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**TESTIMONY ON S.B. 151
Presented by Vicki Deisner, Midwest Legislative Director
Before the Ohio Senate Agriculture Committee
Tuesday, April 26, 2016**

Chairman Hite, Vice-Chairman Hackett, Ranking Minority Member Gentile and distinguished members of the Senate Agriculture Committee, I am Vicki Deisner, the Midwest Legislative Director for the American Society for the Prevention of Cruelty to Animals (ASPCA). The ASPCA, founded in 1866, is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. The ASPCA's mission is to provide effective means for the prevention of cruelty to animals throughout the United States. As part of our national effort to assist local anti-cruelty efforts on the ground, the ASPCA provides grants to local communities. In fact, over the last several years we have awarded over \$1,003,000 to communities throughout Ohio. On behalf of our approximately 2.5 million members and supporters, including over 100,000 Ohioans, the ASPCA testifies on S.B. 151 as an interested party.

Recognizing that the problem of dangerous dogs requires serious attention, the ASPCA seeks effective enforcement of breed-neutral laws that hold dog owners accountable for their animal's actions. The ASPCA believes that this is the most reliable way to control aggressive dogs and reckless owners. Ideally, this breed-neutral scheme should include the following:

- Enhanced enforcement of dog license laws, with adequate fees to augment animal control budgets and surcharges on ownership of unaltered dogs to help fund low-cost pet sterilization programs in the communities in which the fees are collected. To ensure a high licensing rate, Calgary, Canada – its animal control program funded entirely by license fees and fines – imposes a \$250 penalty for failure to license a dog over three months old.
- Enhanced enforcement of leash/dog-at-large laws, with adequate penalties to ensure that the laws are taken seriously and to augment animal control funding.



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- Dangerous dog laws that are breed-neutral and focus on the behavior of the individual dog, with mandated sterilization and microchipping (or another permanent identification) of dogs deemed dangerous, and options for mandating muzzling, confinement, adult supervision, training, owner education and, in aggravating circumstances - such as when the owners cannot adequately control the dog or where the dog causes unjustified injury – euthanasia. In Multnomah County, Oregon, a breed-neutral ordinance imposing graduated penalties on dogs and owners according to the seriousness of the dogs behavior had reduced repeat injurious bites from 25 percent to 7 percent.
- Laws that hold dog owners financially accountable for a failure to adhere to animal control laws, as well as civilly and criminally liable for unjustified injuries or damage caused by their dogs. Calgary, Canada has reduced reported incidents of aggression by 56 percent and its bite incidents by 21 percent by requiring owners of dogs that have displayed dog aggression or human aggression to pay fines ranging from \$250 to \$1500.
- Laws that prohibit chaining or tethering, coupled with enhanced enforcement of animal cruelty and animal fighting laws. Lawrence, Kansas has significantly reduced dog fighting and cruelty complaints by enacting an ordinance prohibiting tethering a dog for more than one hour.
- Laws that mandate the sterilization of shelter animals and make low-cost sterilization services widely available.

While S.B. 151 is a breed-neutral dangerous dog law, it falls short of being a truly comprehensive dangerous dog law as outlined in the criteria above, including addressing the need for a statewide anti-tethering law. Tethered dogs lack socialization which causes many dogs who would not otherwise be a threat to become aggressive. Laws that prohibit tethering reduce dog attacks and dog bites. Tethering tends to increase dogs' territoriality and the likelihood of delivering a reactive bite, since a tied dog cannot run from a perceived bite.



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S.B. 151 has other troubling aspects. The bill is too broad in not limiting the definition of injury to bites. As the bill is drafted, injury could include a person falling from a dog innocently jumping on them or scaring them. Under current law, if animal control does not find evidence of a bite they would still have to notify the dog owner that a complaint was made against them. If the owner does not respond within 7 days, an arrest warrant can be issued for that person even though their dog did not bite someone. Under current law, if there is a dog bite injury animal control can decide to issue a citation if they think a bite occurred and the bite was unprovoked. But if S.B. 151 passes, animal control would have to issue a citation for any dog bite regardless of evidence of provocation, and the dog owner would have to go to court to defend their dog. These are impossible situations for animal control.

The bill also mandates the euthanasia of a dog for the death of a companion animal. If the dog runs out of the yard to chase a cat, bites the cat, and the cat dies of infection, the dog would be deemed vicious and euthanized. And there is no option in the bill for remediation such as training or muzzling.

The ASPCA stands ready to offer its legal, legislative and enforcement expertise to assist Ohio in its effort to address dog control and other animal-related issues, and discuss strategies for increasing the funding of local animal control programs. When animal control resources are limited, thus impacting the effective enforcement of key safety laws such as dog license laws, leash laws, animal fighting laws, anti-tethering laws, laws facilitating animal sterilization and laws that require all dog owners to control their dogs, regardless of breed, or those laws do not exist – the safety of communities are compromised. The ASPCA understands the need for a comprehensive dangerous dog law, but believes S.B. 151 must be revised to address the criteria outlined in this testimony, including anti-tethering, as well as addressing the problematic aspects as listed above.

Thank you for the opportunity to testify before you today, and for your consideration of this matter.



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