

Testimony to the Ohio House Agriculture & Natural Resources Committee

September 30, 2009



Representative Domenick & Committee Members:

My name is Norma Bennett Woolf, and I am testifying on behalf of the members of Ohio Valley Dog Owners Inc., an organization of dog owners, breeders, and trainers and dog-related clubs and businesses. We support reasonable laws that protect dogs, dog owners, and our neighbors. We oppose HB 124 and sub-bill HB 124 because they contain provisions that harm responsible dog breeders without helping dogs and have the potential to dramatically reduce the availability of well-bred puppies in our state. Our opposition is not limited to the comments given in previous testimony or my specific remarks today; we also support the opposition testimony of the Ohio Association of Animal Owners and other groups and individuals in regard to other provisions in the bill.

OVD0 has participated in the stakeholder meetings held by Representative Weddington, but only one of the substantive changes we have discussed made it into the sub bill. In previous testimony, I enumerated the problems with several of the bill's housing and care standards and gave detailed explanations of our opposition. Only the provision dealing with tail docking and dewclaw removal has been fixed. The remaining issues – micromanagement to the point of banning the closed water systems approved by USDA and the National Research Council, mandating two hours of exercise per dog per day, allowing only three dogs per pen or exercise area, banning bare wire enclosures for housing, basing the size of the housing and exercise pens on dog weight, and ordering veterinary care for any disease, illness, or injury – remain.

We have been told repeatedly that the aim of this bill is to stop the bad actors who raise large numbers of dogs without concern for their health or well-being. If this were true, the changes in the sub bill would address the provisions that affect hobby breeders, but they do not. The following points make it abundantly clear that hobby breeders are also targets of the bill regardless of these claims.

- The definition of dog intermediary still requires a license for anyone who sells more than nine puppies in a year, a provision that affects hobby breeders who produce a single litter of large breed dogs that may whelp more than nine pups at a time or two litters of breeds that may whelp more than five pups at a time. Intermediaries are subject to criminal background checks and a \$500 license application fee and must adhere to the list of 40 standards in the bill and any regulations that might be written to implement those standards. Taken to a conclusion dictated by the bill language, someone with one intact dog who produces one litter of 10 puppies would pay the same license application fee (\$500) and be directed to follow the same kennel standards as a regulated breeder who produces 36-45 litters per year.
- The intermediary language also fails to clarify whether a breeder might need both an intermediary license and a local county kennel license or a regulated breeder license.

Ohio Valley Dog Owners Inc.

6241 N. State Route 48 ♦ Lebanon, Ohio 45036

(513) 932-3176 ♦ ovdog01@canismajor.com

www.canismajor.com/orgs/ovdo

- Current law (ORC 955.02) requires a kennel license for those who are professionally engaged in breeding dogs for hunting or sale, and this definition is supported by an attorney general opinion (1938 OAG 2658) that exempts hobby breeders. However, HB 124 and the sub-bill mandate a kennel license for anyone who owns an intact dog by defining a breeding dog as “an unneutered, unsprayed dog that is primarily harbored or housed on property that is the dog’s primary residence” and removing the phrase “professionally engaged in the business” of breeding dogs from ORC 955.02. Thus the owner of a single intact dog could see his individual dog license fee jump from \$15 to \$75 if his dog is categorized as a dog “kept for the purpose of breeding” regardless of whether he ever plans to produce a litter. The bill conveniently disregards other legitimate reasons for keeping a dog intact: Conformation events such as AKC shows require dogs to be reproductively whole; some owners like the character and drive of a natural dog; and some want to avoid the potential complications that may occur when the dog’s hormone balance is disrupted by removal of reproductive organs. (I.e., reproductive hormones are essential to proper bone development and while incidence of some cancers is reduced by removal of reproductive organs, other cancers show an increase in spayed and neutered dogs. Sterilized dogs are also more prone to urinary tract problems, hypothyroidism, obesity, and other problems. Citation: *Long-Term Health Risks and Benefits Associated with Spay / Neuter in Dogs*, Laura J. Sanborn, M.S., May 14, 2007)

On June 24, I listened to witnesses testify in favor of HJR 2, the joint resolution that placed Issue 2 on the November ballot. I wanted to stand up and cheer because this resolution brought farmers, lawmakers, and the public together to establish a Livestock Welfare Board to write sensible, industry-approved, science-based livestock welfare standards that tell the world that Ohio’s family farmers are the good guys when it comes to animal care. Unfortunately, the activist-authors of HB 124 took a different route to the committee; they ignored our ‘good guy’ hobby and commercial breeders, shunned science, and instead crafted a punitive, thinly disguised anti-breeding bill.

The Ohio Supreme Court affirmed that dog husbandry is agriculture in this state in *Harris v Rootstown Twp Board of Zoning Appeals* [44OS(2d) 144,338NE(2d)763(1975)], a decision that should lead to equivalent consideration for dog breeders. OVDO members ask committee members to just say no to sub-bill 124 and go back to the drawing board. We believe the bill provisions have more to do with controlling breeders than helping dogs and are therefore bad for breeders and dogs alike. We are not asking for band-aids that will exempt hobby breeders from the bill; to the contrary, we’d like to see the entire bill scrapped and a new effort undertaken with a group of stakeholders, other experts in canine husbandry, and the dog wardens and humane agents who will be responsible for administering and enforcing the rules. Such a major change to Ohio dog law should not be left to a few activists with an ill-disguised anti-breeding agenda.

Thank you for your attention. I am happy to answer any questions now or later by e-mail or telephone.

Sincerely,



Norma Bennett Woolf, president, Ohio Valley Dog Owners Inc.

Ohio Valley Dog Owners Inc.
6241 N. State Route 48 ♦ Lebanon, Ohio 45036
(513) 932-3176 ♦ ovdog01@canismajor.com
www.canismajor.com/orgs/ovdo