



# OHIO LEGISLATIVE SERVICE COMMISSION

## Bill Analysis

Jeff Grim

### H.B. 506

132nd General Assembly  
(As Introduced)

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

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## BILL SUMMARY

### Dog breeders subject to the law

- Alters the following factors for determining whether a dog breeder is subject to the law governing high-volume dog breeders:
  - The minimum number of female breeding dogs kept;
  - The minimum number of puppy litters annually produced; and
  - The minimum number and age of dogs annually sold.
- Revises which dogs qualify as breeding dogs by specifying that a breeding dog is an 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).

### Standards of care

- Requires a high-volume 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>
  - 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 it to turn in a complete circle, lie down, and fully extend its limbs;

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

--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 veterinary care, including vaccinations, parasite control, and prompt treatment for any disease, illness, or injury.

- Prohibits a person operating as a high-volume breeder from failing to comply with the above care requirements.

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## CONTENT AND OPERATION

### Overview

The law governing high-volume dog breeders prohibits a person from operating as a high-volume 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 breeder is a high-volume dog breeder as follows (see **COMMENT 1**):<sup>3</sup>

Factors	Current law	The bill
Minimum number of breeding dogs kept, housed, and maintained	No number specified (Under current law, a breeding dog is an unneutered, unspayed male or female dog that is primarily harbored or housed on property that is the dog's primary residence.)	8 or more (Under the bill, a breeding dog is an unspayed female adult dog that is primarily used for producing offspring.)

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

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



<b>Factors</b>	<b>Current law</b>	<b>The bill</b>
Minimum number of litters annually produced by breeding dogs	9	5
Minimum number of adult dogs and puppies annually sold	60 (includes adult dogs and puppies)	30 puppies only

Thus, a dog breeder not currently regulated as a high-volume dog breeder may be regulated as one under the bill. Conversely, under other circumstances, a dog breeder currently regulated as a high-volume dog breeder may not be regulated as one under the bill. For example, a breeder who keeps eight breeding dogs that annually produce eight litters of puppies and annually sells 50 puppies is not currently regulated as a high-volume dog breeder. But, under the bill, the breeder would be regulated as a high-volume dog breeder. However, a breeder who keeps seven breeding dogs that annually produce nine litters of puppies and annually sells 60 puppies is currently regulated as a high-volume dog breeder. Under the bill, that breeder would not be regulated as a high-volume dog breeder.

## **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 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;
- (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>4</sup>

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<sup>4</sup> R.C. 956.03(A)(6).

## 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 prescribed by a veterinarian;  
and

--Served in receptacles that are clean and sanitary.

A high-volume 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:

--It is at least 12 square feet for a dog weighing less than 33 pounds; at least 18 square feet for a dog weighing between 33 and 66 pounds; or at least 20 square feet for a dog weighing more than 66 pounds;

--It allows the dog 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; and

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

(5) 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 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 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) 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;

(8) 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;

(9) 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;

(10) Provide a clean, dry whelping area for each dam and her nursing puppies. The high-volume 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.

(11) Provide 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.

(12) Allow the dog an opportunity to safely access the outdoors during daylight hours;

(13) 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.

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

(15) Provide appropriate veterinary care, including vaccinations, parasite control, and prompt treatment for any disease, illness, or injury.<sup>5</sup>

### **Standards of care prohibition**

The bill prohibits a person operating as a high-volume breeder from failing to comply with the above care requirements established by the bill (see **COMMENT 2**). It retains a prohibition against such a person failing to comply with the care standards adopted by the Director in rules. Neither current law nor the bill establishes civil or criminal penalties for violating the prohibitions.<sup>6</sup>

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## **COMMENT**

1. Current law establishes an application fee that a high-volume 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 \$150 fee currently applies to a high-volume breeder who annually sells between nine and 15 litters. With regard to the \$150 fee, the bill does not account for the reduction (from nine to five) in minimum number of puppy litters that a breeder must produce in order to be classified as a high-volume

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<sup>5</sup> R.C. 956.01 and 956.031.

<sup>6</sup> R.C. 956.08.



breeder (see table, above). Applying the \$150 fee to high-volume breeders who annually sell between five and 15 puppy litters would correct this inconsistency.<sup>7</sup>

2. In addition to prohibiting a person operating as a high-volume breeder from failing to comply with the bill's care requirements, the bill also prohibits a person acting as or performing the functions of a dog retailer from failing to comply with those standards of care. However, the bill does not include a requirement that a dog retailer comply with those standards.

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## HISTORY

ACTION	DATE
Introduced	02-13-18

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<sup>7</sup> R.C. 956.07(A)(1)(a).

