



Department of Agriculture's Plan to Regulate nearly ALL Commercial Dog Breeding

The Department of Agriculture has revealed their *intent to classify nearly all dog breeding facilities in Ohio as High Volume Breeders* in Ohio during lame duck session after the election with virtually no public hearings or opportunities for public input. The department plans to make this change in Senate Bill 331 or House Bill 573, which address pet store issues in Ohio.

Currently to be classified as "high volume" breeder, you must produce 9 litters and sell 60 dogs within a calendar year. This definition was written specifically to target abusive, large-volume breeding operations. However, the ODA now wants this language to apply to nearly every single breeder in the state.

Under the Department of Agriculture's plan, a person who owns just 5 unspayed dogs, and sells just 1 puppy to a pet retailer would be classified as a High Volume Breeder. They would be subject to the specific requirements in law that were written to apply just to "puppy mills." Imposing these requirements on ALL dog breeders will drive up the cost of maintaining dogs, open dog breeders up to civil penalties, dog seizure at their own expense, and subject their houses to searches of their premises without probable cause.

This proposal would regulate the everyday average citizen that sells just 1 dog with the same veracity as those selling thousands of dogs each year.

No Dialogue with the Regulated Community

The sporting dog community is large and diverse. It includes retrieving, pointing, flushing and scent dogs. Breeders of these dogs utilize different practices that are commonly used to produce hunting quality and field trial quality dogs. Ohio's High Volume Breeder law is a one size fits all approach to dog breeding that was written to specifically address substandard conditions in the largest commercial facilities.

It was never the intent to regulate sporting dog breeders, dog fanciers and/or hobby breeders with the same level of oversight that we use for the largest, abusive kennels. The case has not been made as to why these high-quality breeders require the same level of regulation - a one size fits all approach.

Because of the rush to make this change during lame duck session, dog breeders are not being afforded the chance to have the normal, and necessary, dialogue with legislators and the Department of Agriculture to address the need for this change, its consequences and any potential alternatives to ensure sound public policy.

The Department approached us for alternative ideas on October 31st, just two weeks prior to lame duck session.

A wholesale, regulatory change of this magnitude deserves to be discussed, debated and allotted the opportunity for full public input – not rushed through in the closing days of a legislative session.

Additionally, there has been no information shared about the fiscal impact of this change on breeders. This change will greatly expand the number of licensed breeders, which in turn will produce increased revenue from license fees and fines. However, the financial impact on smaller breeders that would be newly classified under this proposal is unknown. The legislature should have a clear understanding of the impact on sporting dog kennels and hobby breeders who do not have a primary income stream from breeding before moving forward with this change.

Costly and time intensive requirements include:

Beginning with just a single dog sold, the High Volume Breeder Act requires licensing fees, \$5,000 insurance policy, and mandatory and highly specific primary housing requirements for each dog. Additionally, the act includes specific temperature, lighting and ventilation requirements, socialization requirements, as well as the creation of individual nutritional plans and exercise plans written in consultation with veterinarians.



The law also includes numerous enforcement provisions that are not appropriate for folks who sell a single puppy each year, including Unannounced inspections of personal property without probable cause of a violation, civil penalties for individual violations, and potential seizure of dogs.

All of these provisions and more, which were written specifically to apply to high volume commercial kennels, would now apply to everyday Ohioans that sell just one dog. There is an inherent flaw with basing the threshold for regulation based upon the number of dogs owned instead of the critically important "commercial" aspect will create significant and lasting problems for otherwise law abiding breeders.

No Justification for Extensive Regulatory Expansion

The Department of Agriculture argues that there are substandard breeders who fall under the threshold of the high volume breeding law. They do not offer any data to support this contention, or quantify the size and scope of the prospective problem. In addition, this concern is already addressed in current law, and in other sections of Senate Bill 331, which is currently before the House Finance Committee:

Ohio's consumer protection law is among the strongest in the nation, helping to ensure that pet stores and retailers purchase dogs from reputable breeders.

Ohio's animal cruelty law is also strong, providing law enforcement the ability to act on information that indicates criminal activity.

Finally, Senate Bill 331 contains paperwork requirements for pet stores and retailers that provide all relevant information about an individual dogs breeding and health. Dog wholesalers have the same requirement under SB 331 also have this same requirement. This requirement will work to dry up whatever "substandard" market that does exist, without creating a brand new regulatory regiment for nearly every breeder.

The department is also concerned about Brucella Canis, bacteria which can cause Brucellosis. Current high volume breeders are required to test for the disease. The department argues that classifying nearly all commercial breeders as high volume will ensure testing and protect consumers. However, instead of subjecting nearly every breeder to the strict high-volume requirements, testing could be added to the paperwork requirements that SB 331 specifies for wholesalers and retailers. This simple solution addresses the disease concern without a huge increase in governmental regulation of dog breeders.

The Sportsmen's Alliance committed to dialogue between the dog community and the department. However, this dialogue will take time to arrange and conduct. The Alliance has asked that this issue be deferred until the new session in 2017, to allow for proper public input from the sporting dog and hobby breeding community which will be impacted by this legislation.

Senate Bill 331

The Sportsmen's Alliance supports the intent of Senate Bill 331 as passed by the Senate. This clean version of the bill protects the pet store industry without the wholesale changes to Ohio's regulatory structure that would have a significant impact on the law abiding sporting dog and hobby breeder community. However, without the appropriate time to engage in dialogue and to weigh public input, the Sportsmen's Alliance and its members cannot support SB 331, HB 573, or any other version that seeks to impose costly and invasive regulations on sporting dog kennels and hobby breeders without their input.