

March 17, 2008

Representative Larry Wolpert, chairman
House Local and Municipal Government and Urban Revitalization Committee
77 South High Street
Columbus, Ohio 43215-6111



In re opposition to HB 446, the bill to amend Ohio's animal control law:

Representative Wolpert and committee members:

My name is Norma Bennett Woolf. I own, train, and occasionally breed Canaan Dogs, teach dog obedience classes in a club near Cincinnati, and am active in my national breed club and in a Cincinnati-area kennel club. I am here to represent Ohio Valley Dog Owners Inc., a coalition of dog owners, breeders, exhibitors, and trainers and dog-related clubs and businesses established in the mid-1990s. OVDO promotes responsible dog ownership and the rights of our members to pursue dog-related activities within the law. We worked with state lawmakers to pass ORC 959.131, the current pet animal anti-cruelty law that established training for humane agents and protects the rights of dog owners accused of abuse or neglect.

The 114 pages of HB 446 deal with dogs, cats, and ferrets, but I will limit my comments to the sections affecting dogs and dog owners. Even so, my comments are long to cover the proposed changes.

Any bill that increases costs for dog owners or increases government oversight of dog ownership is guaranteed to generate opposition. HB 446 is no exception: as written, it will broaden the distrust that exists between dog owners and animal control agencies, drive owners and breeders underground, and result in more dog deaths in shelters.

The bill also fails to address the 2004 Ohio Supreme Court ruling that provisions in ORC 955.11 defining vicious dogs are unconstitutional.

Some specific concerns

Changes in 955.01 and 955.50 reducing the age for licensing puppies from 3 months to 2 months and prohibiting the sale of unlicensed puppies place an unjustifiable financial and paperwork burden on breeders, especially if the buyers live in another state and therefore don't need an Ohio license. The 2-month registration age also shrinks the window for purchasing a license if buyers get an 8-week old puppy from another state.

The additional change in 955.01 lowering the age for differential licensing for intact dogs ignores the growing body of evidence that earlier sterilization of dogs has potential adverse effects on growth and health. While spay or neuter of pets is a sure-fire way to prevent unwanted litters, it is a decision best left to the dog owner, not made an item of taxation.

The changes in 955.04 and 955.10 requiring individual licenses, collars, and tags for kenneled dogs will heavily tax kennel owners and meddle in the practices of breeders who prefer not to leave collars on kenneled dogs. Most breeders in Ohio now pay \$50-100 per year (depending on the county) for a kennel license and get five license tags. Under HB 446, a breeder with 10 dogs will pay \$150-\$300 per year (the kennel license plus 10 individual licenses) and more if he has puppies. Commercial kennels, hunters, and serious show/performance dog breeders often have more than 10 dogs, so their costs will increase

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exponentially even though they are no more likely to use animal control services after the price hike than they are today.

Currently, individuals and private rescues step in to find homes for stray dogs, thus relieving counties of the costs of impoundment. New section 955.161 will undermine this effective method of placing strays in new homes and lead to overcrowding of shelters and more dog deaths.

New language in Section 955.04 allowing the county auditor to revoke a kennel license if he determines that the owner has violated ORC 959.131 (the companion animal welfare law) subverts due process for kennel owners and undermines the authority and responsibility of humane agents appointed and trained to enforce that law. (The sponsor has indicated that he has fixed this language.)

There is no definition of nuisance in current law or in HB 446, but new language in 955.40 allows authorities to kill a dog declared a nuisance if no rabies vaccination record is found.

Penalty section 955.99 increases some penalties and criminalizes failure to surrender a stray dog to the animal control agency (955.161), failure to register a puppy by the age of two months (955.04), and failure to license a puppy before sale (955.50). The new and increased penalties in this section will have little effect on license compliance but will increase tension between animal control agencies and dog owners.

A huge gap in the bill

In September 2004, the Ohio Supreme Court determined that portions of the vicious dog law (ORC 955.22) are unconstitutional because they fail to protect the rights of owners whose dogs are accused of aggressive behavior. Representative Webster introduced a bill to fix this problem in 2006, but it died in committee. It is disappointing that a major overhaul of animal control law neglects this vital protection for dog owners.

Items we support

HB 446 contains a few items we do support, including training for animal control agents, addition of a penalty-free amnesty period for buying late licenses if approved by the county commissioners, and the mandate for rabies vaccination of dogs.

Lack of input

The bill suffers from a lack of input from pet dog owners and from a cross-section of experienced breeders, rescuers, and kennel owners. We are easy to find: Ohio has more than 100 clubs dedicated to various aspects of dog ownership, dozens of private rescue organizations that take in stray dogs, and thousands of breeders and hunters who register kennels in their counties. We are ready, willing, and able to help draft reasonable laws and amendments, so it is frustrating to be left out of the process.

Conclusion

As written, HB 446 supports activist campaigns against dog breeding by increasing kennel costs, is guaranteed to intensify the animosity between pet owners and local animal control agencies, and penalizes hunters and other breeders who have large kennels. The bill also changes the intent of dog licensing from a method of funding animal control services to a system for increasing government control over dog breeding and ownership.

By raising license fees, HB 446 targets those who already comply with the law to boost animal control budgets. Since national studies estimate that only about 30 percent of dogs are licensed, this places the entire

burden for animal control on less than one-third of dog owners because they are law-abiding and are therefore easily found. Furthermore, if 70 percent of dog owners now avoid licensing pets, they will hardly be encouraged to join the system if the fees and penalties increase.

Punitive animal control laws are difficult to enforce because dog owners don't perceive any benefit for their licensing dollars. There are other methods of increasing compliance and thereby boosting budgets. OVDO favors incentives such as the allowance for an amnesty period in HB 446 and programs such as voluntary licensing for young puppies, one free ride home if the dog has a microchip or license, reductions in fees if owners meet a set of criteria (such as spay/neuter of pets, earning a Canine Good Citizen or other certification of good behavior for their pet, construction of a confinement system to keep the pet at home, microchipping for ID if the license tag is lost, etc.) all help by accenting the benefits of licensing and rewarding responsible ownership. While many of these incentives are the responsibility of local government, state law can lead the way by giving counties the leeway to put them into practice.

Thank you for the opportunity to address the committee on this bill. I am happy to answer any questions you may have.

Norma Bennett Woolf, president
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