

FULL TEXT OF PROPOSED AMENDMENT

Be it resolved by the People of the State of Ohio that Article XV of the Ohio Constitution is hereby amended to add Section 13 as follows:

Section 13. Care Standards for Dogs

Declarations and Findings

The People of the State of Ohio hereby find and declare that:

Ohio is home to hundreds of large-scale commercial dog breeding facilities where the health and welfare of the dogs is not adequately provided for, commonly referred to as “puppy mills.”

Current state law does not adequately protect breeding dogs and their puppies from inhumane treatment and conditions, and does not ensure dogs sold in Ohio originated from humane breeders.

Ohio citizens renounce puppy mill cruelty and overwhelmingly support securing protections for dogs in the state constitution.

(A)(1) Any person who keeps, houses, or maintains dogs for the purpose of breeding and selling their offspring shall provide such dogs and their puppies adequate exercise and socialization, adequate food and water, adequate shelter, and adequate veterinary care, and shall breed such dogs using safe breeding practices.

(2) Division (A)(1) of this section shall not apply:

(a) to a hobby breeder; or

(b) during veterinary examination or other individual treatment under the supervision of a licensed veterinarian; during lawful scientific research; during transportation; during temporary cleaning of a dog's enclosure; or during any emergency that places a dog's life in imminent danger.

(B)(1) No person shall sell a dog to a consumer or retailer in the state unless the dog was obtained from an animal care facility or an animal rescue organization, or was bred and raised by a breeder that is either in compliance with the standards established in division (A)(1) of this section or exempt from those standards under division (A)(2)(a) of this section.

(2) Division (B)(1) of this section shall not apply to a person who sells fewer than fifteen dogs to consumers or retailers in the state each year.

(3) It shall be a defense to any action to enforce division (B)(1) of this section against a person, other than the breeder of the dog, if that person acted in good faith reliance upon a notarized statement from the breeder of the dog, including the breeder's name and physical address, attesting that the dog was bred and raised in compliance with the requirements of division (A)(1) of this section or that the breeder is exempt under division (A)(2)(a) of this section, or upon a notarized statement from the animal care facility or animal rescue organization from which the dog was

obtained, including the facility's name and physical address, attesting that the facility is an animal care facility or animal rescue organization.

(C) Within one hundred twenty days after the election at which this section is adopted, the General Assembly and the state department of agriculture shall revise all existing laws and regulations concerning the breeding, raising, or sale of dogs in the state to conform with the requirements of this section, and shall promulgate any new laws and regulations necessary for the implementation of this section, including regulations to ensure adequate recordkeeping and enforcement of this section. Such recordkeeping requirements shall, at minimum, establish a system for tracing the source of dogs sold in this state and ensuring that those sources are in compliance with the requirements of division (A)(1) of this section or are animal care facilities or animal rescue organizations. Such laws and regulations shall also include civil or misdemeanor penalties for each violation of division (A)(1) or division (B)(1) of this section and each violation of any laws or regulations promulgated to implement this section, and injunctive relief.

(D) For purposes of this section, the following definitions shall be applied:

(1) "Adequate exercise and socialization" means, for dogs other than puppies under eight weeks old and housed with their mother:

(a) unfettered access during daylight hours to an outdoor exercise area that is at ground level and provides at least twice the amount of space per dog as required in division (D)(3)(b) of this section; and

(b) at least thirty minutes per day of socialization with humans, not including veterinary care; and

(c) housing with other compatible dogs.

(2) "Adequate food and water" means access to nutritious food at least twice per day sufficient to maintain good health and physical condition; and continuous access to potable water that is not frozen and is free of feces, algae, and other contaminants.

(3) "Adequate shelter" means:

(a) sufficient indoor space for each dog to turn in a complete circle without any impediment (including a tether) and to lie down and fully extend his or her limbs and stretch freely without touching the side of an enclosure or another dog; and

(b) for dogs other than puppies under eight weeks old and housed with their mother, at least twelve square feet of indoor floor space per each dog up to twenty-three inches long, at least twenty square feet of indoor floor space per each dog between twenty-three and thirty-one inches long, at least thirty square feet of indoor floor space per each dog thirty-one inches or longer (with the length of the dog measured from the tip of the nose to the base of the tail), and at least one foot of headroom above the head of each dog when standing; and

(c) protection from extreme temperatures and the elements, including access to indoor space with appropriate temperature levels for the age, breed, and health condition of the dogs and which, at a minimum, do not fall below forty-five degrees Fahrenheit nor rise above eighty-five degrees Fahrenheit when dogs are present; and

(d) for dogs kept in enclosures, in addition to the other requirements of division (D)(3) of

this section, enclosures that have completely solid flooring or ground surface, are not stacked or otherwise placed on top of or below another animal's enclosure, and are cleaned at least once per day to remove excreta, dirt, grime, and other waste.

(4) "Adequate veterinary care" means:

(a) prompt treatment of any serious illness or injury by a licensed veterinarian; and

(b) a hands-on examination of each dog by a licensed veterinarian at least once each year including, at minimum, a comprehensive physical examination, dental assessment, pain assessment, and body condition scoring; and

(c) core vaccinations and parasite control as recommended by the American Veterinary Medical Association; and

(d) documentation of all veterinary examinations, treatments and euthanasia procedures, and the preservation of such documentation for a period of three years; and

(e) performance of any surgical or euthanasia procedures only by a licensed veterinarian.

(5) "Animal care facility" means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission or practice is, in whole or in significant part, protecting the welfare of dogs and the placement of those dogs in permanent homes or with animal rescue organizations.

(6) "Animal rescue organization" means any not-for-profit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code or is licensed or registered as an animal rescue organization or similar entity with a state regulatory agency, and whose mission and practice is, in whole or in significant part, the rescue of homeless or abandoned dogs and the placement of those dogs in permanent homes. This term does not include any entity that is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

(7) "Breeder" means a person who keeps, houses, or maintains dogs for the purpose of breeding and selling their offspring.

(8) "Broker" means a person who transfers dogs for resale by another.

(9) "Good faith reliance" means that a person:

(a) before selling a dog that was obtained from a person other than an animal care facility, animal rescue organization, or hobby breeder, to a consumer or retailer in the state, obtains and reviews copies of any state and federal inspection reports created during the previous three years concerning the breeder of the dog for any evidence or documentation of conditions that would violate the standards established in division (A)(1) of this section, and maintains copies of all of these reports; and

(b) maintains the notarized statement from the breeder, animal care facility, or animal rescue organization described in division (B)(3) of this section; and

(c) does not know, or have reason to know, that the notarized statement is false.

(10) “Hobby breeder” means a breeder, as defined in this section, that keeps, houses, or maintains fewer than eight unspayed female dogs. The term does not include a breeder that keeps, houses, or maintains dogs on multiple properties when the total number of unspayed female dogs kept, housed, or maintained by that breeder is eight or more, nor does it include a breeder that keeps, houses, or maintains fewer than eight unspayed female dogs when another breeder keeps, houses, or maintains dogs on the same property and the total number of unspayed female dogs on the property is eight or more.

(11) “Person” means any individual, firm, corporation, partnership, association, or any other entity.

(12) “Retailer” means any seller of dogs, including but not limited to, a pet shop, broker, or wholesaler.

(13) “Safe breeding practices” means:

(a) dogs are screened for congenital disorders that are common or prevalent in the breed; and

(b) no dog is bred unless the dog is free from health conditions that may be disabling to the mother if bred, or disabling or likely to significantly affect the lifespan or quality of life of the offspring, as documented by a licensed veterinarian upon examination; and

(c) no female dog is bred to produce more than two litters in any eighteen-month period, nor more than six litters in her lifetime.

(14) “Sale” or “sell” includes any sale, exchange for consideration, trade, barter, lease, transfer of ownership, or broker of the sale or transfer of ownership. These terms do not include the charging of adoption fees by an animal care facility or animal rescue organization.

(E) Nothing in this section shall be construed to limit any laws or regulations that are consistent with or more protective of animal welfare than this section. The General Assembly may enact laws, and the state department of agriculture may promulgate regulations, necessary to carry out and enforce the purposes of this section. This section shall be liberally construed in favor of its purposes. In any case of a conflict between this section and any other provision contained in the Constitution or Revised Code the provisions of this section shall control.

(F) Each provision of this section is intended to be independent and severable, and if any provision of this section is held to be invalid, either on its face or as applied to any person or circumstance, the remaining provisions of this section, and the application thereof to any person or circumstance other than those to which it is held invalid, shall not be affected thereby.

Effective Date.

The provisions of this Amendment shall take effect one year after the election at which the Amendment is adopted by the voters, except for division (C), which shall take effect thirty days after such election.