



AMERICAN
KENNEL CLUB®

November 17, 2011

The Honorable Cliff Hite
Chairman, Senate Agriculture, Environment & Natural Resources Committee
Ohio Senate Building
1 Capitol Square, Ground Floor
Columbus, OH 43215

Re: Requested Amendments to Senate Bill 130 – Dog Breeder Regulations

Dear Chairman Hite and Members of the Senate Agriculture, Environment & Natural Resources Committee:

The American Kennel Club (AKC) thanks you for your willingness to consider our concerns, as well as those of your constituent responsible dog owners and breeders, regarding Senate Bill 130, which seeks to regulate dog breeding in Ohio.

The AKC abhors the mistreatment of animals and is very concerned about the conditions in which some dogs live. **We support current Ohio law (§959), which, among other provisions, makes it unlawful for anyone to deprive a companion animal of, among other needs, necessary sustenance, access to appropriate shelter, and exercise.** These provisions, which declare the deprivation of these basic needs as animal cruelty, should be strongly enforced.

The AKC has a number of concerns with Senate Bill 130, which, as currently written, could be harmful to dogs bred and raised in Ohio and place burdensome, costly, and unenforceable regulations on responsible breeders. We respectfully request the bill be amended to address numerous problematic provisions, including, but not limited to:

- **Definition of “Kennel”** - As amended in this bill, a "kennel" is defined in §955.02 as any establishment that keeps, houses, and maintains adult dogs for the purpose of breeding the dogs for a fee. It is very difficult to determine whether or not someone intends to breed a dog, as owners keep intact dogs for a variety of reasons, including the ability to participate in AKC conformation dog shows and trials. We respectfully request that this amendment be stricken and the definition remain as it is in current law, which clarifies that a kennel license is required for those who are “*professionally engaged in the business of breeding dogs...*”, and not for all intact dog owners or hobby breeders who occasionally breed a litter in their home.
- **Definition of “Dog Retailer”** – This definition includes anyone who gives even one dog to a pet store, regardless of how many dogs are bred and sold. We recommend that this portion of the definition be removed, and that “retailer” be defined as a person who buys or sells dogs for resale. This would address the group we believe are intended to be included in this definition without requiring a \$500 license for someone who gives one dog to a pet store.
- **Kennel/Shelter Requirements** – Many of the provisions in this bill would require responsible breeders to rebuild their kennels at significant cost, without improving the health of dogs. This includes indoor


enclosure requirements for dogs based on their weight. Basing these requirements on a dog's weight rather than its measured size can potentially result in a situation where a dog may be legally kept in an enclosure that is too small. Instead, we recommend that it is ensured that enclosures are large enough for the dog to comfortably stand up, turn around, and lie down.

SB 130 also requires that a kennel be kept between 50 and 90 degrees Fahrenheit. This is arbitrary and does not account for the needs and tolerances of various ages and breeds of dogs. For example, newborn puppies often must be kept at temperatures above 90 degrees for protection after birth, and breeds such as Siberian Huskies can easily tolerate temperatures below 50 degrees. Instead of arbitrary temperature ranges, we request that dogs be kept in temperatures appropriate for their age, breed, and health status.

- **Cost of Inspections** – If a high volume breeder licensed under this bill requests a search warrant or unannounced inspections of private property are stopped in any way, the owner is responsible for a significant number of costs including the inspector's salary, "fringe benefits", and administrative costs associated with obtaining a search warrant. This is an unreasonable financial burden for an individual or business seeking to ensure security for their private property. We request an amendment to this section.
- **High Cost to Taxpayers** – The Ohio Legislative Service Commission reports that implementation of this bill will likely cost hundreds of thousands of dollars, and assumes that a significant amount of these costs will be covered by license fees. *The fiscal note, however, bases its estimation of licensing revenue on inaccurate definitions and assumptions, and is unlikely to accurately project the number of people who will be licensed under this bill. As a result, this bill could result in significant and unanticipated costs to the State and Ohio taxpayers, as has occurred when similar bills passed in other states.*

We respectfully ask that you consider these and other concerns raised by responsible Ohio dog owners and breeders and not allow Senate Bill 130 to advance as currently written. We continue to welcome the opportunity to work with the Ohio General Assembly to ensure that Ohio has an effective law that truly protects the health and welfare of dogs without placing unreasonable burdens on responsible Ohio dog breeders and taxpayers.

Sincerely,



Sheila Goffe
Director, Government Relations

Cc: Senator Jim Hughes, Sponsor, Senate Bill 130