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Representative Hill

**Cosponsors: Representatives Thompson, Smith, R., Patterson, Schuring, Seitz,
Koehler, Patton, Stein, West, Sweeney, Kick, Ryan, Hoops, Hambley, Rezabek,
Rogers**

A BILL

To amend sections 956.01, 956.02, 956.07, 956.08, 1
956.13, 956.18, 956.181, and 956.21 and to enact 2
sections 956.031 and 956.041 of the Revised Code 3
to revise the law governing high volume dog 4
breeders. 5

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 956.01, 956.02, 956.07, 956.08, 6
956.13, 956.18, 956.181, and 956.21 be amended and sections 7
956.031 and 956.041 of the Revised Code be enacted to read as 8
follows: 9

Sec. 956.01. As used in this chapter: 10

"Accredited veterinarian" means a veterinarian accredited 11
by the United States department of agriculture. 12

"Adult dog" means a dog that is twelve months of age or 13
older. 14

"Animal rescue for dogs" means an individual or 15
organization recognized by the director of agriculture that 16

keeps, houses, and maintains dogs and that is dedicated to the 17
welfare, health, safety, and protection of dogs, provided that 18
the individual or organization does not operate for profit, does 19
not sell dogs for a profit, does not breed dogs, does not sell 20
dogs to a dog retailer or pet store, and does not purchase more 21
than nine dogs in any given calendar year unless the dogs are 22
purchased from a dog warden appointed under Chapter 955. of the 23
Revised Code, a humane society, or another animal rescue for 24
dogs. "Animal rescue for dogs" includes an individual or 25
organization that offers spayed or neutered dogs for adoption 26
and charges reasonable adoption fees to cover the costs of the 27
individual or organization, including, but not limited to, costs 28
related to spaying or neutering dogs. 29

"Animal shelter for dogs" means a facility that keeps, 30
houses, and maintains dogs such as a dog pound operated by a 31
municipal corporation, or by a county under Chapter 955. of the 32
Revised Code, or that is operated by a humane society, animal 33
welfare society, society for the prevention of cruelty to 34
animals, or other nonprofit organization that is devoted to the 35
welfare, protection, and humane treatment of dogs and other 36
animals. 37

"Boarding kennel" means an establishment operating for 38
profit that keeps, houses, and maintains dogs solely for the 39
purpose of providing shelter, care, and feeding of the dogs in 40
return for a fee or other consideration. 41

"Breeding dog" means ~~an unneutered, a fertile, unspayed~~ 42
~~adult dog that is primarily harbored or housed on property that~~ 43
~~is the dog's primary residence used for producing offspring.~~ 44

"Enrichment" means any modification in the environment of 45
a confined dog that seeks to enhance the dog's physical and 46

psychological well-being by providing stimuli that meets the 47
dog's species-specific needs. 48

"Exercise" means activity that allows a dog to extend to 49
full stride, play, and engage in other types of mentally 50
stimulating and social behaviors. 51

"High volume breeder" means an establishment that keeps, 52
houses, and maintains ~~adult six or more~~ breeding dogs ~~that~~ 53
~~produce at least nine litters of puppies in any given calendar~~ 54
~~year and, in return for a fee or other consideration, sells~~ 55
~~sixty or more adult dogs or puppies per calendar year~~ and does 56
at least one of the following: 57

(1) In return for a fee or other consideration, sells five 58
or more adult dogs or puppies to a dog retailer or pet store; 59

(2) In return for a fee or other consideration, sells 60
forty or more puppies in any given calendar year to the public; 61
or 62

(3) Keeps, houses, and maintains, at any given time in a 63
calendar year, more than sixty puppies that are under six months 64
of age, that have been bred on the premises of the 65
establishment, and that have been primarily kept, housed, and 66
maintained from birth on the premises of the establishment. 67

"Humane society" means an organization that is organized 68
under section 1717.05 of the Revised Code. 69

"Dog retailer" means a person who buys, sells, or offers 70
to sell dogs at wholesale for resale to another or who sells or 71
gives one or more dogs to a pet store annually. "Dog retailer" 72
does not include an animal rescue for dogs, an animal shelter 73
for dogs, a humane society, a medical kennel for dogs, a 74
research kennel for dogs, a pet store, or a veterinarian. 75

"Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created in section 1901.011 of the Revised Code.

"Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs.

"Pet store" means an individual retail store to which both of the following apply: the store sells dogs to the public; and with regard to the sale of a dog from the store, the sales person, the buyer of a dog, and the dog for sale are physically present during the sales transaction so that the buyer may personally observe the dog and help ensure its health prior to taking custody. "Pet store" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, or a research kennel for dogs.

"Puppy" means a dog that is under twelve months of age.

"Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes.

"Thermoneutral zone" means the range of ambient temperature in which a dog is able to maintain normal body temperature without a change in metabolic rate.

"Veterinarian" means either a veterinarian licensed in this state under Chapter 4741. of the Revised Code or a veterinarian licensed out of this state by an applicable state entity.

Sec. 956.02. All of the following are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it:

<u>(A) Medical kennels for dogs, research;</u>	104
<u>(B) Research kennels for dogs, animal;</u>	105
<u>(C) Animal shelters for dogs that are operated by a</u>	106
<u>municipal corporation, or by a county under Chapter 955. of the</u>	107
<u>Revised Code, and veterinarians are not required to obtain a</u>	108
<u>license under this chapter or comply with any other requirements</u>	109
<u>of this chapter and rules adopted under it;</u>	110
<u>(D) Animal shelters for dogs that are operated by a humane</u>	111
<u>society;</u>	112
<u>(E) Veterinarians that provide clinical care and are not</u>	113
<u>engaged in the practice of dog breeding.</u>	114
<u>Sec. 956.031. In addition to complying with rules adopted</u>	115
<u>under section 956.03 of the Revised Code, a high volume breeder</u>	116
<u>shall do all of the following with regard to a dog that is kept,</u>	117
<u>housed, and maintained by the breeder:</u>	118
<u>(A) Each day, provide to the dog both of the following:</u>	119
<u>(1) Food that is all of the following:</u>	120
<u>(a) Sufficient to maintain normal body condition and</u>	121
<u>weight;</u>	122
<u>(b) Unspoiled and uncontaminated;</u>	123
<u>(c) Provided in accordance with a nutritional plan</u>	124
<u>recommended by a veterinarian;</u>	125
<u>(d) Served in receptacles that are clean and sanitary.</u>	126
<u>A high volume breeder may temporarily withhold food when</u>	127
<u>directed by a veterinarian to do so.</u>	128
<u>(2) Access to potable water in clean and sanitary</u>	129

receptacles that is of sufficient quality and quantity to ensure 130
maintenance of normal body condition and growth unless otherwise 131
directed by a veterinarian. 132

(B) Keep or confine the dog in a primary enclosure that 133
complies with all of the following: 134

(1) The area of the interior of the enclosure has a 135
minimum floor space in square inches equal to the following: 136
(sum of the length of each dog housed in the enclosure in 137
inches, as measured from the tip of the nose to the base of the 138
tail, + six inches)^2. 139

(2) The interior of the enclosure is at least six inches 140
higher than the head of the tallest dog housed in the enclosure 141
when the dog is in a normal standing position. 142

(3) It allows each dog housed in the enclosure to turn in 143
a complete circle, lie down, and fully extend its limbs. 144

(4) It is not stacked on top of another primary enclosure. 145

(5) It is cleaned at least once per day to remove excreta, 146
dirt, grime, and other waste. 147

(C) Ensure that the flooring for the dog's primary 148
enclosure complies with all of the following: 149

(1) It consists of materials that can be cleaned and 150
sanitized; are safe for the breed, size, and age of the dog; are 151
free from protruding sharp edges; and are designed so that the 152
paw of the dog is unable to extend through or become caught in 153
the flooring. 154

(2) If the flooring surface consists of a material that is 155
not solid, it has a solid resting area that can accommodate the 156
full length of the dog while lying down. 157

(3) It does not sag, bend, or bounce. 158

(D) If the high volume breeder is using an indoor primary 159
enclosure to house the dog, ensure that the enclosure is located 160
in a facility that permits regulation of temperature, 161
ventilation, and lighting, including diurnal lighting. The high 162
volume breeder shall ensure that the lighting is sufficient, 163
either through natural or artificial means, to observe the 164
physical condition of the dog and to permit inspection and 165
cleaning of the dog and the primary enclosure. 166

(E) If the high volume breeder is using an outdoor primary 167
enclosure to house the dog and if climatic or ambient 168
temperatures pose a threat to the health and welfare of the dog, 169
take measures to eliminate the threat. If the high volume 170
breeder has to take such measures, the high volume breeder shall 171
consider the dog's age, breed, overall health, and acclimation 172
to the environment. The high volume breeder shall not use an 173
outdoor primary enclosure to house the dog if the dog is unable 174
to tolerate the prevalent temperatures within the dog's 175
thermoneutral zone. 176

(F) If the dog is a puppy that is four months or younger, 177
house the dog with an adult dog only if the adult dog is the 178
puppy's dam or foster dam; 179

(G) If the dog is a female, breed the dog only if the dog 180
has maintained a normal body condition and has been declared 181
healthy by a veterinarian following a physical examination prior 182
to the onset of the next proestrus; 183

(H) Provide a clean, dry whelping area for each dam and 184
her nursing puppies. The high volume breeder shall ensure that 185
the area fully accommodates all puppies, allows the dam to lie 186

fully recumbent and stand, and permits the dam to temporarily 187
move away from her puppies as she chooses. The high volume 188
breeder shall ensure that no other animals inhabit the whelping 189
area other than the dam and her puppies. 190

(I) Provide the dog with an opportunity for daily 191
exercise. However, this requirement does not apply to an 192
expectant female dog, postpartum female dog, or any other dog as 193
recommended by a veterinarian. 194

(J) Provide the dog an opportunity to safely access the 195
outdoors during daylight hours; 196

(K) Provide the dog with daily environmental enrichment in 197
the dog's primary enclosure; 198

(L) Provide human interaction with the dog other than 199
interaction that occurs during feeding and cleaning time. The 200
interaction, at a minimum, shall include verbal and tactile 201
stimulation in a positive and beneficial manner. 202

(M) Provide the dog appropriate medical care by a 203
veterinarian, including vaccinations, parasite control, and 204
prompt treatment for any disease, illness, or injury. 205

Sec. 956.041. (A) As used in this section, "out-of-state 206
dog breeder" means a dog breeder located outside of this state 207
that, if located in this state, would be a high volume breeder. 208

(B) A dog retailer or the owner or operator of a pet store 209
that seeks to purchase a dog from an in-state high volume dog 210
breeder or out-of-state dog breeder, prior to completing the 211
transaction, shall verify that the in-state high volume dog 212
breeder or out-of-state dog breeder is in compliance with the 213
standards of care established in rules adopted under section 214
956.03 and in section 956.031 of the Revised Code. The retailer 215

or owner or operator shall keep and maintain accurate records 216
documenting the verification. The retailer or owner or operator 217
shall allow the director of agriculture to inspect those records 218
during normal business hours. With respect to a pet store, the 219
requirements established under this section are in addition to 220
the requirements established under section 956.20 of the Revised 221
Code. 222

(C) No dog retailer or owner or operator of a pet store 223
shall fail to comply with division (B) of this section. 224

(D) The director shall adopt rules in accordance with 225
Chapter 119. of the Revised Code that establish requirements and 226
procedures governing the administration and enforcement of this 227
section. 228

Sec. 956.07. (A) A person who is applying for ~~a~~an annual 229
license to operate a high volume breeder or to act as or perform 230
the functions of a dog retailer under section 956.04 or 956.05 231
of the Revised Code, as applicable, shall include with the 232
application for a license a nonrefundable license application 233
fee. ~~For the purpose of calculating the application fee for a~~ 234
~~high volume breeder, the sale of one dog from a litter~~ 235
~~constitutes the sale of a litter.~~ The application fees are as 236
follows: 237

(1) For a high volume breeder: 238

(a) One hundred fifty dollars if the high volume breeder 239
annually sells at least ~~nine~~ five, but not more than fifteen 240
~~litters~~ puppies; 241

(b) Two hundred fifty dollars if the high volume breeder 242
annually sells at least sixteen, but not more than twenty-five 243
~~litters~~ puppies; 244

(c) Three hundred fifty dollars if the high volume breeder 245
annually sells at least twenty-six, but not more than thirty- 246
five ~~litters~~ puppies; 247

(d) Five hundred dollars if the high volume breeder 248
annually sells at least thirty-six, but not more than forty-five 249
~~litters~~ puppies; 250

(e) Seven hundred fifty dollars if the high volume breeder 251
annually sells forty-six or more ~~litters~~ puppies. 252

(2) For a dog retailer, five hundred dollars. 253

(B) Money collected by the director of agriculture from 254
each application fee submitted under this section shall be 255
deposited in the state treasury to the credit of the high volume 256
breeder kennel control license fund created in section 956.18 of 257
the Revised Code. The director shall use fifty dollars of the 258
application fee submitted by a high volume breeder under this 259
section or an amount equal to the fee charged for the 260
registration of a kennel under section 955.14 of the Revised 261
Code in the county in which the high volume breeder is located 262
or will be located, whichever is greater, to reimburse that 263
county. The county auditor shall deposit the transferred money 264
into that county's dog and kennel fund created under section 265
955.20 of the Revised Code. 266

Sec. 956.08. (A) No person operating as a high volume 267
breeder ~~or acting as or performing the functions of a dog~~ 268
~~retailer~~ shall fail to comply with applicable standards 269
established by the director of agriculture in rules adopted 270
under section 956.03 of the Revised Code or with section 956.031 271
of the Revised Code. 272

(B) No person acting as or performing the functions of a 273

dog retailer shall fail to comply with applicable requirements 274
established by the director in rules adopted under section 275
956.03 of the Revised Code. 276

(C) No animal rescue for dogs shall sell a dog to a dog 277
retailer or pet store. 278

Sec. 956.13. (A) The director of agriculture may assess a 279
civil penalty against a person violating sections 956.01 to 280
956.18 of the Revised Code or rules adopted under it section 281
956.03 of the Revised Code if all of the following occur: 282

(1) The person has received a notice and been notified of 283
the violation by certified mail or personal service as required 284
in section 956.12 of the Revised Code. 285

(2) After the time period for correcting the violation 286
specified in the notice has elapsed, the director or the 287
director's authorized representative has determined that the 288
violation has not been corrected, and the director has issued a 289
notice of an adjudication hearing pursuant to division (A)(3) of 290
this section. 291

(3) The director affords the person an opportunity for an 292
adjudication hearing under Chapter 119. of the Revised Code to 293
challenge the director's determination that the person is not in 294
compliance with this chapter or rules adopted under it, the 295
imposition of the civil penalty, or both. A person may waive the 296
opportunity for an adjudication hearing. 297

(B) If the opportunity for an adjudication hearing is 298
waived or if, after an adjudication hearing, the director 299
determines that a violation of this chapter or a rule adopted 300
under it has occurred or is occurring, the director may assess a 301
civil penalty. The civil penalty may be appealed in accordance 302

with section 119.12 of the Revised Code, except that the civil 303
penalty may be appealed only to the environmental division of 304
the Franklin county municipal court. 305

(C) A person who is assessed a civil penalty under this 306
section is liable for a civil penalty of not more than five 307
hundred dollars for a first violation, not more than two 308
thousand five hundred dollars for a second violation, and not 309
more than ten thousand dollars for a third or subsequent 310
violation. 311

Each day that a violation continues constitutes a separate 312
violation. 313

(D) Any person assessed a civil penalty under this section 314
shall pay the amount prescribed to the department of 315
agriculture. The department shall remit all money collected 316
under this section to the treasurer of state for deposit in the 317
high volume breeder kennel control license fund created under 318
section 956.18 of the Revised Code. 319

Sec. 956.18. (A) All money collected by the director of 320
agriculture from license fees under section 956.07 and civil 321
penalties assessed under section 956.13 of the Revised Code 322
shall be deposited in the state treasury to the credit of the 323
high volume breeder kennel control license fund, which is hereby 324
created. The fund shall also consist of money appropriated to 325
it. 326

(B) The director shall use the money in the fund for the 327
purpose of administering sections 956.01 to 956.18 of the 328
Revised Code and rules adopted under it section 956.03 of the 329
Revised Code that apply to those sections. 330

Sec. 956.181. (A) All money collected by the director of 331

agriculture from license fees under section 956.21 and civil 332
penalties assessed under section 956.22 of the Revised Code 333
shall be deposited in the state treasury to the credit of the 334
pet store license fund, which is hereby created. The fund shall 335
also consist of money appropriated to it. 336

(B) The director shall use the money in the fund for the 337
purpose of administering sections 956.19 to 956.23 of the 338
Revised Code and rules adopted under ~~it~~ section 956.03 of the 339
Revised Code as those rules apply to those sections. 340

Sec. 956.21. (A) The director of agriculture may issue a 341
pet store license to an owner or operator of a pet store when 342
the owner or operator does all of the following: 343

(1) Applies for a license in accordance with this section 344
and rules adopted under ~~it~~ section 956.03 of the Revised Code; 345

(2) Affirms in writing that the owner or operator will 346
maintain compliance with the applicable requirements established 347
under section 959.20 of the Revised Code; 348

(3) Submits with the application for a pet store license a 349
fee of five hundred dollars. 350

(B) The director of agriculture may deny, suspend, or 351
revoke a license issued under this section for a violation of 352
division (A), (B), or (C) of section 956.20 of the Revised Code 353
or rules adopted under ~~that~~ section 956.03 of the Revised Code. 354
The denial, suspension, or revocation of a license is not 355
effective until the licensee is given written notice of the 356
violation, a reasonable amount of time to correct the violation, 357
if possible, and an opportunity for a hearing. 358

The director also may refuse to issue a license under 359
division (B) of this section if the applicant has violated 360

division (A), (B), or (C) of section 956.20 of the Revised Code 361
or the rules adopted under ~~this~~ section 956.03 of the Revised 362
Code during the thirty-six-month period prior to submitting an 363
application for the license. 364

(C) Any license issued under this section is valid for a 365
period of one year from the date of issuance. A pet store 366
license must be renewed annually in the manner provided in rules 367
adopted under ~~this~~ section 956.03 of the Revised Code. 368

(D) Money collected by the director of agriculture from 369
each application fee submitted under this section shall be 370
deposited in the state treasury to the credit of the pet store 371
license fund created in section 956.181 of the Revised Code. 372

(E) No owner, operator, or manager of a pet store shall 373
negligently display, offer for sale, deliver, barter, auction, 374
broker, give away, transfer, or sell any live dog from a pet 375
store in this state unless a license has been issued for the pet 376
store by the director of agriculture in accordance with this 377
section and rules adopted under ~~it~~ section 956.03 of the Revised 378
Code. 379

Section 2. That existing sections 956.01, 956.02, 956.07, 380
956.08, 956.13, 956.18, 956.181, and 956.21 of the Revised Code 381
are hereby repealed. 382