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TESTIMONY TO THE HOUSE STATE GOVERNMENT & ELECTIONS COMMITTEE

Re: Substitute House Bill 223 - Kennel Licensing Bill

by Polly Britton

I am here on behalf of the Ohio Association of Animal Owners to share with this Committee our members' position on Substitute House Bill 223. The OAAO represents animal owners throughout Ohio and owners in surrounding states who do business in Ohio. Our membership currently includes over 10,000 members, all of whom strongly support Ohio's animal industry, which includes the breeding and sale of dogs both to pet stores and to private individuals.

You will note that I refer to HB223 as the Kennel Licensing Bill. That is how the bill was introduced, and what it is supposed to be. At last week's hearing and in the media, it is consistently referred to as the "puppy mill bill". There is a reason for that. Proponents of this legislation want to paint our commercial dog breeders as profit hungry people who abuse dogs in order to make money. Our members, who work diligently to raise and sell quality animals, understandably take offense at being labeled with such offensive names as "puppy millers". We are not puppy millers. We are dog breeders. We are the responsible, voting, tax paying citizens of this state, who love dogs and raise them with much sweat and tears to subsidize our families' incomes. We are your constituents and your neighbors, and we are here to let this Committee know of the vast opposition to this bill throughout Ohio.

I have testified at this Statehouse for almost 17 years, and it still surprises me that when a person comes before you to provide testimony on proposed legislation, we are never asked to swear an oath to tell the truth. I believe it would save our legislature a lot of time if that practice were adopted.

Last week, we heard testimony based almost exclusively on emotion rather than on fact. We heard a lot of "in my opinions" and a lot of "I feels", "I suspects", "I thinks", and a lot of "allegedly" and "probablys". We heard testimony from the President of the OVMA, who supports the bill but wants nothing else to do with it. We heard a humane agent tell this Committee that Ohio's animal welfare statutes have remained unchanged since the 1870's. That information is false, as any of you who were in the 124th General Assembly will remember, because you helped to pass SB221 in December 2002, and it is now law.

One of the things SB221 did was establish mandatory training for every humane agent in Ohio. Without the required training (and written documentation to prove it), a humane agent in Ohio cannot serve as a humane agent. Part of this training is in proper investigation, including how to obtain search warrants. It is not unusual that a search warrant would be denied to a humane agent who fails to show probable cause. Warrants are not issued so that humane agents can go onto private property and confiscate animals on the basis of hearsay or anonymous complaints. If the humane agent who testified last week has completed his required training course, he should know that; and he should not expect his County Prosecutor to circumvent the law

by issuing search warrants without probable cause.

I would encourage this Committee to take a close look at the Comparison Chart that I emailed each of you on Tuesday of this week, which shows a line-by-line comparison of the animal care provisions of HB223 and those in existing Ohio Revised Code. I have faith that this Committee will agree that HB223 duplicates the animal care provisions that are already in place in Ohio law; in fact, the only thing that makes HB223 unique is that it sets exorbitant license fees for dog breeders and brokers, and establishes a “board” packed with the very individuals who want to shut down commercial dog breeding in Ohio.

Dogs are considered agricultural animals under Ohio law (ORC Section 1.61 includes all “animal husbandry”); and commercial dog breeders need to receive at least the same freedoms as the rest of agriculture – to produce quality animals and not be burdened with unreasonable license fees, additional inspections, and double- and triple-regulation simply because our animal of choice happens to be dogs and not cattle or hogs.

We heard the comment last week that Ohio is weak in enforcing animal welfare laws. Pick up any newspaper, turn on any tv station, and you’ll find that is simply not true. With the passage of SB221 the end of 2002, Ohio has exactly what it needs to aggressively enforce animal abuse and neglect. BUT, you must follow the rules; don’t expect a Prosecutor to issue you a search warrant on hearsay, and don’t expect to take on the role of humane agent until you’ve fulfilled the state’s requirements to be one.

I believe it is significant that the primary sponsors of this bill have been invited repeatedly to visit some of the commercial dog kennels that would be affected by this bill, to see first hand the actual conditions in these kennels. Although they have repeatedly promised to take advantage of the invitations, they never have. Some of our people have been waiting for over 2 years for that visit. I would hope that a decision on this bill would not be made, based on hearsay and what appears to be an illegally obtained video rather than actual, physical visits to the facilities targeted by this legislation. Perhaps it would be a good idea to postpone further hearings until those visits can take place; the sponsors could then present this Committee with some factual, first-hand information.

I know that, as our Representatives, you are bombarded with propaganda on a daily basis. Everybody wants their bill passed, and if it takes stretching the truth to accomplish it, some will do it. I know you’re being hit hard to push this bill through, and it may be difficult to separate the emotional issues from the facts, because after all, we’re talking about Man’s Best Friend. I’ll probably leave here today, being labeled as a Puppy Miller, when I only own one sweet old dog that guards my sheep and goats. But, I’m not here to represent myself, but our many, many members who will be affected by this bill.

The fact is, some people have a philosophical objection to raising puppies to sell to the public. I believe it’s safe to say that if the proponents of this bill were to be totally honest and say “We want to shut down commercial dog breeding and here’s the bill to do it,” this Committee wouldn’t give the bill a second thought. But, they haven’t done that. The bill has been neatly packaged and promoted as a tool to make life better for dogs and the people who buy them. It’s up to this Committee to set aside the emotionalism and examine the bill for what it is – a very well thought-out plan to bankrupt the commercial dog breeders of Ohio. There are two ways that I know of to shut down a business – make it illegal, or make it too expensive to continue to operate. This bill takes the latter approach.

The OAAO asks for a “no” vote from each of you on this bill. No amendments, no substitute bills. Let your vote of “no” be a vote **for** upholding Ohio’s existing animal welfare statutes, and a vote **for** free enterprise in our state. Our members thank you.