



Bill Analysis

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Legislative Service Commission

H.B. 606

126th General Assembly
(As Introduced)

Reps. Hughes, Beatty, Webster, D. Stewart, Widowfield, Trakas, J. McGregor, Combs, Yuko, C. Evans, Williams, Setzer, J. Stewart, Carano, Hagan, Flowers, Coley, Distel, Blessing, Chandler, Hartnett, DeGeeter, Sayre, Perry, Wolpert, Cassell, Skindell, Peterson, Strahorn, G. Smith, Seitz, Hoops, Schaffer, Kilbane, Ujvagi

BILL SUMMARY

Commercial Dog Kennel Control Authority

- Establishes in the Department of Commerce the Commercial Dog Kennel Control Authority for the purpose of administering the bill's licensure and enforcement provisions, and requires the Director of Commerce to designate a Superintendent as the head of the Authority (R.C. 4780.02).
- Specifies that the Department of Commerce has all powers to perform all duties vested in the Superintendent of the Commercial Dog Kennel Control Authority (R.C. 121.08(B)).

Annual registration of kennels in counties

- Eliminates the requirement in current law that persons annually register kennels in each county and pay to the county auditor a registration fee, replaces those requirements with the bill's dog kennel licensure provisions, and requires that owners or operators of commercial dog kennels regulated under the bill obtain dog tags for all dogs registered by the kennel (R.C. 301.28(A)(2), 955.013(B), 955.03, 955.05, 955.07, 955.10, 955.12, 955.14, 955.21, and 4780.04; outright repeals of R.C. 955.02 and 955.04--Section 2 of the bill).

Commercial dog kennels

- Requires persons operating a commercial dog kennel to obtain an annual commercial dog kennel license issued by the Director of Commerce in accordance with the bill and the rules adopted under it (R.C. 4780.04).
- Defines "commercial dog kennel" to mean an establishment that keeps, houses, and maintains nine or more adult dogs and that is operated for the purpose of boarding, breeding, holding, auctioning, or training dogs for a fee or other consideration, and specifies that the term includes a commercial dog boarding kennel, a commercial dog breeding kennel, and a commercial dog training kennel which are all defined by the bill (R.C. 4780.01(E), (F), (H), and (I)).
- Specifies that a commercial dog kennel does not include an animal rescue for dogs, an animal shelter for dogs, a medical kennel for dogs, or a research kennel for dogs as those terms are defined by the bill (R.C. 4780.01(B), (C), (H), (L), and (O)).
- Requires the Director of Commerce in determining whether an establishment is a commercial dog kennel for purposes of licensure under the bill to determine if the establishment keeps, houses, and maintains nine or more adult dogs for the purpose of boarding, breeding, holding, auctioning, or training dogs *for a fee or other consideration* (R.C. 4780.04(B)).
- Specifies that any dogs that are kept, housed, or maintained for the purpose of the companionship of the owner of an establishment or to be shown by the owner and not for boarding, breeding, holding, auctioning, or training for a fee or other consideration are not to be counted for the purpose of determining if an establishment is a commercial dog kennel (R.C. 4780.04(B)).
- Requires a person applying for a commercial dog kennel license to include with the license application specified information, including an affidavit of the number of dogs kept by the person, photographic evidence of the person's facilities, a signed release allowing the performance of a background investigation regarding the person, a copy of the applicant's fingerprint, and other information required by rules (R.C. 4780.04(C)).

- Requires the Director of Commerce to adopt *rules* establishing requirements and procedures *governing commercial dog kennels*, including the licensing and inspection of and record-keeping by the kennels, and specifies that the rules must require that a *commercial dog breeding kennel* be assigned a license number and that a commercial dog breeding kennel must provide the license number and the applicable vendor number assigned by the Department of Taxation whenever it solicits business or it is solicited for business (R.C. 4780.03(A)).
- Requires the Director of Commerce to adopt *rules* and procedures for conducting a *background investigation* of each applicant for a commercial dog kennel license, requires the Attorney General to conduct the investigation, and specifies that the rules must establish procedures for annually updating background investigation information (R.C. 4780.03(B)).
- Requires the Director of Commerce to adopt *rules* establishing requirements and procedures governing the submission to the Director of a *surety bond* with an application for a commercial dog kennel license to ensure that the kennel complies with the bill and the rules adopted under it, and requires that the surety bond be subject to redemption by the state upon the suspension or revocation of the kennel's license for the purpose of paying for the maintenance and care of dogs that are seized or otherwise impounded under the bill's provisions (R.C. 4780.03(E)).
- Establishes different required amounts for surety bonds based upon the number of adult dogs that a commercial dog kennel keeps, houses, and maintains (R.C. 4780.03(E)).
- Authorizes an applicant for a commercial dog kennel license to provide evidence of insurance payable to the state in lieu of the submission of a surety bond (R.C. 4780.03(E)).

Medical and research kennels

- Specifies that medical kennels for dogs and research kennels for dogs are not required to be licensed under the bill (R.C. 4780.04(I)).

Commercial dog intermediaries

- Requires persons acting or performing the functions of a commercial dog intermediary to obtain an annual license from the Director of Commerce in accordance with the bill and the rules adopted under it (R.C. 4780.05).
- Defines "commercial dog intermediary" as a person who sells, offers to sell, exchanges, auctions, or offers for adoption more than 24 dogs annually in Ohio, but specifies that the term 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 (R.C. 4780.01(G)).
- Requires a person applying for a commercial dog intermediary license to submit an application in accordance with the rules adopted under the bill (R.C. 4780.05).
- Requires the Director of Commerce to adopt *rules* establishing requirements and procedures governing *commercial dog intermediaries*, including the licensing of and record-keeping by the intermediaries, and specifies that the rules must require that a commercial dog intermediary be assigned a license number and provide the license number and the applicable vendor number assigned by the Department of Taxation whenever it solicits business or it is solicited for business (R.C. 4780.03(C)).

Animal rescues and shelters

- Requires persons operating an animal rescue for dogs or an animal shelter for dogs to obtain an annual license issued by the Director of Commerce in accordance with the rules adopted under the bill (R.C. 4780.03(F) and 4780.07).

Prohibitions and license denials, suspensions, or revocations

- Prohibits any person who has been convicted of certain animal cruelty or domestic violence crimes from receiving a license to operate a commercial dog kennel, an animal rescue for dogs, or an animal shelter for dogs, or functioning as a commercial dog intermediary (R.C. 4780.04(H), 4780.05(D), and 4780.07(B)).
- Specifies that the Director of Commerce must deny an application for a license under the bill if the applicant has violated any of the bill's

provisions or the rules adopted under it, if the applicant has been convicted of certain animal cruelty or domestic violence crimes, or if the Director determines that the applicant does not have the expertise or capacity to comply with the bill and the rules adopted under it (R.C. 4780.15(A)).

- Specifies that licenses only may be denied, suspended, or revoked via a specified written order of the Director of Commerce, and requires that persons subject to a license denial, suspension, or revocation be afforded an opportunity for an adjudication hearing (R.C. 4780.15(C)).

Fees

- Establishes fees for persons applying for an annual license to operate a *commercial dog kennel* or to act as or perform the functions of a *commercial dog intermediary*, and requires the fees to be deposited into the Commercial Dog Kennel Control License Fund that is created by the bill and required to be used by the Department of Commerce to administer the bill (R.C. 4780.06(A) and (B) and 4780.17).
- Specifies that, for a *commercial dog breeding kennel*, the annual license application fee is \$150 if the kennel has the capacity to keep, house, and maintain at least 9 but not more than 15 adult dogs, \$500 if the kennel has the capacity to keep, house, and maintain at least 16 but not more than 25 adult dogs, and \$750 if the kennel has the capacity to keep, house, and maintain more than 25 adult dogs (R.C. 4780.06(A)(1)).
- Specifies that, for all other commercial dog kennels, the annual license application fee is \$50 (R.C. 4780.06(A)(2)).
- Specifies that the annual license application fee for a commercial dog intermediary is \$500 (R.C. 4780.06(A)(3)).
- Specifies that \$50 of each commercial dog breeding kennel license application fee must be transferred to the county in which the kennel is or will be located and deposited in the county's dog and kennel fund (R.C. 955.20 and 4780.06(B)).
- Specifies that money received by a county under the bill is subject to audit by the Auditor of State (R.C. 955.20).

Standards of care and inspections

- Establishes specified standards applicable to commercial dog kennels, animal rescues for dogs, animal shelters for dogs, and commercial dog intermediaries related to the feeding, care, and living conditions of dogs (R.C. 4780.08).
- Requires the Director of Commerce to adopt rules establishing standards of care in addition to those specifically established by the bill (R.C. 4780.03(G)).
- Requires the Director of Commerce to appoint *kennel control enforcement inspectors* for the purpose of enforcing the requirements and standards established by the bill, and requires the Director to provide each inspector with an identifying badge and an official uniform (R.C. 4780.09).
- Requires the Director of Commerce or the Director's authorized representative to conduct inspections of commercial dog breeding kennels that are subject to licensure under the bill to ensure compliance with the bill and the rules adopted under it, including, but not limited to, the standards of care established under the bill (R.C. 4780.10(A) and (B)).
- Requires inspections of commercial dog breeding kennels to be conducted without prior notification and in accordance with the rules adopted under the bill (R.C. 4780.03(H) and 4780.10(A)).
- Authorizes inspections of any other facility subject to licensure under the bill to be conducted upon the request of a member of the public, a public official, an animal rescue for dogs, or an animal shelter for dogs (R.C. 4780.10(A)).
- Prohibits owners or operators of any facility subject to inspection under the bill from interfering with an inspection or refusing to allow an inspector full access to all areas where dogs are kept or cared for, and authorizes the Director of Commerce to suspend or revoke a license issued under the bill if an inspection is refused, hindered, or thwarted (R.C. 4780.10(C)).
- Establishes procedures for obtaining a search warrant if an inspection or investigation is refused, hindered, or thwarted (R.C. 4780.10(B) and (D)).

- Requires the Director of Commerce to adopt rules establishing procedures for inspections conducted under the bill and procedures for making records of inspections (R.C. 4780.03(H)).

Impounding of dogs

- Authorizes the Director of Commerce or the Director's authorized representative to impound a dog if there is probable cause to believe that the dog is being kept by a commercial dog kennel, commercial dog intermediary, animal rescue for dogs, or animal shelter for dogs in a manner that materially violates the bill or the rules adopted under it or when the dog's health or safety appears to be in imminent danger (R.C. 4780.11).
- Authorizes the Director of Commerce to enter into contracts or agreements with a licensed animal rescue for dogs, a licensed animal shelter for dogs, a veterinarian, a dog warden, or a humane society for the purpose of keeping, housing, and maintaining dogs that have been impounded (R.C. 4780.11).

Citations and civil penalties as enforcement mechanisms

- Establishes procedures for the issuance of "citations of violation" to persons determined by the Director of Commerce or the Director's authorized representative to have violated or to have threatened to violate the bill or the rules adopted under it (R.C. 4780.12).
- Requires a citation issued under the bill to be accompanied by *an order* (1) requiring the person to cease the acts or practices that appear to constitute a violation or requiring the person to take corrective actions to eliminate the conditions that appear to constitute the violation and (2) including a time period within which the violations must be corrected (R.C. 4780.12).
- Authorizes the Director of Commerce to assess *civil penalties* against a person violating the bill or the rules adopted under it if the person has received an order and been notified of a violation, the time period for correcting the violation has elapsed, the Director or the Director's authorized representative has inspected the premises at issue and determined that the violations have not been corrected, and the Director has afforded the person an opportunity for an adjudication hearing (R.C. 4780.13(A)).

- Establishes specific amounts for civil penalties depending upon which provision of the bill has been violated (R.C. 4780.13(C)).

Injunctive relief as an enforcement mechanism

- Authorizes the Attorney General, upon the request of the Director of Commerce, to bring an injunction action against a person who has violated, is violating, or is threatening to violate the bill, the rules adopted under it, or an order issued under it (R.C. 4780.14).
- Specifies that all civil actions for injunction and all appeals related to a civil penalty must be brought in the Environmental Division of the Franklin County Municipal Court and grants that Division jurisdiction over such cases (R.C. 1901.183(J), 4780.01(K), 4780.13(B), 4780.14, and 4780.15(C)).

Commercial Dog Kennel Oversight Commission

- Creates the Commercial Dog Kennel Oversight Commission, consisting of two members of the General Assembly and six members representing various entities with an interest in dog kennels, for the purpose of providing oversight and evaluation of the administration of the bill and the operation of the Commercial Dog Kennel Control Authority (R.C. 4780.18).
- Requires the Commercial Dog Kennel Oversight Commission to submit a report of its findings annually to the Director of Commerce, the President of the Senate, and the Speaker of the House of Representatives (R.C. 4780.18(C)).

Pet stores

- Requires the owners of pet stores to provide to the buyer of a dog either (1) a *certificate of medical health* that has been sworn and attested to by a veterinarian and that states that the veterinarian has examined the dog and not found a significant disease, illness, or injury at the time of the examination, or (2) a *money-back guarantee* that is valid for not less than 21 days after the date of purchase of the dog and that authorizes the purchaser to receive the purchase price of the dog if the purchaser presents a statement from a specified veterinarian that the dog has a significant disease, illness, or injury that was in existence at the time of purchase (R.C. 4780.01(P) and 4780.20(A)).

- Requires a pet store to post in a specified manner a written notice of its responsibility under the bill (R.C. 4780.20(B)).
- Requires pet stores, before the sale of a dog, to provide the name, complete address, and telephone number of the breeder that bred the dog, the commercial dog kennel where the dog was kept, housed, and maintained, and the commercial dog intermediary from whom the pet store acquired the dog, as applicable (R.C. 4780.20(C)).
- Requires the Director of Commerce to adopt rules establishing requirements and procedures that are necessary to implement and enforce the requirements established by the bill pertaining to pet stores (R.C. 4780.03(I)).
- Requires the Director of Commerce to adopt rules establishing a requirement that a retailer or direct seller of a puppy or adult dog provide a purchaser with (1) the complete name, address, and telephone number of all commercial dog kennels, commercial dog intermediaries, and private owners that kept, housed, or maintained the puppy or adult dog before its coming into the possession of the retailer or direct seller or (2) proof that the puppy or adult dog was acquired through a licensed animal rescue for dogs, licensed animal shelter for dogs, or humane society (R.C. 4780.03(J)).

Criminal penalty

- Specifies that any person that violates a provision of the bill is guilty of a misdemeanor of the first degree (R.C. 4780.98 and 4780.99).

HISTORY

ACTION	DATE
Introduced	06-01-06

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