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132nd General Assembly  
Regular Session  
2017-2018

Sub. H. B. No. 506

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**A BILL**

To amend sections 956.01, 956.02, 956.07, 956.08, 1  
956.13, 956.18, 956.181, and 956.21 and to enact 2  
sections 956.031 and 956.041 of the Revised Code 3  
to revise the law governing high volume dog 4  
breeders. 5

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

**Section 1.** That sections 956.01, 956.02, 956.07, 956.08, 6  
956.13, 956.18, 956.181, and 956.21 be amended and sections 7  
956.031 and 956.041 of the Revised Code be enacted to read as 8  
follows: 9

**Sec. 956.01.** As used in this chapter: 10

"Accredited veterinarian" means a veterinarian accredited 11  
by the United States department of agriculture. 12

"Adult dog" means a dog that is twelve months of age or 13  
older. 14

"Animal rescue for dogs" means an individual or 15  
organization recognized by the director of agriculture that 16



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keeps, houses, and maintains dogs and that is dedicated to the 17  
welfare, health, safety, and protection of dogs, provided that 18  
the individual or organization does not operate for profit, does 19  
not sell dogs for a profit, does not breed dogs, does not sell 20  
dogs to a dog retailer or pet store, and does not purchase more 21  
than nine dogs in any given calendar year unless the dogs are 22  
purchased from a dog warden appointed under Chapter 955. of the 23  
Revised Code, a humane society, or another animal rescue for 24  
dogs. "Animal rescue for dogs" includes an individual or 25  
organization that offers spayed or neutered dogs for adoption 26  
and charges reasonable adoption fees to cover the costs of the 27  
individual or organization, including, but not limited to, costs 28  
related to spaying or neutering dogs. 29

"Animal shelter for dogs" means a facility that keeps, 30  
houses, and maintains dogs such as a dog pound operated by a 31  
municipal corporation, or by a county under Chapter 955. of the 32  
Revised Code, or that is operated by a humane society, animal 33  
welfare society, society for the prevention of cruelty to 34  
animals, or other nonprofit organization that is devoted to the 35  
welfare, protection, and humane treatment of dogs and other 36  
animals. 37

"Boarding kennel" means an establishment operating for 38  
profit that keeps, houses, and maintains dogs solely for the 39  
purpose of providing shelter, care, and feeding of the dogs in 40  
return for a fee or other consideration. 41

"Breeding dog" means ~~an unneutered, a fertile, unspayed~~ 42  
~~adult dog that is primarily harbored or housed on property that~~ 43  
~~is the dog's primary residence used for producing offspring.~~ 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 six or more breeding dogs that~~ 53  
~~produce at least nine litters of puppies in any given calendar~~ 54  
~~year and, in return for a fee or other consideration, sells~~ 55  
~~sixty or more adult dogs or puppies per calendar year~~ and does 56  
at least one of the following: 57

(1) In return for a fee or other consideration, sells five 58  
or more adult dogs or puppies to a dog retailer or pet store; 59

(2) In return for a fee or other consideration, sells 60  
forty or more puppies in any given calendar year to the public; 61  
or 62

(3) Keeps, houses, and maintains, at any given time in a 63  
calendar year, more than sixty puppies that are under six months 64  
of age, that have been bred on the premises of the 65  
establishment, and that have been primarily kept, housed, and 66  
maintained from birth on the premises of the establishment. 67

"Humane society" means an organization that is organized 68  
under section 1717.05 of the Revised Code. 69

"Dog retailer" means a person who buys, sells, or offers 70  
to sell dogs at wholesale for resale to another or who sells or 71  
gives one or more dogs to a pet store annually. "Dog retailer" 72  
does not include an animal rescue for dogs, an animal shelter 73  
for dogs, a humane society, a medical kennel for dogs, a 74  
research kennel for dogs, a pet store, or a veterinarian. 75

"Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created in section 1901.011 of the Revised Code. 76  
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"Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs. 79  
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"Pet store" means 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 sales person, 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. "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. 82  
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"Puppy" means a dog that is under twelve months of age. 91

"Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 92  
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"Thermoneutral zone" means the range of ambient temperature in which a dog is able to maintain normal body temperature without a change in metabolic rate. 94  
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"Veterinarian" means either a veterinarian licensed in this state under Chapter 4741. of the Revised Code or a veterinarian licensed out of this state by an applicable state entity. 97  
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Sec. 956.02. All of the following are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it: 101  
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<u>(A) Medical kennels for dogs, <del>research</del>;</u>	104
<u>(B) Research kennels for dogs, <del>animal</del>;</u>	105
<u>(C) Animal shelters for dogs that are operated by a</u>	106
<u>municipal corporation, <del>or by a county under Chapter 955. of the</del></u>	107
<u>Revised Code, <del>and veterinarians are not required to obtain a</del></u>	108
<u>license under this chapter or comply with any other requirements</u>	109
<u>of this chapter and rules adopted under it;</u>	110
<u>(D) Animal shelters for dogs that are operated by a humane</u>	111
<u>society;</u>	112
<u>(E) Veterinarians that provide clinical care and are not</u>	113
<u>engaged in the practice of dog breeding.</u>	114
<u>Sec. 956.031. In addition to complying with rules adopted</u>	115
<u>under section 956.03 of the Revised Code, a high volume breeder</u>	116
<u>shall do all of the following with regard to a dog that is kept,</u>	117
<u>housed, and maintained by the breeder:</u>	118
<u>(A) Each day, provide to the dog both of the following:</u>	119
<u>(1) Food that is all of the following:</u>	120
<u>(a) Sufficient to maintain normal body condition and</u>	121
<u>weight;</u>	122
<u>(b) Unspoiled and uncontaminated;</u>	123
<u>(c) Provided in accordance with a nutritional plan</u>	124
<u>recommended by a veterinarian;</u>	125
<u>(d) Served in receptacles that are clean and sanitary.</u>	126
<u>A high volume breeder may temporarily withhold food when</u>	127
<u>directed by a veterinarian to do so.</u>	128
<u>(2) Access to potable water in clean and sanitary</u>	129

receptacles that is of sufficient quality and quantity to ensure 130  
maintenance of normal body condition and growth unless otherwise 131  
directed by a veterinarian. 132

(B) Keep or confine the dog in a primary enclosure that 133  
complies with all of the following: 134

(1) The area of the interior of the enclosure has a 135  
minimum floor space in square inches equal to the following: 136  
(sum of the length of each dog housed in the enclosure in 137  
inches, as measured from the tip of the nose to the base of the 138  
tail, + six inches)^2. 139

(2) The interior of the enclosure is at least six inches 140  
higher than the head of the tallest dog housed in the enclosure 141  
when the dog is in a normal standing position. 142

(3) It allows each dog housed in the enclosure to turn in 143  
a complete circle, lie down, and fully extend its limbs. 144

(4) It is not stacked on top of another primary enclosure. 145

(5) It is cleaned at least once per day to remove excreta, 146  
dirt, grime, and other waste. 147

(C) Ensure that the flooring for the dog's primary 148  
enclosure complies with all of the following: 149

(1) It consists of materials that can be cleaned and 150  
sanitized; are safe for the breed, size, and age of the dog; are 151  
free from protruding sharp edges; and are designed so that the 152  
paw of the dog is unable to extend through or become caught in 153  
the flooring. 154

(2) If the flooring surface consists of a material that is 155  
not solid, it has a solid resting area that can accommodate the 156  
full length of the dog while lying down. 157

- (3) It does not sag, bend, or bounce. 158
- (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. 159  
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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. 167  
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- (F) 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; 177  
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- (G) 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; 180  
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- (H) Provide a clean, dry whelping area for each dam and her nursing puppies. The high volume breeder shall ensure that the area fully accommodates all puppies, allows the dam to lie 184  
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fully recumbent and stand, and permits the dam to temporarily 187  
move away from her puppies as she chooses. The high volume 188  
breeder shall ensure that no other animals inhabit the whelping 189  
area other than the dam and her puppies. 190

(I) Provide the dog with an opportunity for daily 191  
exercise. However, this requirement does not apply to an 192  
expectant female dog, postpartum female dog, or any other dog as 193  
recommended by a veterinarian. 194

(J) Provide the dog an opportunity to safely access the 195  
outdoors during daylight hours; 196

(K) Provide the dog with daily environmental enrichment in 197  
the dog's primary enclosure; 198

(L) Provide human interaction with the dog other than 199  
interaction that occurs during feeding and cleaning time. The 200  
interaction, at a minimum, shall include verbal and tactile 201  
stimulation in a positive and beneficial manner. 202

(M) Provide the dog appropriate medical care by a 203  
veterinarian, including vaccinations, parasite control, and 204  
prompt treatment for any disease, illness, or injury. 205

**Sec. 956.041.** (A) As used in this section, "out-of-state 206  
dog breeder" means a dog breeder located outside of this state 207  
that, if located in this state, would be a high volume breeder. 208

(B) A dog retailer or the owner or operator of a pet store 209  
that seeks to purchase a dog from an in-state high volume dog 210  
breeder or out-of-state dog breeder, prior to completing the 211  
transaction, shall verify that the in-state high volume dog 212  
breeder or out-of-state dog breeder is in compliance with the 213  
standards of care established in rules adopted under section 214  
956.03 and in section 956.031 of the Revised Code. The retailer 215



or owner or operator shall keep and maintain accurate records 216  
documenting the verification. The retailer or owner or operator 217  
shall allow the director of agriculture to inspect those records 218  
during normal business hours. With respect to a pet store, the 219  
requirements established under this section are in addition to 220  
the requirements established under section 956.20 of the Revised 221  
Code. 222

(C) No dog retailer or owner or operator of a pet store 223  
shall fail to comply with division (B) of this section. 224

(D) The director shall adopt rules in accordance with 225  
Chapter 119. of the Revised Code that establish requirements and 226  
procedures governing the administration and enforcement of this 227  
section. 228

**Sec. 956.07.** (A) A person who is applying for ~~a~~an annual 229  
license to operate a high volume breeder or to act as or perform 230  
the functions of a dog retailer under section 956.04 or 956.05 231  
of the Revised Code, as applicable, shall include with the 232  
application for a license a nonrefundable license application 233  
fee. ~~For the purpose of calculating the application fee for a~~ 234  
~~high volume breeder, the sale of one dog from a litter~~ 235  
~~constitutes the sale of a litter.~~ The application fees are as 236  
follows: 237

(1) For a high volume breeder: 238

(a) One hundred fifty dollars if the high volume breeder 239  
annually sells at least ~~nine~~ five, but not more than fifteen 240  
litters puppies; 241

(b) Two hundred fifty dollars if the high volume breeder 242  
annually sells at least sixteen, but not more than twenty-five 243  
litters puppies; 244

(c) Three hundred fifty dollars if the high volume breeder 245  
annually sells at least twenty-six, but not more than thirty- 246  
five ~~litters~~ puppies; 247

(d) Five hundred dollars if the high volume breeder 248  
annually sells at least thirty-six, but not more than forty-five 249  
~~litters~~ puppies; 250

(e) Seven hundred fifty dollars if the high volume breeder 251  
annually sells forty-six or more ~~litters~~ puppies. 252

(2) For a dog retailer, five hundred dollars. 253

(B) Money collected by the director of agriculture from 254  
each application fee submitted under this section shall be 255  
deposited in the state treasury to the credit of the high volume 256  
breeder kennel control license fund created in section 956.18 of 257  
the Revised Code. The director shall use fifty dollars of the 258  
application fee submitted by a high volume breeder under this 259  
section or an amount equal to the fee charged for the 260  
registration of a kennel under section 955.14 of the Revised 261  
Code in the county in which the high volume breeder is located 262  
or will be located, whichever is greater, to reimburse that 263  
county. The county auditor shall deposit the transferred money 264  
into that county's dog and kennel fund created under section 265  
955.20 of the Revised Code. 266

**Sec. 956.08.** (A) No person operating as a high volume 267  
breeder ~~or acting as or performing the functions of a dog-~~ 268  
~~retailer~~ shall fail to comply with applicable standards 269  
established by the director of agriculture in rules adopted 270  
under section 956.03 of the Revised Code or with section 956.031 271  
of the Revised Code. 272

(B) No person acting as or performing the functions of a 273

dog retailer shall fail to comply with applicable requirements 274  
established by the director in rules adopted under section 275  
956.03 of the Revised Code. 276

(C) No animal rescue for dogs shall sell a dog to a dog 277  
retailer or pet store. 278

**Sec. 956.13.** (A) The director of agriculture may assess a 279  
civil penalty against a person violating sections 956.01 to 280  
956.18 of the Revised Code or rules adopted under ~~it~~ section 281  
956.03 of the Revised Code if all of the following occur: 282

(1) The person has received a notice and been notified of 283  
the violation by certified mail or personal service as required 284  
in section 956.12 of the Revised Code. 285

(2) After the time period for correcting the violation 286  
specified in the notice has elapsed, the director or the 287  
director's authorized representative has determined that the 288  
violation has not been corrected, and the director has issued a 289  
notice of an adjudication hearing pursuant to division (A) (3) of 290  
this section. 291

(3) The director affords the person an opportunity for an 292  
adjudication hearing under Chapter 119. of the Revised Code to 293  
challenge the director's determination that the person is not in 294  
compliance with this chapter or rules adopted under it, the 295  
imposition of the civil penalty, or both. A person may waive the 296  
opportunity for an adjudication hearing. 297

(B) If the opportunity for an adjudication hearing is 298  
waived or if, after an adjudication hearing, the director 299  
determines that a violation of this chapter or a rule adopted 300  
under it has occurred or is occurring, the director may assess a 301  
civil penalty. The civil penalty may be appealed in accordance 302

with section 119.12 of the Revised Code, except that the civil 303  
penalty may be appealed only to the environmental division of 304  
the Franklin county municipal court. 305

(C) A person who is assessed a civil penalty under this 306  
section is liable for a civil penalty of not more than five 307  
hundred dollars for a first violation, not more than two 308  
thousand five hundred dollars for a second violation, and not 309  
more than ten thousand dollars for a third or subsequent 310  
violation. 311

Each day that a violation continues constitutes a separate 312  
violation. 313

(D) Any person assessed a civil penalty under this section 314  
shall pay the amount prescribed to the department of 315  
agriculture. The department shall remit all money collected 316  
under this section to the treasurer of state for deposit in the 317  
high volume breeder kennel control license fund created under 318  
section 956.18 of the Revised Code. 319

**Sec. 956.18.** (A) All money collected by the director of 320  
agriculture from license fees under section 956.07 and civil 321  
penalties assessed under section 956.13 of the Revised Code 322  
shall be deposited in the state treasury to the credit of the 323  
high volume breeder kennel control license fund, which is hereby 324  
created. The fund shall also consist of money appropriated to 325  
it. 326

(B) The director shall use the money in the fund for the 327  
purpose of administering sections 956.01 to 956.18 of the 328  
Revised Code and rules adopted under it section 956.03 of the 329  
Revised Code that apply to those sections. 330

**Sec. 956.181.** (A) All money collected by the director of 331

agriculture from license fees under section 956.21 and civil 332  
penalties assessed under section 956.22 of the Revised Code 333  
shall be deposited in the state treasury to the credit of the 334  
pet store license fund, which is hereby created. The fund shall 335  
also consist of money appropriated to it. 336

(B) The director shall use the money in the fund for the 337  
purpose of administering sections 956.19 to 956.23 of the 338  
Revised Code and rules adopted under ~~it~~ section 956.03 of the 339  
Revised Code as those rules apply to those sections. 340

**Sec. 956.21.** (A) The director of agriculture may issue a 341  
pet store license to an owner or operator of a pet store when 342  
the owner or operator does all of the following: 343

(1) Applies for a license in accordance with this section 344  
and rules adopted under ~~it~~ section 956.03 of the Revised Code; 345

(2) Affirms in writing that the owner or operator will 346  
maintain compliance with the applicable requirements established 347  
under section 959.20 of the Revised Code; 348

(3) Submits with the application for a pet store license a 349  
fee of five hundred dollars. 350

(B) The director of agriculture may deny, suspend, or 351  
revoke a license issued under this section for a violation of 352  
division (A), (B), or (C) of section 956.20 of the Revised Code 353  
or rules adopted under ~~that~~ section 956.03 of the Revised Code. 354  
The denial, suspension, or revocation of a license is not 355  
effective until the licensee is given written notice of the 356  
violation, a reasonable amount of time to correct the violation, 357  
if possible, and an opportunity for a hearing. 358

The director also may refuse to issue a license under 359  
division (B) of this section if the applicant has violated 360

division (A), (B), or (C) of section 956.20 of the Revised Code 361  
or the rules adopted under ~~this~~ section 956.03 of the Revised 362  
Code during the thirty-six-month period prior to submitting an 363  
application for the license. 364

(C) Any license issued under this section is valid for a 365  
period of one year from the date of issuance. A pet store 366  
license must be renewed annually in the manner provided in rules 367  
adopted under ~~this~~ section 956.03 of the Revised Code. 368

(D) Money collected by the director of agriculture from 369  
each application fee submitted under this section shall be 370  
deposited in the state treasury to the credit of the pet store 371  
license fund created in section 956.181 of the Revised Code. 372

(E) No owner, operator, or manager of a pet store shall 373  
negligently display, offer for sale, deliver, barter, auction, 374  
broker, give away, transfer, or sell any live dog from a pet 375  
store in this state unless a license has been issued for the pet 376  
store by the director of agriculture in accordance with this 377  
section and rules adopted under ~~it~~ section 956.03 of the Revised 378  
Code. 379

**Section 2.** That existing sections 956.01, 956.02, 956.07, 380  
956.08, 956.13, 956.18, 956.181, and 956.21 of the Revised Code 381  
are hereby repealed. 382