



## OHIO INTRODUCES DOG BREEDING KENNEL AND PET STORE WARRANTY LAWS

**\*\* HB 124 Set For Committee Hearing On May 27<sup>th</sup> \*\***

### The Issue.

Ohio House Bill 124, which also has a companion in the Senate, SB 95, sets licensing and insurance requirements for dog breeding kennels. The bills also provide pet store warranty provisions on dog sales. **HB 124 is set to be heard before the House Committee on Agriculture & Natural Resources on May 27, 2009 (Hearing Room 18 at 9:30 a.m.).** SB 95 currently sits in the Senate Committee on State and Local Government & Veterans Affairs awaiting its first committee hearing.

### The Impact.

HB 124 defines a “regulated dog breeding kennel” as “an establishment that keeps, houses, and maintains adult breeding dogs that produce either at least nine litters of puppies or at least 40 puppies in any given calendar year and, in return for a fee or other consideration, sells, exchanges, or leases adult dogs or puppies”.

### Insurance Requirements

This bill requires that each regulated dog breeding kennel submit to the director an application for a regulated dog breeding kennel license along with evidence of insurance, or evidence of a surety bond payable to the authority. The face value of the insurance coverage or bond shall be in the following amounts:

- \$5000 for regulated dog breeding kennels keeping, housing, and maintaining not more than 25 adult dogs;
- \$10000 for regulated dog breeding kennels keeping, housing, and maintaining 26 -50 adult dogs; or
- \$50000 for regulated dog breeding kennels keeping, housing, and maintaining 50+ adult dogs.

### Licensing Requirements

No dog breeding kennel would be allowed to operate without a kennel license. NOTE: newly established breeding kennels must submit an application for a license 90 days before the operation is set to open. Breeding kennels already in operation will have three months after the passage of this bill to obtain a license.

License applications must include the following information:

- A signed affidavit of the number of adult dogs kept, housed and maintained by the applicant;
- An estimate number of puppies to be kept;
- An estimate of the number of litters/total number of puppies to be produced during the annual term of the license;



- Photographic evidence of the facilities where the dogs will be maintained. NOTE: kennel control authorities may conduct an inspection of the facilities upon review of the photos.
- A signed release permitting a background investigation of the applicant; and
- The names and addresses of all the people who will have custody or control over the dogs kept by the applicant.

License fees are non-refundable and are categorized as follows for a regulated dog breeding kennel:

- \$150 if breeding dogs produce nine to 15 litters; OR if fewer than nine litters are produced, but at least 40 puppies are produced in a calendar year at the kennel;
- \$250 if breeding dogs produce 16-25 litters;
- \$350 if breeding dogs produce 26-35 litters;
- \$500 if breeding dogs produce 36-45 litters; and
- \$750 if breeding dogs produce 46 or more litters.

For a regulated dog intermediary, meaning “a person who buys, sells, offers to sell, donates, gives, or exchanges more than nine dogs annually in this state or who sells or gives one or more dogs to a pet store annually”, the fee is \$500.

NOTE: The owner of a boarding kennel also must register with the kennel control authority by paying an annual fee of \$50. This legislation defines a “boarding kennel” as “an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration”.

A long list of standards is provided for people operating a dog breeding kennel ranging from enclosure requirements to care standards and veterinary care.

Kennels are subject to at least one biennial inspection. If violations are found kennel operators will be given the opportunity to remedy the violation in a certain amount of time. If the violation is not remedied a license may be revoked and operators may face civil penalties of up to \$15000.

### **Pet Store Warranty Provision**

HB 124 and SB 95 slide in pet store warranty provisions at the end of these bills. Any pet store that sells dogs must provide purchasers of dogs with the following information at the time of sale:

- A certificate of medical health completed by a veterinarian stating that the dog has been examined and there is no evidence of disease, illness, or injury at the time of the examination;
- The name, complete address, and telephone number of the breeder that bred the dog, the regulated dog breeding kennel where the dog was kept, housed, and maintained, and the regulated dog intermediary from whom the pet store acquired the dog, as applicable; and
- A money-back guarantee that is valid for up to 21 days after the date of purchase of the dog. The guarantee will allow the purchaser of the dog to receive the purchase price of the dog from the pet store within that 21 day period if the purchaser presents a statement to the pet store from a veterinarian who has examined the dog within 14 days of the purchase of the dog that the dog has a significant disease, illness, or injury that was in existence at the time of the purchase of the dog.

Pet stores will be required to post written notice, in at least 18-point font, of the pet store's responsibility in a conspicuous location near the pet store's cash register. The telephone number and the address of the kennel control authority must also be provided.

Any pet store found in violation with respect to the sale of a dog or a pet store that fails to refund the purchase price of a dog is liable to the purchaser of the dog for an amount that is equal to the actual damages incurred by the purchaser within one year after the date of the purchase of the dog, except veterinary expenses of up to \$500. The pet store also is liable for any attorney's fees and costs incurred by the purchaser. In addition, the buyer of the dog may keep the dog.

## Recommended Action.

Please be aware of the licensing and fee categorizations made under this legislation. The penalties for non-compliance could be severe. Also, pet store warranty laws such as this have been introduced all over the country and could impact your way of doing business.

To better understand this bill, we urge you to read the full text of HB 124, which can be found attached to the online version of this PetAlert on the “Breaking News” page of the PIJAC website ([www.pijac.org](http://www.pijac.org)). Please email or call the committee members listed below with any questions and concerns. Also, if possible, please attend the hearing on Wednesday, May 27<sup>th</sup> at 9:30 a.m., in Hearing Room 18 at the Capitol.

If you have any additional questions feel free to contact PIJAC’s Bambi Nicole Osborne at 202-452-1525 or via email at [Bambi@pijac.org](mailto:Bambi@pijac.org).

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### Not Yet a PIJAC Member?

For more than thirty-five years, the Pet Industry Joint Advisory Council (PIJAC) has ensured the prosperity of the pet industry. To learn more about PIJAC, please visit our website at [www.pijac.org](http://www.pijac.org). For further information, please send an e-mail to [Members@pijac.org](mailto:Members@pijac.org) or phone 1-800-553-PETS (1-800-553-7387).

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