

Kennel licensing bill passes Ohio House of Representatives, 91-5

OVDO report, November 15, 2012

On November 13, the Ohio House Agriculture and Natural Resources Committee passed SB 130, a kennel licensing bill aimed at regulating large commercial kennels. Although bill proponents say that SB 130 pursues only high-volume breeders, it will impact all who breed dogs regardless of numbers.



The full House followed the committee recommendation and approved the bill by the lopsided margin of 91-5. Voting against the bill were Representatives John Adams (R-78), Ron Amstutz (R-3), Jim Buchy (R-77), Bruce W. Goodwin (R-74), and Jarrod B. Martin (R-70).

The bill returns to the Senate for concurrence after Thanksgiving and then goes to the governor for his signature. It will go into effect 90 days after signing and kennel owners will have an additional 90 days to apply for a license.

SB 130 is the culmination of years of efforts by anti-breeding activists who use the pejorative term "puppy mill" to deliberately blur the lines between well-run commercial operations and substandard kennels. HSUS, the ASPCA, and many Ohio groups back the bill as only a "first step" in regulating Ohio kennels.

Throughout the process, OVDO, the Ohio Association of Animal Owners, the AKC, the Ohio Veterinary Medical Association, the Ohio Professional Dog Breeders Association, and the Ohio Farm Bureau objected to various sections in the bill. The final version contains many positive changes sought by these groups.

Major provisions

The major provisions in the bill cover kennels that produce nine or more litters and sell 60 or more puppies in a year.

These provisions include a set of housing and care standards developed and enforced by the Ohio Department of Agriculture; annual inspections by veterinarians; and license fees ranging from \$150 to \$750 per year depending on the number of litters produced and puppies sold. ODA will base the standards on AVMA guidelines, best practices, biosecurity and disease prevention, and USDA regulations. (AKC has also submitted a copy of its care and conditions policy as a resource.) Violations can bring a civil penalty of \$100 per day.

The bill also requires high volume breeders to purchase a bond or insurance policy payable to the state as a hedge against potential violations and to undergo a criminal background check. However, the bonds and insurance policies may not be available in Ohio, and the background checks may be prohibitively expensive, especially for breeders who are at the bottom of the regulated group.

Devilish details

The bill creates problems for low-volume breeders by treating everyone who produces a litter as a commercial breeder.

Current law allows hobby breeders to avoid kennel licensing if they do not act as a business. SB 130 changes the definition of a "kennel" so that anyone who keeps a dog "for the purpose of breeding" and offers puppies for sale "for a fee or other consideration" will require a kennel license. Obviously, this provision could put show and performance dog breeders in conflict with local zoning laws that forbid kennels or businesses in residential areas. It could also impact those who breed infrequently because it could require a kennel license in some years

but not others. (Of course, a breeder could simply apply for or renew the kennel license regardless of intent to breed in a particular year, but the fee will be higher than the fee for individual registration if the breeder has fewer than five dogs.)

The language does not differentiate between those who have one dog and breed one litter and those who have multiple dogs and breed as many as eight litters in a year. It does not differentiate between those who sell one puppy and those who sell 59 puppies. It does not distinguish between those who lose money on a litter and those who make a profit. And it does not prevent local authorities from interpreting the language as requiring a kennel license for any intact dog because it could be bred.

OVDO and AKC unsuccessfully argued for a change in this language in every version of the bill for the last four years.

The bill also requires registration of all animal rescues for dogs, including the names and addresses of all foster homes. There is no exemption for rescues or foster homes operated by regional or national breed clubs outside Ohio. ODA will keep a database of registered rescues and their foster homes.

The definition of "animal rescue for dogs" includes a prohibition on breeding dogs, thus effectively banning purebred breeders from participating in breed rescue efforts.

All boarding kennels must also register with the state. The bill states that the boarding kennel must be "solely" in the business of boarding dogs, thus effectively banning breeders from also running boarding kennels.

ODA will inspect boarding kennels and rescues upon complaint or the suspicion that they are also breeding dogs. Complaints can be anonymous; there is no requirement for written, signed complaints.