

February 17, 2008

Representative Shawn Webster, DVM
77 S. High Street, 13th Floor
Columbus, OH 43215-6111

Dear Dr. Webster,

Ohio Valley Dog Owners Inc. is an Ohio not-for-profit corporation dedicated to resolving issues facing Ohio dogs, dog owners, and our neighbors. Our members include dog owners, breeders, trainers, and exhibitors and dog-related businesses. Our members are concerned with many of the provisions in HB 446, your bill to overhaul the Ohio animal control system.



I apologize for the length of this letter, but we believe that a 114-page bill deserves close scrutiny and detailed comment.

We understand that animal control agencies need additional dollars if they are to fulfill their obligation to enforce the law, and we like several of the provisions in the bill including training for animal control officers, the allowance for a penalty-free amnesty period for those who license their dogs after the statutory time limit, the increase in opportunities for owners to reclaim a licensed or microchipped dog, and new section 955.39 mandating rabies vaccinations for dogs at the state level.

However, we do not believe that the additional funds for administrative and enforcement should be collected by placing additional taxes on breeders and owners who are already obeying the law and Good Samaritans who may help relieve the burden on public shelters by taking in stray dogs.

Our concerns

1. Changes in 955.01 that reduce the age for licensing puppies. Licensing law exists to provide funds for animal control and to reimburse livestock owners for losses caused by stray dogs, not to track the buying and selling of dogs by getting them into a government system as early as possible. Requiring licenses for puppies at two months of age (and preventing the sale of unlicensed puppies per new language in 955.50) changes the purpose of the law and taxes breeders and buyers for animal control services that they are highly unlikely to use. Three months is a far more reasonable age because puppies less than three months old are more likely to be closely supervised and therefore less likely to stray.

2. The change in 955.01 (A)(2) that reduces the minimum age for the spay/neuter license differential from nine months to six months. There is growing evidence that sterilization before physical maturity may cause growth problems and susceptibility to certain types of cancer and to urinary incontinence in adult dogs. While spay and neuter of pets is critical for avoiding unwanted litters, owners should not be forced to do so at such an early age in order to avoid a license penalty. (In addition, license differentials should be structured so that the owner of a sterilized dog gets a discount, not so the owner of an intact dog pays a penalty.)

3. Changes in 955.04 that require each dog in a kennel to be individually licensed and wear a collar and tag while in the kennel. This places a huge burden on responsible breeders who keep their puppies more than eight weeks, operate commercial kennels with dogs that never leave their premises, or keep many

dogs for hunting or participation in performance events. There is also growing concern about leaving collars on kenneled dogs because of the potential for the collar or tags to get caught and strangle the dog.

4. New language in 955.04 that allows the auditor to revoke a kennel license if he determines that the kennel owner violated 959.131. Auditors have no authority to determine violation of the law; that responsibility lies with the courts after investigation by duly-appointed humane agents.

5. The change in 955.11 that bans transfer of vicious dogs except for euthanasia. This provision prevents the sale of any dog identified as a pit bull, even purebred show dogs such as American Staffordshire Terriers, Staffordshire Bull Terriers, Bull Terriers, American Pit Bull Terriers, and other breeds or mixes that have a similar appearance. It also requires shelters to kill these dogs instead of making them available for adoption.

6. New language in 955.161 that requires people who find a stray dog to turn it into animal control if they do not find the owner within 10 days. By requiring the finder to pay the adoption fee and including misdemeanor penalties for violations, this provision punishes people who take in a stray dog, make a good faith effort to find the owner, and would either keep the dog or find it a new home if they couldn't locate the owner. It could also increase shelter deaths by requiring surrender of the dog to a public shelter where it may be killed if not adopted quickly.

7. New section 955.40 that allows humane destruction of a dog declared a nuisance if no rabies vaccine record is available. There is no definition of "nuisance" in the current law or in HB 446. Some communities have nuisance laws against continued barking, but a dog that is considered a nuisance barker should not be killed because he is not wearing a rabies tag and the owner lost his vaccination certificate.

8. New language added to 955.50 that all but bans the sale of unlicensed puppies, thus placing additional financial burden on breeders and forcing them to file for a transfer of ownership when selling a puppy. In addition, your sponsor testimony alleges that current law states that no puppies can be sold in Ohio prior to eight weeks of age, but we interpret 955.50 to refer to shipment of puppies into, out of, and through the state for resale to the general public, not to cover individual sales of puppies from breeders to individual buyers.

Vicious dog law

In September 2004, the Ohio Supreme Court determined that the vicious dog law was unconstitutional because it denied due process to owners whose dogs were accused of bad behavior. In 2005, you and Representative Walcher introduced HB 189, a bill that would add due process to the law, but it died in committee. We would like to see language about due process added to HB 446 to protect dog owners and fix the law per the Supreme Court decision.

Conclusion

We agree that Ohio's animal control law needs updating and like some of the provisions in HB 446. However, we are sorry to see that the bill ignores the law-abiding dog owners and breeders who will bear the lion's share of the increased costs and administrative requirements included in the new language. Those costs include new fees for kennel owners regardless of whether they ever use animal control services and new fines for selling an unlicensed puppy or keeping a stray dog without notifying the county animal control agency. Depending on the interpretation of 955.50, the bill also includes new costs and paperwork for breeders who transfer ownership of a puppy past the age of eight weeks or two months or requires buyers who get an eight-week old puppy to license it within three to six days or risk violating the law.

Some provisions of HB 446 could easily result in more dog deaths in shelters. Currently, good-hearted people who find stray dogs make a good faith effort to locate the owner and then may keep the dog themselves, find it a new home, or take it to a no-kill shelter. Under HB 446, these dogs must be surrendered to a public shelter where they face a high risk of being killed. In addition, as noted above in item 5, dogs identified as pit bulls will die in shelters if HB 366 does not pass.

Finally, many provisions of HB 446 will be difficult or impossible to enforce. License compliance is low because people do not see the benefits of licensing their pets, especially pets that never leave home or are microchipped. Attempts to increase compliance by increasing fees, broadening the base of dogs needing licenses, and adding punishments is more likely to drive dog owners underground, widen the mistrust that exists between animal control agencies and pet owners, and intensify the growing suspicion among breeders that the state is moving toward the type of breeding regulations favored by anti-breeding forces.

The National Animal Interest Alliance has developed a *Guide to Pet Friendly Ordinances* (<http://naiaonline.org/pdfs/petfriendlyguide.pdf>) that notes: “The facts are simple: without the backing of responsible pet owners, no animal control law can succeed; and pet owners are often reluctant to support the law unless there are clear benefits for doing so.”

We believe that some sections of HB 446 fail to take the simple facts into account, and we look forward to discussion of these concerns and any others that may arise when we meet in your office at 1 p.m. on Tuesday, March 11.

Sincerely,

Norma Bennett Woolf, president
Ohio Valley Dog Owners Inc.