



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

Jeff Grim

### **Sub. H.B. 506**

132nd General Assembly  
(As Passed by the House)

**Reps.** Hill, Thompson, R. Smith, Patterson, Schuring, Seitz, Koehler, Patton, Stein, West, Sweeney, Kick, Ryan, Hoops, Hambley, Rezabek, Rogers

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## **BILL SUMMARY**

### **Dog breeders subject to the law**

- Revises which dogs qualify as breeding dogs by specifying that a breeding dog is a fertile, unspayed female adult dog that is primarily used for producing offspring (rather than an unneutered, unspayed male or female dog that is primarily harbored or housed on property that is the dog's primary residence as in current law).
- Alters the factors for determining whether a dog breeder is subject to the law governing high-volume dog breeders by specifying that an establishment is a high-volume breeder if it keeps six or more breeding dogs and does one of the following:
  - Sells five or more adult dogs or puppies to a dog retailer or pet store;
  - Sells 40 or more puppies in any given calendar year to the public; or
  - Keeps, at any given time in a calendar year, 60 or more puppies that are younger than six months, that are bred on the premises of the establishment, and that have primarily been kept from birth on the premises.

### **Standards of care**

- Requires a high-volume dog breeder, in addition to complying with the existing standards of care adopted under rules, to take specified actions with regard to a dog that is kept, housed, and maintained by the breeder, including:<sup>1</sup>

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<sup>1</sup> Please note: many of the care standards established by the bill are currently addressed in rules.

- Each day providing the dog with food sufficient to maintain normal body condition and weight;
  - Keeping or confining the dog in an enclosure that allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs;
  - If the dog is a puppy that is four months or younger, housing the dog with an adult dog only if the adult dog is the puppy's dam or foster dam; and
  - Providing appropriate medical care by a veterinarian licensed to practice in Ohio, including vaccinations, parasite control, and prompt treatment for any disease, illness, or injury.
- Prohibits a person operating as a high-volume dog breeder from failing to comply with the above care requirements.
  - Generally requires dog retailers and pet stores, prior to purchasing a dog from an in-state or out-of-state high-volume dog breeder, to verify that the breeder is in compliance with Ohio's standards of care.

### **Exemptions from the law**

- Does both of the following regarding exemptions from the law governing high-volume dog breeders:
  - Exempts animal shelters that are operated by a humane society; and
  - Clarifies that a veterinarian is exempt only if the veterinarian is providing clinical care and is not engaged in the practice of dog breeding.

### **Animal rescues for dogs**

- Prohibits an animal rescue for dogs from selling a dog to a dog retailer or pet store to ensure that an animal rescue cannot be considered a high-volume dog breeder.

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## **CONTENT AND OPERATION**

### **Overview**

The law governing high-volume dog breeders prohibits a person from operating as a high-volume dog breeder in Ohio without an annual license issued by the Director of Agriculture. The law also requires a person operating as a high-volume dog breeder to comply with certain standards of care established by the Director in rules. At least once a year, the Director or the Director's authorized representative must inspect a

high-volume dog breeder to ensure compliance with the law and rules adopted under it, including the standards of care. The law also authorizes the Director to take certain enforcement actions against violators, including impoundment of dogs and assessment of civil penalties.<sup>2</sup>

### High-volume dog breeders

The bill alters the factors that determine whether a dog is a breeding dog and whether a dog breeder is a high-volume dog breeder as follows:<sup>3</sup>

Term	Current law	The bill
Breeding dog	An unneutered, unspayed male or female dog that is primarily harbored or housed on property that is the dog's primary residence.	A fertile, unspayed female adult dog that is primarily used for producing offspring.
High-volume dog breeder	An establishment that keeps, houses, and maintains adult breeding dogs that produce at least nine litters of puppies in any given calendar year and, in return for a fee or other consideration, sells 60 or more adult dogs or puppies per calendar year.	<p>An establishment that keeps, houses, and maintains six or more breeding dogs and does at least one of the following:</p> <p>(1) In return for a fee or other consideration, sells five or more adult dogs or puppies to a dog retailer or pet store;</p> <p>(2) In return for a fee or other consideration, sells 40 or more puppies in any given calendar year to the public; or</p> <p>(3) Keeps, houses, and maintains, at any given time in a calendar year, more than 60 puppies that:</p> <p>--Are younger than six months of age;</p>

<sup>2</sup> R.C. Chapter 956.

<sup>3</sup> R.C. 956.01.



Term	Current law	The bill
		--Have been bred on the premises of the establishment; and  --Have been primarily kept, housed, and maintained from birth on the premises of the establishment.

### License application fee

Current law establishes an application fee that a high-volume dog breeder must pay for an annual license to operate. The fee ranges from \$150 to \$750 depending on the number of puppy litters sold by the breeder. The bill does both of the following regarding that fee:

(1) Generally retains the fee schedule, but bases the fee on the number of puppies, rather than litters of puppies annually sold by the breeder; and

(2) Applies the lowest fee, \$150, to a high-volume dog breeder who annually sells between five and 15 puppies. The \$150 fee currently applies to a high-volume dog breeder who annually sells between nine and 15 puppy litters.<sup>4</sup>

### Standards of care

#### Current law

As mentioned above, current law requires the Director to adopt rules governing standards of care for dogs kept, housed, and maintained by a high-volume dog breeder. Those standards of care govern housing, nutrition, exercise, grooming, biosecurity and disease control, waste management, whelping, and any other general standards of care for dogs. In adopting the rules, the Director must consider at least the following factors:

- (1) Best management practices for the care and well-being of dogs;
- (2) Biosecurity;
- (3) The prevention of disease;
- (4) Morbidity and mortality data;

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<sup>4</sup> R.C. 956.07(A).

(5) Generally accepted veterinary medical standards and ethical standards established by the American Veterinary Medical Association; and

(6) Standards established by the U.S. Department of Agriculture under the Federal Animal Welfare Act.<sup>5</sup>

### **The bill**

The bill requires a high-volume dog breeder, in addition to complying with the standards of care established in rules, to comply with specific care standards established by the bill. Many of the care standards established by the bill are currently addressed in rules. The bill's care standards require a breeder to do all of the following with regard to a dog that is kept, housed, and maintained by the breeder:

(1) Each day, provide to the dog food that is all of the following:

--Sufficient to maintain normal body condition and weight;

--Unspoiled and uncontaminated;

--Provided in accordance with a nutritional plan recommended by a veterinarian licensed to practice in Ohio (hereafter veterinarian); and

--Served in receptacles that are clean and sanitary.

A high-volume dog breeder may temporarily withhold food when directed by a veterinarian to do so.

(2) Each day, provide to the dog access to potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian;

(3) Keep or confine the dog in a primary enclosure that complies with all of the following:

--The area of the interior of the enclosure has a minimum floor space in square inches equal to the following: (sum of the length of each dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + six inches)<sup>2</sup>. (Thus, a 30 inch dog would need a cage that is 1,296 sq. in. or 9 sq. ft.);

--The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position;

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<sup>5</sup> R.C. 956.03(A)(6).



--It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs;

--It is not stacked on top of another primary enclosure; and

--It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.

(4) Ensure that the flooring for the dog's primary enclosure complies with all of the following:

--It consists of materials that can be cleaned and sanitized; are safe for the breed, size, and age of the dog; are free from protruding sharp edges; and are designed so that the paw of the dog is unable to extend through or become caught in the flooring;

--If the flooring surface consists of a material that is not solid, it has a solid resting area that can accommodate the full length of the dog while lying down; and

--It does not sag, bend, or bounce.

(5) If the high-volume dog breeder is using an indoor primary enclosure to house the dog, ensure that the enclosure is located in a facility that permits regulation of temperature, ventilation, and lighting, including diurnal lighting. The breeder must ensure that the lighting is sufficient, either through natural or artificial means, to observe the physical condition of the dog and to permit inspection and cleaning of the dog and the primary enclosure.

(6) If the high-volume dog breeder is using an outdoor primary enclosure to house the dog and if climatic or ambient temperatures pose a threat to the health and welfare of the dog, take measures to eliminate the threat. If the breeder has to take such measures, the breeder must consider the dog's age, breed, overall health, and acclimation to the environment. The breeder must not use an outdoor primary enclosure to house the dog if the dog is unable to tolerate the prevalent temperatures within the dog's thermoneutral zone. The thermoneutral zone is the range of ambient temperature in which a dog is able to maintain normal body temperature without a change in metabolic rate.

(7) If the dog is a puppy that is four months or younger, house the dog with an adult dog only if the adult dog is the puppy's dam or foster dam;

(8) If the dog is a female, breed the dog only if the dog has maintained a normal body condition and has been declared healthy by a veterinarian following a physical examination prior to the onset of the next proestrus;



(9) Provide a clean, dry whelping area for each dam and her nursing puppies. The high-volume dog breeder must ensure that the area fully accommodates all puppies, allows the dam to lie fully recumbent and stand, and permits the dam to temporarily move away from her puppies as she chooses. The breeder must ensure that no other animals inhabit the whelping area other than the dam and her puppies.

(10) Provide the dog with an opportunity for daily exercise that allows a dog to extend to full stride, play, and engage in other types of mentally stimulating and social behaviors. However, this requirement does not apply to an expectant female dog, postpartum female dog, or any other dog as recommended by a veterinarian.

(11) Provide the dog an opportunity to safely access the outdoors during daylight hours;

(12) Provide the dog with daily environmental enrichment in the dog's primary enclosure. Enrichment is any modification in the environment of a confined dog that seeks to enhance the dog's physical and psychological well-being by providing stimuli that meets the dog's species-specific needs.

(13) Provide human interaction with the dog other than interaction that occurs during feeding and cleaning time. The interaction, at a minimum, must include verbal and tactile stimulation in a positive and beneficial manner.

(14) Provide the dog appropriate medical care by a veterinarian, including vaccinations, parasite control, and prompt treatment for any disease, illness, or injury.<sup>6</sup>

### **Standards of care prohibition**

The bill prohibits a person operating as a high-volume dog breeder from failing to comply with the above care requirements established by the bill. It retains a prohibition against such a person failing to comply with the care standards adopted by the Director in rules.<sup>7</sup>

### **Verification of compliance**

The bill requires a dog retailer or the owner or operator of a pet store that seeks to purchase a dog from an in-state or out-of-state high-volume dog breeder, prior to completing the transaction, to do all of the following:

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<sup>6</sup> R.C. 956.01 and 956.031.

<sup>7</sup> R.C. 956.08(A).



(1) Verify that the breeder is in compliance with the standards of care established by the Director in rules adopted under current law and with the standards of care established by the bill;

(2) Keep and maintain accurate records documenting the verification; and

(3) Allow the Director to inspect those records during normal business hours. With respect to a pet store, the owner or operator also must comply with the existing requirements governing the sales of dogs by a pet store.

The bill prohibits a dog retailer or owner or operator of a pet store from failing to comply with the above requirements.

Finally, the Director must adopt rules in accordance with the Administrative Procedure Act that establish requirements and procedures governing the administration and enforcement of the provisions governing compliance verification.<sup>8</sup>

Under current law, a dog retailer is a person who buys, sells, or offers to sell dogs at *wholesale* for resale to another or who sells or gives one or more dogs to a pet store annually. A dog retailer does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian.

A pet store is an individual retail store to which both of the following apply: the store sells dogs to the public; and with regard to the sale of a dog from the store, the salesperson, the buyer of a dog, and the dog for sale are physically present during the sales transaction so that the buyer may personally observe the dog and help ensure its health prior to taking custody. A pet store does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, or a research kennel for dogs.<sup>9</sup>

### **Exemptions from the law governing high-volume dog breeders**

The bill modifies the entities that are exempt from the law governing high-volume dog breeders, including provisions of that law that establish licensure requirements for high-volume dog breeders and dog retailers. First, it exempts animal shelters that are operated by a humane society organized under state law. It also clarifies that a veterinarian is exempt only if the veterinarian is providing clinical care

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<sup>8</sup> R.C. 956.041.

<sup>9</sup> R.C. 956.01.





and is not engaged in the practice of dog breeding. Under current law, all veterinarians are exempt from the law.<sup>10</sup>

## **Animal rescues for dogs**

The bill prohibits an animal rescue for dogs from selling a dog to a dog retailer or pet store, thus ensuring that an animal rescue cannot be considered a high-volume dog breeder. Under current law, an animal rescue for dogs is an individual or organization recognized by the Director that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not:

(1) Operate for profit;

(2) Sell dogs for a profit;

(3) Breed dogs; and

(4) Purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under the law governing dogs, a humane society, or another animal rescue for dogs.

An animal rescue for dogs includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including costs related to spaying or neutering dogs.<sup>11</sup>

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	02-13-18
Reported, H. Gov't Accountability & Oversight	03-15-18
Passed House (75-22)	03-21-18

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<sup>10</sup> R.C. 956.02.

<sup>11</sup> R.C. 956.08(C) and 956.01.

