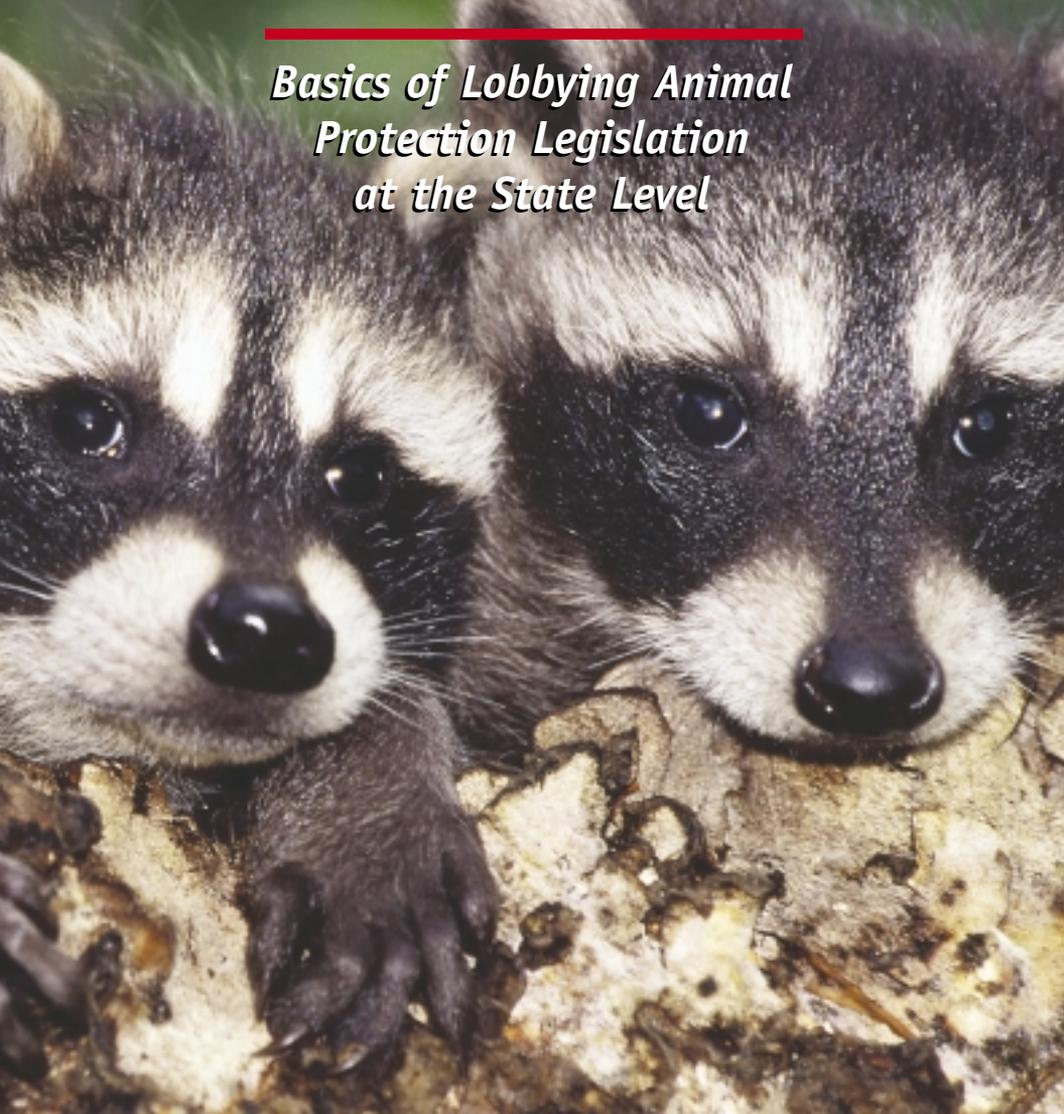


**THE HUMANE SOCIETY
OF THE UNITED STATES.**

State Lobbying Guide

*Basics of Lobbying Animal
Protection Legislation
at the State Level*



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Why Lobby for State Laws?

State laws have a tremendous impact on animal protection. More than 100 animal-related bills are enacted into law by state legislatures every year—far more than in the U.S. Congress. In recent years, laws affecting spay/neuter funding, exotic pets, animal cruelty penalties, dissection alternatives, trophy hunting, farm animal welfare, cosmetics testing, wildlife control, and more have been introduced in state legislatures across the country. Many of these issues are outside the purview of federal law, which often only prohibits activities involving interstate commerce.

This guide provides information on state legislative operations and resources, how bills progress through state legislatures, how to work with legislators, effective lobbying strategies, and more to help animal advocates pursue animal-friendly state laws and stop bills that would harm animals.

State Legislative Operations and Resources

To be an effective advocate, you must know where to find information. Many states have legislative information offices where citizens can turn for information on bill numbers, status, sponsors and cosponsors, hearing dates, and other legislation details. If your state doesn't have such an office, you can get information on rules and procedures from the legislature's leadership or the Clerk of the House, the Secretary of State's office, the governor, the public library, or the Internet (every state legislature has a website).

A roster of all the legislators—including their districts, party affiliations, general background, and pictures—is an important resource. Rosters are usually available on legislatures' websites, and many legislatures provide free printed rosters with members' pictures.

Before you start lobbying, review "Your State Legislature Fact Sheet" (page 17). While you won't need all of the answers before you start your animal protection work, it's helpful to have this information on hand.

Who Represents You?

To find out who represents you in the state legislature, call your local board of elections, local library, or League of Women Voters or visit www.hsus.org/leglookup. Your state legislative information office may also provide this information. (District boundary lines often go right down the middle of streets, so it can be difficult to identify your state legislators from district maps.)

Monitoring and Tracking Legislation

It's important to closely monitor the bills you're working on. There's often little warning that activity on a bill is about to occur, especially for ones you oppose. Your state's legislative information office or legislative website and The Humane Society of the United States (HSUS) website—www.hsus.org/statelegislation—can provide broad information, such as what bills have been introduced affecting animal welfare and their status. Some state websites are updated quickly, and having the most current information can be critical. Some states also have daily publications with information on pending legislation. Use them to stay current on bills that may affect animals.

Making contacts at the legislature is an essential element of staying informed on a bill's status. The staff of the committee that a bill has been assigned to and the bill's sponsor are often the best information sources on scheduled hearings and upcoming votes.

During the closing days of a legislative session, action that would normally take weeks can happen in just hours. Bills you opposed and thought were dead can suddenly come alive as amendments to other bills. This is also a good time to get your bills attached to other vehicles if your state rules allow it.

How a Bill Becomes a Law

Every state has a different process for getting a bill from draft form through the legislature and enacted into law. The following chart shows the general process of how a bill is moved through the legislature. Many states follow a similar system, but it's important to know your state's specific process. This information is usually published on the state legislature's website.



The Most Common Method

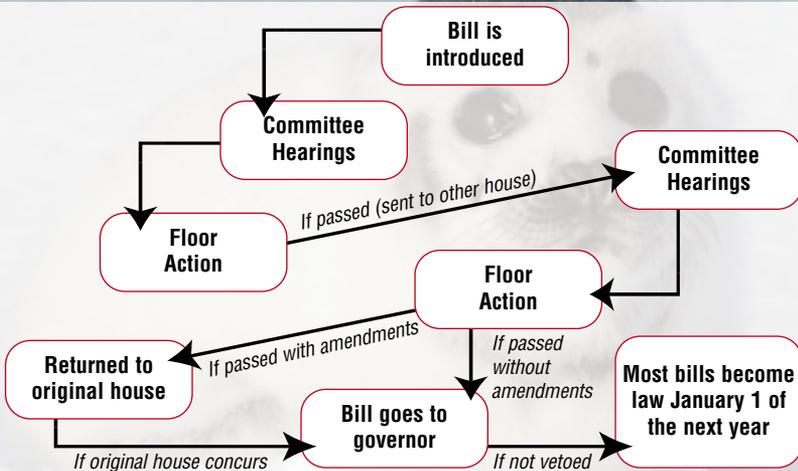
All state governments (except Nebraska) have a system similar to the federal government that consists of two bodies, a House of Representatives (or Assembly) and a Senate. Each legislative district is represented by one senator and one or more representatives.

A bill is introduced in one chamber, sent to a committee, and often then to a subcommittee. The subcommittee may hold hearings and report the bill as “favorable” or “unfavorable” to the full committee. The full committee will do the same. If the full committee passes the bill, it goes to the floor for consideration.

If one chamber passes the bill, it’s sent to the other side of the legislative body, where it starts the process again. Often that chamber will amend the bill’s language. If this happens and the bill passes, it will be sent back to the first chamber for concurrence. If that chamber fails to concur, the bill is sent to a conference committee—usually composed of members from the original committees of each chamber—where differences are resolved. The bill then goes back to each chamber for another vote. If both chambers approve the bill, it’s sent to the governor.

Several things can happen at this point. The governor can sign the bill into law, veto the bill, or take no action. In some states if the governor takes no action, the bill becomes law, but in others, it’s an automatic—or “pocket”—veto.

How a Bill Becomes a Law



What Can Go Wrong

A bill can lose momentum and die in a number of ways throughout this process. A list of some of the more common problems follows. Keep in mind that these problems can arise with any bill, not just animal protection legislation.

- ❖ The sponsor doesn't push for hearings, so the bill never gets off first base. A low percentage of bills introduced ever "move." (Note that in some states, every bill is required to be acted on.)
- ❖ After a hearing is held, there's no further action. Often the chair of a committee is pressured by a legislator or the public to hold a hearing on a bill, but after the hearing the bill never comes up for a vote. This happens frequently with animal welfare bills because committee members can easily say that there's no consensus about how to proceed. This is especially true when different animal welfare groups disagree about the bill.
- ❖ A bill passed by committee or chamber has become so watered down with amendments that the groups originally pushing for it no longer support it. In this situation, it might be best to go to the other legislative chamber and try again to get a strong bill. In conference committee, the stronger position may prevail, especially if lobbied for.
- ❖ Someone attaches a different issue to a bill, making it more controversial and killing it (for example, attaching a pet breeding moratorium provision to a simple animal neglect bill).
- ❖ Someone makes the motion to "recommit" the bill to committee for further study. This technique often allows opponents to kill the bill—without actually being on record as voting against it—by claiming they need certain provisions clarified. (This is also a good technique to follow when trying to kill an animal-unfriendly bill.)
- ❖ If momentum for a bill exists in only one chamber, it may handily pass that chamber only to go to the other side and die of neglect.
- ❖ A bill is referred to an unfriendly committee. States differ on who has authority to refer bills to committees. Members of referring committees can use their power to send a bill to its death or to a receptive group.



Is Legislation Necessary?

Before throwing your energy into a legislative battle, make sure that new legislation is necessary. For example, in some cases general anticruelty statutes already on the books *could* halt a practice, but no one has applied or enforced the laws. Or broad statutes can sometimes be interpreted to mean that a specific practice is illegal. Always consider this route before taking on the job of enacting new legislation. Also keep in mind that legislation aimed at a specific problem can sometimes be too narrow and less effective than a broad bill that can be applied to many different situations.

If you're unsure what the law means, discuss it with a qualified person. Don't assume that your interpretation of the law is correct. Also consider whether a regulatory provision could be applied to accomplish your goal. Sometimes regulations are on the books—or could be promulgated—but have been ignored or overlooked for so many years that people have forgotten their existence. Use them whenever it benefits your effort. It saves time and energy if you can avoid the legislative route.

Working with Legislators

Most legislators are knowledgeable about a broad range of causes but may rely on staff, constituents, and special interest groups to provide detailed information. If you have no experience with a legislative body, research which legislators you should first contact.

Legislative Staff

Don't underestimate the importance of legislative staff members. They're often the legislators' most trusted advisors and are usually more accessible than the legislators themselves. Staff members can also provide information about the district and how to organize effective grassroots help.

Where and When to Meet

Many legislators prefer to meet their constituents in their home districts rather than in the state capitol. If you want to meet with a key legislator not from your area, enlist a constituent to initiate contact and to accompany you to the meeting.

Other Lobbying Tips

If you spend time at the state capitol while the legislature is in session, you will be able to meet with a variety of legislators. When discussing the merits of a position, keep the following tips in mind.

- ❖ If possible, call ahead for an appointment so that you can sit down and discuss the issue. If time doesn't permit this, go to the state capitol during the legislative period and try to "run into" the legislator in the hallway. These meetings aren't very satisfying, but you can usually deliver a few important facts. Always have a short fact sheet or summary on hand.
- ❖ When speaking with a legislator, always identify yourself first. Even if you've met the legislator previously, restating your name and affiliation will help the legislator focus on what you're saying.
- ❖ Don't threaten or antagonize legislators no matter what the provocation. If a legislator opposes your position, be polite and express gratitude for the legislator's willingness to meet with you. Remember, there may be a future bill that you both will agree on.
- ❖ Listen closely to the legislator's questions and provide honest, sincere answers. If you don't know the answer, tell the legislator you will do the research and provide the information later.
- ❖ If a legislator has taken a neutral stance on a bill, ask what concerns or questions he or she has about the legislation. If it's concern about what the bill will do to citizens in the legislator's district, try to allay those fears by getting citizens to contact the legislator to express support of the bill. But don't be so insistent on the legislator taking a position that you end up alienating the legislator.
- ❖ Always know the status of the bill.
- ❖ Be brief with your appeal, but follow up when new information—such as a change in the bill which was of concern to the legislator or a related event occurring in the legislator's district—arises.
- ❖ If the legislator has been good on this issue before, it's important to know that and to express thanks.
- ❖ As you meet with each legislator, keep notes on the meeting, his or her position on the bill or issue, and any questions that came up.



The constituent should do most of the talking at this meeting and should be briefed on the issues. You're there to provide facts and to support the constituent.

If you meet with a legislator in the state capitol, arrive early and be prepared to wait or only to be able to talk between sessions or in some other rushed manner.

Different times are appropriate to lobby legislators depending on your message and whether or not the legislature is in session. If your purpose is simply to educate a legislator, meet when the legislature isn't in session and things aren't as harried. Above all, be flexible and understanding of scheduling difficulties.

If you're lobbying for or against a specific bill, keep in mind that some legislators like to be made aware of everything relevant to an issue as early as possible, while others don't want to be pressed on an issue until the bill is far enough along to warrant their attention. If that's the case, at least meet with staff or send written materials outlining the issue and your position.

A combination of both approaches is often the most effective. Try to meet as early as possible with members who are on the committee that will consider the bill. For members who aren't on that committee, first provide written information and, once the bill has begun to move, meet with their staff.

The Meeting

Before you arrive for your appointment, decide on the specific points you want to make and what you want the legislator to do. Start the meeting by speaking of some current legislative matter, past successes on your issues, or something the legislator is working on. If you have a connection with the district—i.e., you live there, went to school there, or represent specific groups from there—say so.

Know the facts about your issue when you meet with the legislator and be prepared to answer questions. If you don't know the answers, don't provide incorrect information. State that you will get the information and send it in a follow-up letter. Most legislators are dealing with *many* bills, so don't overload them with books, articles, or studies. Instead, point them to various resources, provide concise fact sheets and summaries, and offer your assistance.

If you're asking a legislator to introduce a bill, be prepared to state specifically what needs to be included. If you have another request—such as how you want a vote cast or what letter needs to be sent and where—be clear and concise, but also flexible. (See page 10 for more on legislative strategy.) If the legislator wants

to discuss the issue at greater length, you can give more background information and other material. Different legislators prefer to be lobbied in different ways.

After the meeting, write a thank you letter to the legislator that restates what the meeting produced, such as: "We are thrilled that you have agreed to sponsor the bill to prohibit trapping."

How to Meet Legislators

The more legislators you know, the more effective you will be as a lobbyist. Several ways to build and improve relationships with legislators follow.

- ❖ Be politically active as an individual (nonprofit organizations can't support a specific candidate, but you can). Volunteer to put campaign signs in your yard, work on a campaign, attend political functions, or buy tickets to political fund-raisers.
- ❖ Let your local shelter be a hook. If you work at an animal shelter, invite legislators to visit and ask them to be part of community activities. Be sure to include legislators' family as well.
- ❖ Give awards. If your organization has any reason to recognize the contributions of an elected official, do it publicly and with as much media attention as possible.
- ❖ Use big names. If you can arrange to bring in a celebrity to help you on an issue, invite your local state legislators to come as well.
- ❖ Go through the backdoor. If you're affiliated with a local business or civic group or fighting a zoning battle, go out of your way to work with an official. When the time is appropriate, use that relationship to cultivate the legislator on animal protection issues.
- ❖ Be direct. Call a legislator and simply say that you would like to meet at a convenient time to discuss areas of mutual interest. Offer to help provide information on animal welfare issues in response to constituent mail. If you're nervous about taking the first step, find other people with similar legislative interests and approach the legislator as a group.
- ❖ Get to know the staff. If a legislator's staff members like you, you're more likely to get to know the legislator directly.



- ❖ Be polite. Thank legislators for their actions. Publicize their good work, and let them know you spread the word. If they voted as you hoped they would on a bill, send a thoughtful, handwritten note.
- ❖ Arrange group meetings. Invite legislators to meet with members of your humane society or animal welfare organization. Ask them to speak to the group on effective lobbying techniques.
- ❖ Solicit an introduction. If you ask around, you will probably find someone who can introduce you to a legislator.

Legislative Strategy

Legislators can be divided into three categories: members who will almost surely be with you, those who will surely be against you, and those in the “undecided” middle. Contact those likely to be with you first to ensure that they know what you’re advocating and why. Don’t assume that they will vote your way. Focus your main lobbying efforts on those in the undecided group, who can be swayed if you provide enough facts and produce enough positive public pressure. Target your opponents only if time allows or if you have some special card to play with them.

Seeking a Sponsor for Your Bill

The legislator who sponsors your bill is often key to its success. A strong, respected sponsor greatly enhances your chances for passing the bill. If you can get the chair of the committee or the leader of the particular chamber to introduce the bill, you have an excellent head start.

When asking a legislator to sponsor a bill, be prepared to answer all questions. Have a draft of the bill language or at least a list of the points you want the bill to include. If the legislator is interested in sponsoring the bill, legislative counsel or the bill drafting office can get the bill into the correct format.

Be prepared to tell the legislator what support you can provide, who else supports the bill, problems that could arise, and your initial analysis of the vote count in the legislature. Never misrepresent yourself or your position. After a legislator has agreed to sponsor your bill, make sure you know what role he or she expects you to play from that point forward.

Timing and Other Strategic Considerations

The sponsor may want you to lobby for cosponsors in addition to building public support for the bill. The legislator may be able to pick up a few cosponsors by

speaking with colleagues but will probably want you to do the legwork needed to get a broad range of supporters.

You should also discuss the timing of events. Which chamber—House or Senate—should begin work on the bill (i.e., which chamber is more likely to pass it)? When should the bill be introduced? When should hearings be held? Is there an upcoming event that ties in with your subject that could help gain media attention? Is there a particularly good time for a vote to occur? (Keep in mind that you may not have the luxury of choosing your timing or following a set strategy.)

Evaluating Legislators

- ❖ Does the legislator have a history of supporting animal welfare issues?
- ❖ Does the legislator have a history of being able to get bills through the legislature—not just introduced?
- ❖ Is the legislator a member of the committee that will most likely be assigned the bill?
- ❖ Is the legislator well-respected by other legislators, or will you automatically lose a significant number of votes because the legislator supports your bill?
- ❖ Are the legislator's constituents likely to support your bill?
- ❖ Is the legislator likely to be reelected?

Other Groups—Proponents and Opponents

If other animal advocates are working on the same issue in the legislature, try to coordinate with them to avoid duplicate efforts. You don't want the opposition to know your plan, but make sure that all groups supporting the bill have at least a vague idea of the strategy. In *some* circumstances, it's a good idea to speak with the bill's likely opponents. Acting early to bring those people in may avert some problems later. This strategy is sometimes good in cases where the opposition is able to swing more of the votes in its favor.



Hearings and Testifying

Hearings are a great opportunity to show committee members that there's a strong factual basis for your position, that you represent a broad-based constituency, and that your bill solves a problem. When influential witnesses present good testimony, you're more likely to receive positive press coverage and motivate public support.

Before the hearing, you should have an idea of the committee "whip count"—who's voting in favor, who's opposing, and who's on the fence. Most committee members should already have the basic facts of the bill, so the *information* presented in testimony oftentimes has less impact on legislators than the *general mood* of the hearings.

While professional testimony is important, many states allow citizens to testify, and such testimony can be very influential. Most states also accept written testimony—be sure to comply with the submission schedule. Legislators will often read the testimony while people are testifying, and sometimes it's used by legislative staff members or the media.

Another good strategy is to work with legislators to prepare questions they can pose to your opponents. In hearings, opponents often make erroneous statements only to have them go unchallenged by the committee members due to a lack of knowledge. If possible, slip notes to legislators pointing out inconsistencies or errors in testimony.

Who Should Testify?

Those who testify on behalf of an organization or government entity are often viewed as experts and are expected to be better-than-average public speakers. Consider the following questions when deciding who should testify.

- ❖ Who is at ease speaking in front of a large group?
- ❖ Are there specific people or groups that antagonize the legislators?
- ❖ Are there individuals who live in the committee members' districts?
- ❖ Which supporters can answer committee questions most effectively, overcome the opposition's arguments, and think on their feet?

Tips on Testifying

- ❖ **Heed the rules.** Listen to any rules that the committee chair gives before the hearing.
- ❖ **Prepare.** Usually there's a time limit for giving testimony. Practice presenting your testimony and jot down the key points that you want to make within the time limit.
- ❖ **Dress appropriately.** Wear what you would normally wear to a religious service or a business meeting. A good impression can only help your message.
- ❖ **Arrive early.** If you don't wish to wait, show up a half-hour early to complete and turn in a sign-up card, which is often required of speakers.
- ❖ **Listen to other testimony.** Don't repeat verbatim what a previous speaker has said, although you can offer support for a previously stated point.
- ❖ **Identify yourself.** Begin by giving your name and, usually, your full address. If you're testifying for a special interest group, give the name of the organization, briefly describe the group's mission, and state how many members it has.
- ❖ **State your position.** Give a clear and concise description of your position on the issue.
- ❖ **Personalize your testimony.** Use your own words rather than formulated testimony to describe how the issue affects you without being melodramatic. Don't read from a script. If previous testimony has raised some questions, address those matters in your testimony.
- ❖ **Focus your message.** Stay on point and don't make broad, sweeping comments.
- ❖ **Request action and thank the committee.** State exactly what you would like the committee or sponsor to do, such as: "Please vote 'yes' on [bill number] and help the pet overpopulation problem." Close your presentation by thanking the committee for taking the time to listen to your viewpoint.
- ❖ **Offer to answer any questions.** Usually it's acceptable for legislators to interrupt presenters to ask questions. If you don't know the answer, say so and, if possible, defer the question to another witness who has the information.



Assessing a Hearing's Success

In some states, committee members vote immediately after public testimony. For those that don't, consider the following questions to assess how a hearing went.

- ❖ Did a large number of your supporters show up for the hearing, or were only opponents present?
- ❖ Did your supporters make rational and lucid points?
- ❖ Did your supporters effectively refute opponents' allegations?

Parts of a Bill

Certain components need to be part of almost every bill (although there are always exceptions to the rule). These include the following:

- ❖ **Definitions.** A bill should include definitions of the terms used within its text, or there may be problems while it's being debated or after it's enacted. For example, "most humane" can mean a variety of things depending on your perspective. The term "animal" almost always must be defined (and most states do already define it). No matter how strong a bill seems to be, if the definitions aren't accurate enough to allow the objective to be reached, it could be a complete waste of time.
- ❖ **Governmental bodies.** The bill will undoubtedly fall within the jurisdiction of a governmental entity—such as the Department of Natural Resources, Health Department, or Department of Agriculture—and might even be broken down among subgroups of that larger body. Be particular about this designation. Is that body the best to handle this situation, or is there a built-in bias on the issue? Could you or should you modify the bill to influence which body will be in charge of it?
- ❖ **Exceptions.** Emergencies—usually involving human health—will almost always need to be included as exceptions to animal welfare legislation. These exceptions can allow bills to pass which would otherwise not get to first base. But it's important to examine the exception clause closely to ensure that it isn't written in such a way as to allow the exception to become the rule.
- ❖ **Cost.** Almost every bill has associated costs, which are often recorded in the "fiscal note." Most states will have their own fiscal analysis of the bill, but sometimes they will ask an agency—which may oppose the bill—to draft

the fiscal note. Opponents to the bill may lean toward a much costlier fiscal note. To prevent this from happening, spell out the cost somewhere—even if it’s a part of the legislative intent. If the costs aren’t spelled out, they can suddenly appear late in the process and quickly kill a bill. If the cost is negligible, say so up front and use the fact as a plus when lobbying.

- ❖ **Regulations.** Many bills leave quite a bit of responsibility for their enforcement to a regulatory body. The bill should be written in such a way as to ensure that the body will do what’s intended. For example, if a bill stipulates that only “humane” trapping methods are to be used in the state, don’t leave it up to the Department of Natural Resources (DNR) to determine what constitutes a “humane” method. In such a case, you’d want to make sure that the definition of “humane trapping” is strong and that the DNR could propose the regulations but that another body—with input from animal welfare advocates—could veto or modify such proposals.
- ❖ **Timing.** It’s important to make sure that the enacting element of a bill doesn’t get lost in the shuffle. Sometimes a bill simply mandates that rules be promulgated but fails to include a deadline of when this must be done. The bill language should include time limits—for example, the language might state that regulations should be promulgated within 90 days of enactment of the bill (with a public comment period) and that the regulations should take effect 30 days later. You never want a bill to become effective “when the regulations are promulgated” without a built-in timetable.
- ❖ **Sunset.** A sunset clause mandates that the enacted law is only in place for a specific length of time. The act then dies or must be reauthorized by the legislature. Such a clause can often be helpful in getting the legislature to “try out” a law, with hope that once the bill is enacted and works effectively, it will be easy to reauthorize. Most sunset dates cover a one-year period, but this can be negotiated. Attaching a sunset clause to a bill you oppose can be effective when you don’t have the votes to kill the bill outright.
- ❖ **Wording.** Every word in a bill has a specific purpose or reason for being there. Closely examine words such as *shall* or *may*—these can radically change the meaning of a bill. If something isn’t included, figure out why and what impact that will have. A law that is silent on an issue can sometimes be very dangerous to animals.



Assessing Your Strengths and Weaknesses

As you get involved in the state lobbying process, assess your own resources and liabilities. Of course, you need to know your issue inside out. But you also need to know about your group of supporters. Will your group members provide the assistance you promise? Can they be counted on to stick together and to organize phone calls or letter-writing campaigns?

Two of the worst things that can happen are to have a legislator go out on a limb for you and then be unable to garner the support you promised or to have other groups you're associated with try to kill the bill. If something like this occurs, the legislator is likely to stay away from your issues altogether, and chances are so will other legislators. Maintaining a good reputation among legislators is key to your success as a lobbyist.

Keep these tips in mind as you get started on state legislation. For more information on how you can be an effective lobbyist, contact The HSUS Government Affairs staff at 202-955-3668 or legislation@hsus.org.



Your State Legislature Fact Sheet

- ❖ Composition of legislature:
 - What percentage of the Upper Chamber (Senate) and Lower Chamber (usually House of Representatives or Assembly) is Republican and what percentage is Democrat?
 - Which party controls each house?
 - Which party controls the governor's office? (Note: Regardless of which party controls the legislature, the governor's party always controls policy setting in state departments like the Department of Agriculture and Department of Natural Resources.)
- ❖ What are the length and dates of the legislative session?
- ❖ How often does the legislature meet?
- ❖ What is the procedure for getting bills introduced?
- ❖ Are there introduction deadlines? Can bills be prefiled prior to the session?
- ❖ How does a bill become law?
- ❖ Which committees usually handle animal protection issues?
- ❖ When do committee members usually vote on a bill (immediately after a hearing, or is there a period of time before the vote)? Is that meeting open to the public? Can absent committee members cast proxy votes?
- ❖ On the floor of the chambers, can absent members cast votes by proxy?
- ❖ Who controls the daily calendar of legislation?
- ❖ Who drafts legislation for the legislators? Who provides them with briefing material—such as research papers? How many staff members can they have?
- ❖ Are there special circumstances in which more than a majority of votes is required to pass a bill?
- ❖ Who establishes the official cost estimates for each bill?
- ❖ Do most legislators reside in the state capitol during the session or do they come and go? Where is the best place to meet with them?



- ❖ Who decides what committee will have jurisdiction over a bill?
- ❖ Are some sessions of the legislature limited in scope to specific issues, i.e., budget?
- ❖ Who are the members of the “leadership”?
- ❖ Which legislators usually introduce good animal welfare bills? Why? Do they usually pass?
- ❖ What’s the track record of animal welfare legislation in this state?
- ❖ How was animal protection legislation passed during the last few years?
- ❖ Are certain parts of the state more receptive to animal welfare issues? Which legislators are from those districts?
- ❖ Is opposition to animal welfare legislation more likely to occur in committee or on the chamber floors?
- ❖ Who sets the agenda for items brought up in each chamber?
- ❖ What information is available on the state legislature’s website? Can you access copies of bills and hearing schedules or sign up to testify, etc.? How timely is the posted information?

Other Helpful Websites

- ❖ FindLaw (www.findlaw.com) provides information on both state and federal legislation, statutes, codes, and regulations.
- ❖ The HSUS website (www.hsus.org/statelegislation) provides information on animal-related bills that are under consideration in each state.

*Promoting
the protection
of all animals*



For more information, contact

**THE HUMANE SOCIETY
OF THE UNITED STATES®**

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