

## Testimony to the Senate Agriculture, Environment & Natural Resources Committee on Senate Bill 130

November 15, 2011



My name is Norma Bennett Woolf, and I am speaking on behalf of Ohio Valley Dog Owners Inc., a coalition of dog owners, breeders, trainers, and exhibitors and dog-related clubs and businesses. OVDO is the state's volunteer legislative liaison with the American Kennel Club. Our members support sensible laws to govern dog ownership and protect dogs and our neighbors. We oppose SB 130 (as we opposed previous incarnations of the bill) because it is not reasonable or fair.

Although we believe that many of the standards listed in Section 956.08 of the bill are heavy-handed and that the establishment of a state agency to administer and enforce a kennel law is unwarranted, I'll stick to the two portions of the bill that will affect the show and performance dog breeders and exhibitors that are our members, i.e., the change in current kennel licensing law (ORC 955.02) in lines 14-21 and the burden the bill places on breed rescuers.

Proponents of SB 130 say that breeders of show and performance dogs will not be affected by the bill because we breed few litters and sell few puppies each year. However, while the kennel regulations in new section 956.08 cover the high volume breeders, the changes in ORC 955.02 could at best affect anyone who breeds dogs and at worst affect everyone who owns an intact dog.

Section 955.02 now defines a kennel as an entity "professionally engaged in the business of breeding dogs for hunting or sale." This definition makes it optional for occasional breeders to buy a kennel license, an interpretation backed by OAG opinion 1938-2658.

SB 130 changes that definition to "... an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration ...". New Section 956.01 defines an adult dog as one that is more than a year old.

The 6<sup>th</sup> District Court of Appeals recently determined that a home is not an establishment under the Black's Law Dictionary (9th ed. 2009) definition of "establishment" as "[a]n institution or place of business" in O'Neill and O'Neill v Louisville/Jefferson County Metro Government et al, Case #10-5699, a case challenging a Kentucky kennel licensing law.

Most show and performance dog breeders who produce dogs to improve breed health and preserve breed characteristics keep dogs in our homes or in a small kennel on home property. Our involvement in dog breeding could better be described as a passionate hobby where money is not the primary goal. We offer stud service or sell occasional litters of puppies for a fee or other consideration, but we are not establishments, i.e. businesses or institutions, attempting to generate a stream of income.

The new definition of a kennel in SB 130 continues with "... keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for a fee or other consideration ...".

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Obviously, it is necessary to keep a dog intact for breeding and many intact dogs are purposely bred. However, dogs are often kept intact for other reasons, i.e., for competition in breed shows, to evaluate them as potential breeding dogs, to wait until genetic screening can be done at two years of age, or as an informed choice based on research reports about sterilization's adverse impacts on growth and longevity or the increase in certain types of cancer in spayed and neutered dogs.

So, some questions come to mind. Are we exempt from this new language because our homes are not establishments? If we're not exempt, will "for the purpose of breeding" be interpreted as the *potential* for breeding? Or will we need a kennel license only after a breeding has been done? Will someone who owns a single intact male dog more than a year of age be required to buy a kennel license because the dog has the *potential* to breed? What if it is never actually bred? Since kennel-licensing law is enforced locally, will dog wardens be advised of the correct interpretation of the language? How will show and performance dog breeders learn which interpretation is correct?

## **Rescue problems**

We have no objections to regulations for individuals or organizations that do canine rescue. However, Section 956.08 (lines 498-500) that requires rescues to follow the standards written for high volume breeders ignores the broad spectrum of rescue types in the state. Many rescues are not independent operations but are affiliated with regional or national breed clubs and operate in Ohio only through foster families that may keep only a few dogs each year, usually only one or two at a time. These foster homes should not be required to abide by standards applied to breeders who keep large numbers of dogs in kennel buildings and sell puppies as a business. Such a mandate will simply force these foster homes to quit doing the valuable work of evaluating and rehabilitating purebred dogs so they can become family pets.

At the same time, brick and mortar shelters that house far more dogs than home rescues are exempt from the rules, a huge inequity in the bill.

We believe that a more reasonable approach to kennel licensing is to maintain current language in Section 955.02 and to keep inspections local instead of building a new state agency, especially when citizens want less government and tighter state budgets. If any kennel owner, regardless of the size of the operation or the purpose for which the dogs are bred, is in compliance with Sections 955.04, and 959.131 of the Ohio Revised Code and with local kennel siting laws, he should be allowed to operate without interference.



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