

As Introduced

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H. B. No. 539

Representatives Brown, Weinstein

**Cosponsors: Representatives Grim, Brennan, Russo, Baker, Dell'Aquila, Brewer,
Abdullahi, Somani**

A BILL

To amend sections 956.01, 956.031, and 956.10 of 1
the Revised Code to revise the law governing 2
high volume dog breeders. 3

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

Section 1. That sections 956.01, 956.031, and 956.10 of 4
the Revised Code be amended to read as follows: 5

Sec. 956.01. As used in this chapter: 6

"Accredited veterinarian" means a veterinarian accredited 7
by the United States department of agriculture. 8

"Adult dog" means a dog that is twelve months of age or 9
older. 10

"Animal rescue for dogs" means an individual or 11
organization recognized by the director of agriculture that 12
keeps, houses, and maintains dogs and that is dedicated to the 13
welfare, health, safety, and protection of dogs, provided that 14
the individual or organization does not operate for profit, does 15
not sell dogs for a profit, does not breed dogs, does not sell 16

dogs to a dog broker or pet store, and does not purchase more 17
than nine dogs in any given calendar year unless the dogs are 18
purchased from a dog warden appointed under Chapter 955. of the 19
Revised Code, a humane society, or another animal rescue for 20
dogs. "Animal rescue for dogs" includes an individual or 21
organization that offers spayed or neutered dogs for adoption 22
and charges reasonable adoption fees to cover the costs of the 23
individual or organization, including, but not limited to, costs 24
related to spaying or neutering dogs. 25

"Animal shelter for dogs" means a facility that keeps, 26
houses, and maintains dogs such as a dog pound operated by a 27
municipal corporation, or by a county under Chapter 955. of the 28
Revised Code, or that is operated by a humane society, animal 29
welfare society, society for the prevention of cruelty to 30
animals, or other nonprofit organization that is devoted to the 31
welfare, protection, and humane treatment of dogs and other 32
animals. 33

"Boarding kennel" means an establishment operating for 34
profit that keeps, houses, and maintains dogs solely for the 35
purpose of providing shelter, care, and feeding of the dogs in 36
return for a fee or other consideration. 37

"Breeding dog" means an unspayed adult female dog that is 38
primarily used for producing offspring. 39

"Dog broker" means a person who buys, sells, or offers to 40
sell dogs at wholesale for resale to another or who sells or 41
gives one or more dogs to a pet store annually. "Dog broker" 42
does not include an animal rescue for dogs, an animal shelter 43
for dogs, a humane society, a medical kennel for dogs, a 44
research kennel for dogs, a pet store, or a veterinarian. 45

"Enrichment" means any modification in the environment of a confined dog that seeks to enhance the dog's physical and psychological well-being by providing stimuli that meets the dog's breed-specific needs.

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

"High volume breeder" means an establishment that keeps, houses, and maintains six or more breeding dogs and ~~does at least one of the following:~~

~~(1) In in return for a fee or other consideration, sells five or more adult dogs or puppies in any calendar year to dog brokers, or pet stores, or the public;~~

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

~~(3) Keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.~~

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

"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 74
of the following apply: the store sells forty or more puppies or 75
adult dogs in any calendar year to the public; and with regard 76
to the sale of a dog from the store, the sales person, the buyer 77
of a dog, and the dog for sale are physically present during the 78
sales transaction so that the buyer may personally observe the 79
dog and help ensure its health prior to taking custody. "Pet 80
store" does not include an animal rescue for dogs, an animal 81
shelter for dogs, a humane society, a medical kennel for dogs, a 82
research kennel for dogs, or a high volume breeder or any other 83
dog breeder that maintains and sells dogs from the same premises 84
where the dogs are bred and reared. 85

"Puppy" means a dog that is under twelve months of age. 86

"Research kennel for dogs" means a facility housing dogs 87
that is maintained exclusively for research purposes. 88

"Thermoneutral zone" means the range of ambient 89
temperature in which a dog is able to maintain normal body 90
temperature without a change in metabolic rate. 91

"Veterinarian" means either a veterinarian licensed in 92
this state under Chapter 4741. of the Revised Code or a 93
veterinarian licensed out of this state by an applicable state 94
entity. 95

Sec. 956.031. In addition to complying with rules adopted 96
under section 956.03 of the Revised Code, a high volume breeder 97
shall do all of the following with regard to a dog that is kept, 98
housed, and maintained by the breeder: 99

(A) Unless otherwise directed by a veterinarian, provide 100
the dog, twice each day, with food that is all of the following: 101

(1) Sufficient to maintain normal body condition and 102

weight;	103
(2) Unspoiled and uncontaminated;	104
(3) Provided in accordance with a nutritional plan recommended by a veterinarian;	105 106
(4) Served in receptacles that are clean and sanitary.	107
A high volume breeder may temporarily withhold food when directed by a veterinarian to do so.	108 109
(B) Each day provide access to a continuous supply of potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian.	110 111 112 113 114
(C) Keep or confine the dog in a primary enclosure that complies with all of the following:	115 116
(1) The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position.	117 118 119
(2) It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs.	120 121
(3) It is not stacked on top of another primary enclosure.	122
(4) It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.	123 124
(D) On and after December 31, 2021, keep or confine the dog in a primary enclosure that has a minimum floor space in square inches equal to the following: (the length of the dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches) ² multiplied by	125 126 127 128 129

two. For each additional dog that is kept or confined in a 130
primary enclosure, the enclosure shall have additional floor 131
space in square inches equal to the following: (length of each 132
additional dog housed in the enclosure in inches, as measured 133
from the tip of the nose to the base of the tail, + nine 134
inches)^2. 135

As used in this division, "dog" means a puppy that is 136
twelve weeks of age or older or an adult dog. 137

(E) On and after December 31, 2021, ensure that the 138
minimum floor space provided in accordance with division (D) of 139
this section is solid or consists of slats. If the floor space 140
consists of slats, the high volume breeder shall ensure that all 141
of the following apply: 142

(1) The spaces between the slats are not more than one- 143
half inch in width. 144

(2) The slats are not less than three and one-half inches 145
in width. 146

(3) All of the slats run in the same direction. 147

(4) The floor is level. 148

(F) On and after December 31, 2021, ensure that all 149
flooring complies with the following: 150

(1) It consists of materials that can be cleaned and 151
sanitized; are safe for the breed, size, and age of the dog; are 152
free from protruding sharp edges; and are designed so that the 153
paw of the dog is unable to extend through or become caught in 154
the flooring. 155

(2) If the flooring surface consists of a material that is 156
not solid, it has a solid resting area that can accommodate the 157

full length of the dog while lying down.	158
(3) It does not sag, bend, or bounce.	159
(4) It does not consist of metal wire, unless the metal	160
wire is coated with another material and the outer diameter of	161
the coated metal measures six gauge or thicker.	162
(G) If the high volume breeder is using an indoor primary	163
enclosure to house the dog, ensure that the enclosure is located	164
in a facility that permits regulation of temperature,	165
ventilation, and lighting, including diurnal lighting. The high	166
volume breeder shall ensure that the lighting is sufficient,	167
either through natural or artificial means, to observe the	168
physical condition of the dog and to permit inspection and	169
cleaning of the dog and the primary enclosure.	170
(H) Use an outdoor primary enclosure to house the dog only	171
if a veterinarian approves such use;	172
(I) If the high volume breeder is using an outdoor primary	173
enclosure to house the dog as provided in division (H) of this	174
section and if climatic or ambient temperatures pose a threat to	175
the health and welfare of the dog, take effective measures to	176
eliminate the threat. If the high volume breeder has to take	177
such measures, the high volume breeder shall consider the dog's	178
age, breed, overall health, and acclimation to the environment.	179
The high volume breeder shall not use an outdoor primary	180
enclosure to house the dog if the dog is unable to tolerate the	181
prevalent temperatures within the dog's thermoneutral zone.	182
(J) House the dog with other dogs, except for reasons of	183
health, biosecurity, breeding, and behavioral issues.	184
(K) If the dog is a puppy that is four months or younger,	185
house the dog with an adult dog only if the adult dog is the	186

puppy's dam or foster dam;	187
(L) If the dog is a female, breed the dog only if the dog	188
has maintained a normal body condition and has been declared	189
healthy by a veterinarian following a physical examination;	190
(M) If the dog is a female, ensure that the dog does not	191
produce more than eight litters in its lifetime;	192
(N) Provide a clean, dry whelping area for each dam and	193
her nursing puppies. The high volume breeder shall ensure that	194
the area fully accommodates all puppies, allows the dam to lie	195
fully recumbent and stand, and permits the dam to temporarily	196
move away from her puppies as she chooses. The high volume	197
breeder shall ensure that no other animals inhabit the whelping	198
area other than the dam and her puppies.	199
(O) Provide the dog an opportunity for daily exercise of	200
at least thirty minutes. However, this requirement does not	201
apply to an expectant female dog beginning fifty-two days after	202
the first breeding date until the dog gives birth, postpartum	203
female dog, or any other dog as directed by a veterinarian.	204
(P) Provide the dog an opportunity to safely access the	205
outdoors during daylight hours. However, this requirement does	206
not apply to an expectant female dog beginning fifty-two days	207
after the first breeding date and until the dog gives birth, a	208
female dog that is nursing, or a puppy that is younger than	209
twelve weeks of age.	210
(Q) Provide the dog with daily environmental enrichment in	211
the dog's primary enclosure;	212
(R) Provide human interaction with the dog for at least	213
fifteen minutes each day in addition to interaction that occurs	214
during feeding and cleaning time. The interaction, at a minimum,	215

shall include verbal and tactile stimulation in a positive and 216
beneficial manner. 217

(S) Provide the dog appropriate medical care by a 218
veterinarian, including prompt treatment for any significant 219
disease, illness, or injury; 220

(T) If the dog is an adult dog, provide the dog with an 221
annual physical examination by a veterinarian; 222

(U) Comply with a vaccination and parasite control program 223
that is provided by a veterinarian and that is consistent with 224
recommendations of the American veterinarian medical association 225
or the American animal hospital association; 226

(V) If a surgical or euthanasia procedure is 227
~~required performed, including tail docking, dew claw removal, and~~ 228
~~ear cropping,~~ use a veterinarian to perform the procedure. 229

Sec. 956.10. (A) (1) At least once annually, the director 230
of agriculture or the director's authorized representative shall 231
inspect a high volume breeder that is subject to licensure under 232
this chapter and rules adopted under section 956.03 of the 233
Revised Code to ensure compliance with this chapter and rules 234
adopted under it, including the standards of care established in 235
rules adopted under that section. 236

(2) The director or the director's authorized 237
representative shall inspect a boarding kennel when the director 238
or the director's authorized representative has received 239
information that the boarding kennel is breeding dogs and may be 240
subject to licensure under this chapter and rules adopted under 241
section 956.03 of the Revised Code. 242

(B) The director or the director's authorized 243
representative may do any of the following: 244

(1) Upon receiving a complaint, inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it;

(2) Upon the request of a member of the public, a public official, or an animal shelter for dogs, inspect any facility at which a person is acting as or performing the functions of a dog broker to ensure such compliance;

(3) Upon receiving a complaint, inspect an animal rescue for dogs to ensure compliance with section 956.06 of the Revised Code and applicable rules adopted under section 956.03 of the Revised Code;

~~(4) Conduct an inspection under this section during regular business hours without providing notice in advance.~~

(C) Inspections shall be conducted ~~in~~ as follows:

(1) During regular business hours without providing notice in advance;

(2) In accordance with this section and rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules.

(D) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized

representative, or the attorney general upon the request of the 274
director may apply to the appropriate court in the county in 275
which inspection will occur for an appropriate court order or 276
search warrant as necessary to achieve the purposes of this 277
chapter and rules adopted under it. 278

(E) No owner or operator of a high volume breeder, person 279
acting as or performing the functions of a dog broker, owner or 280
operator of a boarding kennel, or owner or operator of an animal 281
rescue for dogs shall interfere with an inspection or refuse to 282
allow the director or the director's authorized representative 283
full access to all areas where dogs are kept or cared for. If 284
entry is refused or inspection or investigation is refused, 285
hindered, or thwarted by a high volume breeder or dog broker, 286
the director may suspend or revoke the breeder's or broker's 287
license in accordance with this chapter. 288

(F) (1) The director may enter into a contract or agreement 289
with a veterinarian to conduct inspections under this section. 290
The veterinarian shall be considered the director's authorized 291
representative for the purposes of this section. 292

(2) A veterinarian with whom the director has entered into 293
a contract or agreement under division (F) (1) of this section 294
may inspect a high volume breeder with whom the veterinarian has 295
established a veterinary-client-patient relationship as 296
described in section 4741.04 of the Revised Code only every 297
other year. 298

(3) If the director determines that a veterinarian with 299
whom the director has entered into a contract or agreement under 300
division (F) (1) of this section has falsified any information 301
submitted to the director pursuant to an inspection, the 302
director shall inform the veterinary medical licensing board 303

created by Chapter 4741. of the Revised Code of the 304
falsification. 305

(G) (1) If entry that is authorized by division (D) of this 306
section is refused or if an inspection or investigation is 307
refused, hindered, or thwarted by intimidation or otherwise and 308
if the director, an authorized representative of the director, 309
or the attorney general applies for and obtains a court order or 310
a search warrant under division (D) of this section to conduct 311
the inspection or investigation, the owner or operator of the 312
premises where entry was refused or inspection or investigation 313
was refused, hindered, or thwarted, if found guilty of violating 314
this chapter or rules adopted under it, is liable to the 315
director for all of the following: 316

(a) The reasonable costs incurred by the director for the 317
regular salaries and fringe benefit costs of personnel assigned 318
to conduct the inspection or investigation from the time the 319
court order or search warrant was issued until the court order 320
or search warrant is executed; 321

(b) The salary, fringe benefits, and travel expenses of 322
the director, an authorized representative of the director, or 323
the attorney general incurred in obtaining the court order or 324
search warrant; and 325

(c) Expenses necessarily incurred for the assistance of 326
local law enforcement officers in executing the court order or 327
search warrant. 328

(2) In the application for a court order or a search 329
warrant, the director, the director's authorized representative, 330
or the attorney general may request and the court, in its order 331
granting the court order or search warrant, may order the owner 332

or operator of the premises, if found guilty of violating this 333
chapter or rules adopted under it, to reimburse the director for 334
any of the costs described in division (G)(1) of this section 335
that the court finds reasonable. From money recovered under this 336
division, the director shall do all of the following: 337

(a) Reimburse the attorney general for the costs incurred 338
by the attorney general in connection with proceedings for 339
obtaining the court order or search warrant; 340

(b) Reimburse the political subdivision in which the 341
premises is located for the assistance of its law enforcement 342
officers in executing the court order or search warrant; 343

(c) Deposit the remainder in the state treasury to the 344
credit of the high volume breeder kennel control license fund 345
created in section 956.18 of the Revised Code. 346

(H) A dog warden appointed under Chapter 955. of the 347
Revised Code or an agent of a humane society entering on public 348
or private property to make investigations and inspections in 349
accordance with Chapter 955. or 1717. of the Revised Code, as 350
applicable, shall report any violations of this chapter and 351
rules adopted under it to the director or the director's 352
authorized representative. 353

Section 2. That existing sections 956.01, 956.031, and 354
956.10 of the Revised Code are hereby repealed. 355