

Questions, comments, and concerns for Sub-SB 130

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Prepared by Ohio Valley Dog Owners Inc. for the Ohio House
Agriculture & Natural Resources Committee

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Thank you for the opportunity to testify on SB 130. We have opposed the bill in the past but believe that enough progress has been made to allow us to testify today as an interested party.

We concur with the testimony offered by the Ohio Association of Animal Owners, join the American Kennel Club in their concern about the definition of a kennel in Section 955.02 (lines 10-17), and agree with AKC and the US Sportsmen’s Association that the number of puppies sold should be added back to the definition of high volume breeder.

Section 955.02, lines 10-17

This definition of kennel erases the exemption for hobby breeders of show and performance dogs by dropping “*professionally engaged in the business of breeding dogs for sale or hunting*” and replacing it with language that covers all dog breeding unless the puppies are given away and regardless of the primary purpose for producing an occasional litter.

This change is likely to reduce the number of people willing or able to breed as a hobby or avocation and interferes with an individual’s right to determine whether to spay or neuter a pet or retired show dog. Our concerns are:

1. Many of us breed dogs as a hobby or avocation, not as a business. Although we sell some puppies, our primary purpose is not the sale but the opportunity to produce and offer quality puppies as show dogs, working dogs, hunting dogs, therapy dogs, family pets, etc., and as future breeding dogs to carry on the breed. As a result, we usually breed few litters, may not breed at all in a particular year, and may barely cover the expenses of producing each litter.
2. The combination of definitions of an adult dog and a breeding dog in new Section 956.01 easily lead to the conclusion that an intact dog over the age of one year could be considered a breeding dog for the purpose of requiring a county kennel license under the new language in 955.02. However, it is impossible to prove that an intact dog is *not* being kept “for the purpose of breeding” even though most intact dogs are never bred. (Some are kept intact so they can participate in shows, some fail their genetic screenings and are never bred, some just don’t fit the breeder’s program, etc.)

3. There is an increasing body of evidence that intact dogs live longer; are less susceptible to obesity, joint problems, and certain types of cancer and other diseases; and that the surgeries can increase behavior problems such as aggression, fearfulness, and anxiety by changing the dog's hormone balance. Therefore, dog breeders and other owners should have the option of keeping dogs intact without fearing that they will be required to buy a kennel license.

4. Most show and performance dog breeders produce their occasional litters in their homes, and a requirement to buy a kennel license just because they produce a litter and sell a few puppies could put them at odds with local zoning regulations.

We offer the following language to eliminate these potential consequences for owners of intact dogs and hobby breeders of show and performance dogs:

Section 955.02: As used in this chapter, "dog kennel" or "kennel owner" is a person, partnership, firm, company, or corporation professionally engaged in the business of breeding dogs for sale or hunting and is not a high volume breeder licensed under Section 956 of the Revised Code.

Section 956.06 (B), lines 410-414

This section seems to direct all of the high volume breeder license fees to a state fund created in 956.16, raising the question of why reimbursement of a portion of the fees to the counties was dropped from previous incarnations of the bill.

Section 956.09 (A) (2), lines 429-434

This section allows inspection of boarding kennels if the director of agriculture has "received information" that the boarding kennel is breeding dogs. Some hobby breeders and owners of small commercial kennels also board dogs. Does this mean that they will be prevented from doing so?

Section 956.09 (B) (2), lines 441-444

This section allows for complaints from members of the public and animal shelters. Will the regulations include requirements for identification of complainants and consequences for false or unsupported complaints?

END