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132nd General Assembly
Regular Session
2017-2018

Sub. H. B. No. 506

A BILL

To amend sections 956.01, 956.07, and 956.08 and to
enact section 956.031 of the Revised Code to
revise the law governing high volume dog
breeders.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 956.01, 956.07, and 956.08 be
amended and section 956.031 of the Revised Code be enacted to
read as follows:

Sec. 956.01. As used in this chapter:

"Accredited veterinarian" means a veterinarian accredited
by the United States department of agriculture.

"Adult dog" means a dog that is twelve months of age or
older.

"Animal rescue for dogs" means an individual or
organization recognized by the director of agriculture that
keeps, houses, and maintains dogs and that is dedicated to the
welfare, health, safety, and protection of dogs, provided that



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the individual or organization does not operate for profit, does 17
not sell dogs for a profit, does not breed dogs, and does not 18
purchase more than nine dogs in any given calendar year unless 19
the dogs are purchased from a dog warden appointed under Chapter 20
955. of the Revised Code, a humane society, or another animal 21
rescue for dogs. "Animal rescue for dogs" includes an individual 22
or organization that offers spayed or neutered dogs for adoption 23
and charges reasonable adoption fees to cover the costs of the 24
individual or organization, including, but not limited to, costs 25
related to spaying or neutering dogs. 26

"Animal shelter for dogs" means a facility that keeps, 27
houses, and maintains dogs such as a dog pound operated by a 28
municipal corporation, or by a county under Chapter 955. of the 29
Revised Code, or that is operated by a humane society, animal 30
welfare society, society for the prevention of cruelty to 31
animals, or other nonprofit organization that is devoted to the 32
welfare, protection, and humane treatment of dogs and other 33
animals. 34

"Boarding kennel" means an establishment operating for 35
profit that keeps, houses, and maintains dogs solely for the 36
purpose of providing shelter, care, and feeding of the dogs in 37
return for a fee or other consideration. 38

"Breeding dog" means an ~~unneutered,~~ unspayed adult dog 39
that is primarily ~~harbored or housed on property that is the~~ 40
~~dog's primary residence used for producing offspring.~~ "Breeding 41
dog" does not include an unspayed adult dog that is used both 42
for producing offspring and for hunting and field trial 43
purposes. 44

"Enrichment" means any modification in the environment of 45
a confined dog that seeks to enhance the dog's physical and 46

psychological well-being by providing stimuli that meets the 47
dog's species-specific needs. 48

"Exercise" means activity that allows a dog to extend to 49
full stride, play, and engage in other types of mentally 50
stimulating and social behaviors. 51

"High volume breeder" means an establishment that keeps, 52
houses, and maintains ~~adult~~ eight or more breeding dogs that 53
collectively produce at least ~~nine~~ five litters of puppies in 54
any given calendar year and, in return for a fee or other 55
consideration, sells ~~sixty~~ thirty or more ~~adult dogs or~~ puppies 56
per calendar year. 57

"Humane society" means an organization that is organized 58
under section 1717.05 of the Revised Code. 59

"Dog retailer" means a person who buys, sells, or offers 60
to sell dogs at wholesale for resale to another or who sells or 61
gives one or more dogs to a pet store annually. "Dog retailer" 62
does not include an animal rescue for dogs, an animal shelter 63
for dogs, a humane society, a medical kennel for dogs, a 64
research kennel for dogs, a pet store, or a veterinarian. 65

"Environmental division of the Franklin county municipal 66
court" means the environmental division of the Franklin county 67
municipal court created in section 1901.011 of the Revised Code. 68

"Medical kennel for dogs" means a facility that is 69
maintained by a veterinarian and operated primarily for the 70
treatment of sick or injured dogs. 71

"Pet store" means an individual retail store to which both 72
of the following apply: the store sells dogs to the public; and 73
with regard to the sale of a dog from the store, the sales 74
person, the buyer of a dog, and the dog for sale are physically 75

present during the sales transaction so that the buyer may 76
personally observe the dog and help ensure its health prior to 77
taking custody. "Pet store" does not include an animal rescue 78
for dogs, an animal shelter for dogs, a humane society, a 79
medical kennel for dogs, or a research kennel for dogs. 80

"Puppy" means a dog that is under twelve months of age. 81

"Research kennel for dogs" means a facility housing dogs 82
that is maintained exclusively for research purposes. 83

"Thermoneutral zone" means the range of ambient 84
temperature in which a dog is able to maintain normal body 85
temperature without a change in metabolic rate. 86

"Veterinarian" means either a veterinarian licensed in 87
this state under Chapter 4741. of the Revised Code or a 88
veterinarian licensed out of this state by an applicable state 89
entity. 90

Sec. 956.031. In addition to complying with rules adopted 91
under section 956.03 of the Revised Code, a high volume breeder 92
shall do all of the following with regard to a dog that is kept, 93
housed, and maintained by the breeder: 94

(A) Each day, provide to the dog both of the following: 95

(1) Food that is all of the following: 96

(a) Sufficient to maintain normal body condition and 97
weight; 98

(b) Unspoiled and uncontaminated; 99

(c) Provided in accordance with a nutritional plan 100
prescribed by a veterinarian; 101

(d) Served in receptacles that are clean and sanitary. 102

A high volume breeder may temporarily withhold food when 103
directed by a veterinarian to do so. 104

(2) Access to potable water in clean and sanitary 105
receptacles that is of sufficient quality and quantity to ensure 106
maintenance of normal body condition and growth unless otherwise 107
directed by a veterinarian. 108

(B) Keep or confine the dog in a primary enclosure that 109
complies with all of the following: 110

(1) It is at least twelve square feet for a dog weighing 111
less than thirty-three pounds; at least eighteen square feet for 112
a dog weighing thirty-three, but not more than sixty-six pounds; 113
or at least twenty square feet for a dog weighing more than 114
sixty-six pounds. 115

(2) It allows the dog to turn in a complete circle, lie 116
down, and fully extend its limbs. 117

(3) It is not stacked on top of another primary enclosure. 118

(4) It is cleaned at least once per day to remove excreta, 119
dirt, grime, and other waste. 120

(C) Ensure that the flooring for the dog's primary 121
enclosure complies with all of the following: 122

(1) It consists of materials that can be cleaned and 123
sanitized; are safe for the breed, size, and age of the dog; are 124
free from protruding sharp edges; and are designed so that the 125
paw of the dog is unable to extend through or become caught in 126
the flooring. 127

(2) If the flooring surface consists of a material that is 128
not solid, it has a solid resting area. 129

- (3) It does not sag, bend, or bounce. 130
- (D) If the high volume 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 high volume breeder shall 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. 131
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- (E) If the high volume 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 high volume breeder has to take such measures, the high volume breeder shall consider the dog's age, breed, overall health, and acclimation to the environment. The high volume breeder shall 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. 139
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- (F) House the dog in a compatible group of dogs, provided that the high volume breeder may house the dog in an incompatible group for reasons of biosecurity, whelping, breeding, and behavioral issues; 149
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- (G) 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; 153
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- (H) 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 156
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to the onset of the next proestrus; 159

(I) Provide a clean, dry whelping area for each dam and 160
her nursing puppies. The high volume breeder shall ensure that 161
the area fully accommodates all puppies, allows the dam to lie 162
fully recumbent and stand, and permits the dam to temporarily 163
move away from her puppies as she chooses. The high volume 164
breeder shall ensure that no other animals inhabit the whelping 165
area other than the dam and her puppies. 166

(J) Provide an opportunity for daily exercise. However, 167
this requirement does not apply to an expectant female dog, 168
postpartum female dog, or any other dog as recommended by a 169
veterinarian. 170

(K) Allow the dog an opportunity to safely access the 171
outdoors during daylight hours; 172

(L) Provide the dog with daily environmental enrichment in 173
the dog's primary enclosure; 174

(M) Provide human interaction with the dog other than 175
interaction that occurs during feeding and cleaning time. The 176
interaction, at a minimum, shall include talking to, petting, or 177
touching the dog in a positive and beneficial manner. 178

(N) Provide appropriate veterinary care, including 179
vaccinations, parasite control, and prompt treatment for any 180
disease, illness, or injury. 181

Sec. 956.07. (A) A person who is applying for a license to 182
operate a high volume breeder or to act as or perform the 183
functions of a dog retailer under section 956.04 or 956.05 of 184
the Revised Code, as applicable, shall include with the 185
application for a license a nonrefundable license application 186
fee. For the purpose of calculating the application fee for a 187

high volume breeder, the sale of one dog from a litter 188
constitutes the sale of a litter. The application fees are as 189
follows: 190

(1) For a high volume breeder: 191

(a) One hundred fifty dollars if the high volume breeder 192
annually sells at least ~~nine~~five, but not more than fifteen 193
litters; 194

(b) Two hundred fifty dollars if the high volume breeder 195
annually sells at least sixteen, but not more than twenty-five 196
litters; 197

(c) Three hundred fifty dollars if the high volume breeder 198
annually sells at least twenty-six, but not more than thirty- 199
five litters; 200

(d) Five hundred dollars if the high volume breeder 201
annually sells at least thirty-six, but not more than forty-five 202
litters; 203

(e) Seven hundred fifty dollars if the high volume breeder 204
annually sells forty-six or more litters. 205

(2) For a dog retailer, five hundred dollars. 206

(B) Money collected by the director of agriculture from 207
each application fee submitted under this section shall be 208
deposited in the state treasury to the credit of the high volume 209
breeder kennel control license fund created in section 956.18 of 210
the Revised Code. The director shall use fifty dollars of the 211
application fee submitted by a high volume breeder under this 212
section or an amount equal to the fee charged for the 213
registration of a kennel under section 955.14 of the Revised 214
Code in the county in which the high volume breeder is located 215

or will be located, whichever is greater, to reimburse that 216
county. The county auditor shall deposit the transferred money 217
into that county's dog and kennel fund created under section 218
955.20 of the Revised Code. 219

Sec. 956.08. No person operating a high volume breeder or 220
acting as or performing the functions of a dog retailer shall 221
fail to comply with applicable standards established by the 222
director of agriculture in rules adopted under section 956.03 of 223
the Revised Code or with section 956.031 of the Revised Code. 224

Section 2. That existing sections 956.01, 956.07, and 225
956.08 of the Revised Code are hereby repealed. 226