



Ohio Legislative Service Commission

Synopsis of House Committee Amendments*

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Sub. S.B. 130

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(H. Agriculture and Natural Resources)

Application fees

Restores the high volume breeder and dog retailer license application fees that were established in the As Introduced version of the bill, and requires that money from the fees generally be credited to the High Volume Breeder Kennel Control License Fund.

Funds

Requires the Treasurer of State, rather than the Directors of Agriculture and Budget and Management, to provide for the transfer of money to county dog and kennel funds, specifies that the money is to come from high volume breeder license application fees, removes the requirement that the amount of the transferred money be determined in accordance with a formula established by the Director of Agriculture, and instead specifies that the amount is to be \$50 of each application fee or the amount charged in a particular county for registration of a kennel under the Dogs Law, whichever is greater.

Requires the Director of Agriculture rather than the Commercial Dog Breeding Oversight Board to request the Controlling Board to release an amount not to exceed \$2,500,000 biennially from the High Volume Breeder Kennel Control License Fund.

Standards of care

Requires the Director to adopt rules establishing standards of care for dogs rather than requiring the Commercial Dog Breeding Oversight Board to establish those standards, and applies those specific standards of care only to high volume breeders rather than also to dog retailers.

Adds standards established by the U.S. Department of Agriculture under the Federal Animal Welfare Act to the list of factors to be considered when establishing the standards, and states that the specified factors are to be considered without limitation.

* This synopsis does not address amendments that may have been adopted on the House Floor.

Requires compliance by high volume breeders and dog retailers with applicable standards established by the Director in rules rather than with the standards established by the Board.

Inspections

Removes the requirement that the Director appoint inspectors for the bill's purposes, the requirement that the inspectors be employees of the Department of Agriculture, and related provisions governing such inspectors.

Specifically requires the Director to enforce the requirements and standards established in the bill and rules adopted under it rather than appointed inspectors.

Authorizes the Director to enter into a contract or agreement with a veterinarian to conduct inspections under the bill, and specifies that the veterinarian must be considered the Director's authorized representative for purposes of inspections.

Authorizes such a veterinarian to inspect a high volume breeder with whom the veterinarian has established a veterinary-client-patient relationship as described in the Veterinarians Law only once every other year.

Requires the Director, if the Director determines that a veterinarian with whom the Director has entered into a contract or agreement has falsified any information submitted to the Director pursuant to an inspection, to inform the Veterinary Medical Licensing Board of the falsification.

Requires an inspection to take place at least once annually rather than at least once biennially, and specifies that it is to ensure compliance with standards of care established in rules adopted under the bill in addition to compliance with the bill and other rules.

Authorizes the Director or the Director's authorized representative, upon receiving a complaint, to inspect a high volume breeder that is subject to licensure under the bill and rules adopted under it to ensure compliance with the bill and rules adopted under it.

Authorizes rather than requires, upon the request of a member of the public, a public official, an animal rescue for dogs, or an animal shelter for dogs, an inspection of any facility at which a person is acting as or performing the functions of a dog retailer to ensure compliance with the bill.

Requires inspections to be conducted during regular business hours.

Specifies that the owner or operator of a premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is only liable to the Director for the reasonable costs incurred by the Director for the regular salaries and

fringe benefit costs of personnel assigned to conduct the inspection or investigation during a specified time period if the owner or operator was found guilty of violating the bill or rules adopted under it.

Removes the requirement that the Director or the Director's authorized representative, upon completion of an inspection, rate a high volume breeder and notify the breeder of the rating, and eliminates the establishment of the rating system by the Commercial Dog Breeding Oversight Board.

Removes the authority for a dog warden or an agent of a humane society, during an investigation or inspection, to examine and copy any records that are required to be maintained under rules adopted under the bill.

Impoundment

Revises the bill's impoundment procedures as follows:

- Authorizes the Director, if the Director or the Director's authorized representative determines that a dog is being kept by a high volume breeder or dog retailer in a manner that materially violates the bill or rules adopted under it, to impound the dog rather than if there is probable cause to believe that the dog is being kept in such a manner and if the dog's health or safety appears to be in imminent danger;
- Adds authority for the Director or the Director's representative, if a dog is impounded, to order that the dog be seized by an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society with which the Director has entered into a contract or agreement for that purpose; and
- Specifically requires the rescue, shelter, kennel, veterinarian, board, or humane society, upon receiving the order from the Director, to seize the dog and keep, house, and maintain it.

License applications

Removes the provision that specifies that rules adopted by the Director regarding background investigations of applicants for high volume breeder licenses under the bill must require the investigations to be conducted solely by the Attorney General on behalf of the Director and must establish procedures for annually updating background investigation information regarding an applicant after an initial background investigation has been conducted with respect to an initial application for a license.

Removes the requirement that an applicant for a high volume breeder license include with the application the names and addresses and any other identifying



information required by rules adopted under the bill of all persons who will have custody of or control over dogs kept by the applicant.

Requires that an applicant for such a license include with the application proof that the applicant has established a veterinary-client-patient relationship as described in the Veterinarians Law.

Removes the requirement that an applicant for such a license specify whether the applicant is applying for a license that is valid for a period of one year, three years, or five years, and instead requires a high volume breeder to obtain an annual license and apply for the annual license in the same manner as for an initial license.

Removes the requirement that an application for a high volume breeder or dog retailer license be submitted on or before November 30.

Requires rather than authorizes the Director to deny a license for specified reasons.

License number

Removes the provision that specifies that rules adopted by the Director must require that a high volume breeder and a dog retailer be assigned a license number and that the high volume breeder or dog retailer 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.

Animal rescues for dogs

Prohibits a person from operating an animal rescue for dogs without first registering with the Director rather than obtaining a license from the Director, and requires the Director to maintain a database of all persons that are registered rather than licensed.

Authorizes inspection to ensure compliance with the bill's registration requirements rather than inspection upon complaint.

Removes the authority for the Director or the Director's authorized representative to impound a dog that is being kept by an animal rescue for dogs and related provisions.

Civil penalties

Increases from \$25 to \$100 the amount of the civil penalty that a person who has violated any provision of the bill or rules adopted under it other than a licensing requirement must pay.

Pet stores

Removes requirements with which a pet store must comply regarding the sale of a dog and the requirement that the Director adopt rules establishing requirements and procedures that are necessary to implement and enforce those requirements.

Litter registration

Removes the prohibition against the sale or other transfer by a high volume breeder of a puppy that is less than 90 days old without registering the litter in which the puppy was born with the Director in accordance with rules and the requirement that the Director adopt rules establishing requirements and procedures governing the registration of litters.

Commercial Dog Breeding Board

Replaces the Commercial Dog Breeding Oversight Board with the Commercial Dog Breeding Advisory Board, requires the Governor rather than the Director of Agriculture to appoint its members, and requires the Board only to review rules that have been or are proposed to be adopted under the bill and advise the Director on the administration of the bill and rules adopted under it.