



**Before the House Agriculture Committee**  
**House Bill 539 – Revise the Law Governing High Volume Dog Breeders**  
**Sponsor Testimony by Representative Richard D. Brown**  
**June 11, 2024**

Chair Jones, Vice Chair Klopfenstein, Ranking Member Brent, and members of the Agriculture Committee, thank you for allowing me the opportunity to testify in support of HB 539.

HB 539 will make three changes to existing law regarding high volume dog breeders. First, R.C. 956.10(A) currently provides that the Director of Agriculture or the Director's authorized representative *shall* make at least one annual inspection of all high volume dog breeders licensed in Ohio. R.C. 956.10(B) further provides that, upon receiving a complaint, the Director or the Director's authorized representative *may* inspect a high volume dog breeder to ensure compliance with the rules adopted under the Revised Code; upon receiving a complaint or request from a member of the public, a public official, or an animal shelter for dogs, *may* inspect any facility at which a person is acting as or performing the functions of a dog broker; and, upon receiving a complaint, *may* inspect an animal shelter for dogs to ensure compliance with the law. Current law provides, at R.C. 956.10(B) (4), that these inspections *may* be conducted without providing notice in advance.

Because of the discretionary nature of the current law, these inspections are usually conducted after the Director or an authorized representative of the Director has given advance notice of the inspection to the high volume dog breeder, dog broker, or animal shelter which is the subject of the complaint. HB 539 will require these inspections to occur during regular business hours *without* providing advance notice to the subject of the inspection. This is a common sense change that will hold puppy mills accountable and prevent bad actors from euthanizing puppies or adult dogs prior to an inspection or taking steps to make quick fixes or hide any violations from an inspector. By removing advance notice and requiring inspections without notice, high volume dog breeders, dog brokers, and animal shelters will be encouraged to follow the rules and regulations to avoid sanctions and penalties.

Second, HB 539 will change the definition of "high volume dog breeder" now existing in R.C. 956.01. Currently, a "high volume dog breeder" means an establishment that that keeps, houses, and maintains six or more breeding dogs, and: 1) for a fee or other consideration sells five or more adult dogs or puppies in any year to dog brokers or pet stores; 2) for a fee or other consideration sells forty or more puppies in any year to the public; or, 3) keeps, houses, and maintains forty or more puppies under four months of age that have been bred on the premises and have been primarily kept, housed, and maintained from birth on the premises. HB 539 simplifies this definition to define a "high volume dog breeder" to mean an establishment that keeps, houses, and maintains six or more breeding dogs and, in return for a fee or other consideration, sells adult dogs or puppies to dog brokers, pet stores, or the public. The current

definition limiting “high volume dog breeders” only to those who sell forty or more puppies to the public or keeps, houses, and maintains forty or more puppies on premises, creates a loophole in the law which has been exploited by certain dog breeders to escape getting licensed and being subject to the rules and regulations governing high volume dog breeders. These bad actors avoid licensure and skirt the law by staying just under the forty puppy requirement of the current law. The hope is that this change will result in more establishments being classified as “high volume dog breeders,” requiring licensure so that they are subject to the rules and regulations which afford protection to these puppies, who are, unfortunately, often treated inhumanely by some unscrupulous dog breeders.

Third, HB 539 will change the law regarding when a high volume dog breeder must use a veterinarian for surgical procedures on dogs or puppies. Currently, R.C. 956.031(V) provides that if a surgical or euthanasia procedure is *required*, a high volume dog breeder must use a veterinarian to perform the procedure. However, many high volume dog breeders have avoided the application of this provision by arguing that because the statute refers only to surgical or euthanasia procedures which are *required*, this means only “medically necessary” surgical and euthanasia procedures and does *not* include minor procedures which may be merely aesthetic, like tail docking, dew claw removal, or ear cropping. HB 539 will require that a high volume dog breeder use a veterinarian when *all* surgical or euthanasia procedures are performed, including aesthetic or minor procedures like tail docking, dew claw removal, and ear cropping. Too many animals have been harmed or permanently disfigured or deformed by incompetent surgical procedures performed by untrained or unqualified breeders.

All of these changes have the support of the Animal Welfare Institute. We are willing to work with any interested organization to discuss any possible amendments or changes to this legislation if there are valid concerns about any aspect of the proposed bill. We strongly urge passage of this bill, the intent of which is to rein in bad actors in the high volume dog breeding world and to protect puppies from these unscrupulous high volume dog breeders who haven’t played by the existing rules and who have found ways to skirt the existing law.