

901:1-6-01 Definitions and general considerations.

- (A) “Attending veterinarian” means a veterinarian who assumes responsibility for primary care of a patient.
- (B) “Clean” means an environmental condition free of unwanted matter: solids, liquids, gases or living organisms that have the potential to cause adverse effects to health and welfare of adult dogs, puppies, and humans.
- (C) “Dam” means the female parent of a puppy.
- (D) “Enrichment” means the addition of an item or activity which promotes species-typical behaviors through sensory stimulation and play which is provided by positive interaction with other dogs or humans and inanimate objects.
- (E) “Existing facility” as used in this chapter means any housing facility that currently has a USDA license and houses dogs as of the effective date of this rule.
- (F) “Housing facility” means any land, premises, shed, barn, building, trailer, or other structure or area which houses or is intended to house adult dogs or puppies.
- (G) “Indoor housing” means any structure or building with environmental controls intended to house adult dogs or puppies.
- (H) “Inspection veterinarian” means a veterinarian who has entered into a contract or agreement with the director of the Ohio department of agriculture, as defined in (F) (1) of Sec. 956.10 of the Revised Code, to inspect a high volume dog breeder’s facility to ensure compliance with this chapter.
- (I) “Outdoor housing” means any structure, building, land, or premises, housing or intended to house adult dogs or puppies, which does not meet the definition of any other type of housing facility, and in which temperatures cannot be controlled within set limits.
- (J) “Primary enclosure” means an enclosure that directly houses the adult dog or puppy in which the adult dog or puppy has direct contact with the enclosure material and sufficient space to turn about freely, stand, sit, lie in a comfortable normal position, and walk in a normal manner.
- (K) “Sheltered housing” means a facility that consists of runs or pens in a shelter which provides the adult dogs or puppies with protection from the natural elements, and which permanently connect with runs or pens outside of the shelter.
- (L) “Solid flooring” as used in this chapter means a material that will not flex under weight, accommodates footing and resting off of open metal floors, and may have perforations large enough to allow only moisture to pass through.
- (M) “Weaned” means that an adult dog or puppy has started eating solid food.

(N) Distress occurs when animals are injured, sick, in pain, or are in inappropriate environmental conditions.

(O) Dogs shall be handled, sorted, and moved in a manner that minimizes distress.

(P) Dead adult dogs or puppies shall be disposed of pursuant to 941.14 of the Revised Code.

(Q) Veterinary-Client-Patient-Relationship (VCPR) has the same meaning as defined in 4741.04 of the Revised Code.

(R) Nothing in the rules adopted in this chapter shall be construed to prevent a licensed veterinarian, or other person acting under the veterinarian's supervision, from meeting the standards set forth in Chapter 4741 of the Revised Code or rules promulgated thereunder.

901:1-6-02 Housing.

Unless otherwise specified, all housing for adult dogs and puppies kept by high volume breeders shall meet the minimum requirements listed in this rule.

(A) The housing facility shall be structurally sound and restrict the entry of other animals.

(B) The housing facility and primary enclosures shall be inspected daily and any defects shall be corrected as soon as possible.

(C) Each adult dog or puppy shall have access to and be housed in a primary enclosure which complies with the requirements of this rule.

(D) The primary enclosure shall:

(1) Provide each adult dog or puppy with at least the minimum amount of floor space, calculated as follows: the square of the length of the adult dog or puppy in inches, as measured from the tip of the nose to the base of the tail, plus six inches;

(2) Notwithstanding the space requirements as set forth in paragraph (D)(1) of this rule, the primary enclosure for the largest adult dog or puppy housed in a primary enclosure shall provide two times the amount of space required in paragraph (D)(1) of this rule;

(3) Provide a resting place that has a solid floor large enough to accommodate all adult dogs and puppies in the primary enclosure at the same time and a partial or complete visual barrier. The solid flooring may be removable for cleaning purposes;

(4) Have an interior height at least six inches higher than the head of the tallest adult dog or puppy in the primary enclosure when it is in a normal standing position;

(5) Have a floor that is of a sufficient grid density to preserve the normal mobility and muscle tone of the dog, and does not:

(a) Sag;

(b) Bend; or,

(c) Bounce.

(E) Open metal floors in primary enclosures shall be coated with a protective coating, and such coating may include but is not limited to plastic, fiberglass, or rubber.

(F) Primary enclosures shall be positioned or protected in the housing facility so that dogs are not soiled by fecal matter or urine from above.

(G) Existing facilities may continue to use primary enclosures in use on the effective date of this rule that do not meet the space requirements of paragraph (D) of this rule.

(H) After December 31, 2016, all primary enclosures shall comply with paragraph (D) of this rule.

(I) In the case of a catastrophic event, including but not limited to fire, flood, wind, or building collapse, any existing facility (including primary enclosures) may be replaced by new construction or repair that duplicates or exceeds the previous construction standards and size of the previous existing facility. After December 31, 2016, all existing facilities must comply with paragraph (D) of this rule.

(J) In any event where the existing facility's license to operate as a high volume breeder as defined in (A)(1) of Sec. 956.04 of the Revised Code is not legally transferred by the Ohio department of agriculture to the existing facility's new owner, that housing facility shall meet the primary enclosure space requirements in paragraph (D) of this rule.

(K) Floors in outside sheltered runs or outdoor housing which are made of absorbent bedding, sand, gravel, grass, or other similar material shall be raked or cleaned at least weekly.

(L) Temperature, ventilation and lighting shall provide for the health and welfare of the dog by the following:

(1) If climatic or ambient temperatures pose a threat to the health and welfare of the adult dog or puppy, measures shall be taken to regulate the temperature to eliminate the threat. The dog's age, species, breed, overall health and acclimation to the environment shall be taken into consideration;

(2) Dry bedding or other methods of conserving body heat shall be provided when temperatures are below 50° F;

(3) Ventilation shall minimize drafts, odors, dust, ammonia levels, and moisture condensation;

(4) Lighting shall be uniformly diffused throughout the housing facility and provide normal day and night variations by natural or artificial source; and,

(5) Light intensity shall be sufficient for observation and cleaning.

(M) Indoor housing facilities shall:

- (1) Constitute an enclosure created by the continuous connection of a roof, walls, floor, and foundation;
- (2) Be sufficiently heated and cooled when necessary to protect the dogs from temperature or humidity extremes and to provide for their health and welfare;
- (3) Have at least one door for entry and exit that can be opened and closed, and windows to provide natural light which shall be covered with a transparent material such as glass or hard plastic; and,
- (4) If equipped with doors and windows that open, they shall be screened to minimize fly infestations.

(N) Sheltered housing facilities shall meet the following requirements:

- (1) The sheltered part of the housing facility shall be ventilated by windows, doors, vents, fans; a combination of these; or by air conditioning;
- (2) The sheltered part of the housing facility shall be sufficiently heated and cooled when necessary to protect the dogs from temperature or humidity extremes to provide for their health and welfare; and,
- (3) Outdoor runs shall offer protection from direct sunlight.

(O) Outdoor housing facilities shall:

- (1) Include one or more shelter structures that protect adult dogs or puppies from the natural elements and are accessible to each adult dog or puppy in each outdoor facility; and,
- (2) Have shelters that are large enough to allow each adult dog or puppy in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely.

(P) Outdoor housing cannot be used for dogs that cannot tolerate the prevalent temperatures without stress or discomfort, such as short haired breeds, sick, aged or young dogs that are not acclimated.

(Q) Whelping areas shall be provided for all female adult dogs with litters and which meet the following requirements:

- (1) Allows the female to lie fully recumbent, stand, turn around and have freedom of position and movement;
- (2) Contains all puppies during whelping;
- (3) Provides some form of solid flooring;

- (4) Provides insulation or heat source to prevent dissipation of heat from the whelping area so that all puppies are able to maintain appropriate body temperature;
- (5) Provides the dam and the puppies daily positive physical contact with people; and,
- (6) In addition to the minimum space requirement in paragraph (D)(1) of this rule, each female with nursing puppies shall be provided a minimum of five percent additional amount of floor space for each puppy. The attending veterinarian may require more floor space as necessary.
- (R) Storage areas shall be designed and maintained to protect medicines, bedding or other supplies from deterioration, contamination and vermin infestations.
- (S) Fecal and food waste shall be removed from inside and under the primary enclosures daily.
- (T) Hard surfaces with which the adult dogs or puppies come into contact with shall be cleaned daily and disinfected a minimum of once every two weeks with a cleaning solution safe for adult dogs or puppies.
- (U) Housing facilities shall be equipped with disposal facilities and drainage systems that are constructed and operated so that fecal waste, urine and water are rapidly eliminated from primary enclosures and adult dogs or puppies stay dry.
- (V) Permanent tethering of adults dogs or puppies to any object is prohibited for use as primary enclosure.
- (W) Adult dogs or puppies that are housed in the same primary enclosure shall be compatible with the following restrictions:
- (1) Females in heat (estrus) shall not be housed in the same primary enclosure with males, except for breeding purposes;
 - (2) Any adult dog or puppy exhibiting a vicious or overly aggressive disposition shall be housed separately;
 - (3) The introduction of a new adult dog or puppy to an existing group of adult dogs or puppies housed together in the same facility or primary enclosure shall be done in a manner to minimize distress and aggression.
 - (4) Puppies 4 months of age or less may not be housed in the same primary enclosure with adult dogs other than their dams or foster dams.
- (X) An effective program for the control of insects, external parasites affecting adult dogs or puppies, and birds and mammals that are pests shall be established and maintained in the housing facility and primary enclosures.
- (Y) Each housing facility shall have a contingency plan in case of emergencies, including but not limited to wind, fire, flood, or building collapse.

901:1-6-03 Socialization.

Unless otherwise specified, this rule applies to all adult dogs and puppies kept by high volume breeders.

- (A) Puppies shall have human physical contact during the first sixteen weeks of life to facilitate their social development.
- (B) All adult dogs or puppies shall be provided with daily positive human contact and socialization beyond that which occurs during feeding and cleaning time.
- (C) All adult dogs or puppies housed singly shall be provided daily with visual contact with other adult dogs, puppies, or humans; unless prohibited by the attending veterinarian.
- (D) All adult dogs and puppies shall be provided some form of effective enrichment daily.
- (E) Adult dogs or puppies shall not be segregated for extended periods of time in a manner devoid of any visual contact with other adult dogs or puppies.

901:1-6-04 Food and water.

Unless otherwise specified, this rule applies to all adult dogs and puppies kept by high volume breeders.

- (A) Dogs shall receive food at least once daily.
- (B) Dogs shall receive access to clean drinkable water on a continual basis or not less than twice daily for a minimum of one hour as breed appropriate and of sufficient quantity and quality to ensure maintenance of normal body condition and/or growth.
- (C) Water bottles with ball dispensers shall not be used, except during transportation.
- (D) Food and water receptacles shall be kept clean and sanitary.
- (E) Food provided shall be unspoiled and uncontaminated.
- (F) A nutritional plan shall be developed with veterinary guidance.
- (G) The appropriate number and size of food and water receptacles shall be provided to ensure access by all adult dogs and puppies in the housing facility.
- (H) All food and water equipment shall be inspected on a weekly basis and maintained in working condition.
- (I) Opened food shall be stored in leak proof containers with tightly fitting lids to protect them from spoilage, vermin infestation and contamination.

(J) Unopened food shall not be stored on the floor.

(K) Water and food may be restricted or withheld temporarily for purposes of:

- (1) Preparation for administration of medication in the water; and,
- (2) Specific management practices under veterinary direction.

901:1-6-05 Health.

Unless otherwise specified, this rule applies to all adult dogs and puppies kept by high volume breeders.

(A) Each high volume breeder of an adult dog or puppy shall have a valid veterinary-client-patient-relationship with a licensed veterinarian.

(B) The attending veterinarian shall:

- (1) Visit each housing facility a minimum of one time per calendar year;
- (2) Conduct a physical exam of each adult dog and puppy at the time of the yearly inspection; and,
- (3) Provide a written annual plan requiring care for the adult dogs and puppies which shall include but is not limited to:
 - (a) Exercise;
 - (b) Behavior and social needs; and,
 - (c) Health care to include a brucella canis monitoring plan approved by the Ohio department of agriculture and, if applicable, the procedures for dew claw removal and tail docking.

(C) Adult dogs and puppies are to be monitored by the high volume breeder regularly for evidence of disease, injury, or improper or inadequate care.

Corrective measures, under veterinary guidance, shall be taken by the high volume breeder when evidence is found of any of these conditions.

(D) New or diseased adult dogs or puppies shall be isolated and handled to minimize distress and appropriate biosecurity measures shall be taken to minimize the likelihood of spreading disease to other adult dogs or puppies.

(E) All personnel shall wash their hands after handling any infected or contagious adult dog or puppy.

(F) Under the direction of the attending veterinarian, an isolation area shall be provided for any female adult dog that aborts or has a still birth. Such isolation area shall prevent any contact or exposure to any other adult dogs or puppies in the kennel.

- (G) No adult dog or animal known to be positive for brucella canis shall be offered for sale, trade or barter; or otherwise be removed from the premises.
- (H) Adult dogs or puppies suspected to be infected with brucella canis shall be isolated and appropriate biosecurity measures approved by the attending veterinarian shall be implemented.
- (I) Puppies born to suspected brucella canis infected dams shall not be offered for sale, trade or barter; or be removed from the premises unless negative test results are obtained for the dam.
- (J) All areas that have been exposed to an abortion or a still born case shall be disinfected prior to any adult dog or puppy being placed in that area.
- (K) Any dystocia or any other difficult labor event shall receive timely attention by the high volume breeder and, if necessary, veterinary intervention.
- (L) Adult dogs or puppies over twelve weeks of age, except females with litters, which do not have normal mobility or muscle tone development appropriate for age, sex, and breed shall regularly be provided exercise activities to correct the condition.
- (M) If, in the opinion of the attending veterinarian, it is inappropriate for certain dogs to exercise because of their health or condition, such adult dogs may be exempted from meeting the requirement. Such exemption shall be documented in writing by the attending veterinarian.
- (N) Surgical procedures, except between two to five days of age the removal of the dew claw and tail docking, shall only be performed by a licensed veterinarian.
- (O) Prescription drugs shall only be administered as directed by the attending veterinarian and consistent with state and federal law.
- (P) Euthanasia shall follow the American veterinary medical association guidelines for when and how to conduct euthanasia; and euthanasia shall be performed by or under the supervision of a licensed veterinarian.

901:1-6-06 Transportation.

Unless otherwise specified, this rule applies to all adult dogs and puppies kept by high volume breeders.

- (A) Transportation of adult dogs or puppies shall comply with the United States Animal Welfare Act Transportation Standards.
- (B) All adult dog and puppy shipments and certifications shall be in compliance with all applicable state, national, or international requirements.
- (C) Adults dogs or puppies may only be transported in commerce if:

 - (1) The transport is to a USDA registered research facility; or,

- (2) The adult dog or puppy is at least eight weeks of age and has been weaned.
- (D) After the exchange of ownership of adult dogs or puppies from the breeder or owner to the next party, that party shall retain possession and ownership for a minimum of twenty four hours before another exchange of ownership can occur.
- (E) Adult dog or puppy transportation shall be conducted in a manner that is safe, well-planned, coordinated, and which minimizes distress to the adult dogs or puppies.
- (F) Primary enclosures used to transport adult dogs or puppies shall:
- (1) Be strong enough to contain the adult dogs or puppies securely; provide enough space to turn about normally while standing and to stand and sit erect; to lie in a natural position comfortably; and constructed to withstand the normal rigors of transportation;
 - (2) Have no sharp points, edges, or protrusions in the interior that could injure the adult dog or puppy;
 - (3) Securely contain the adult dog or puppy within the enclosure and not allow the adult dog or puppy to put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to persons or animals nearby;
 - (4) Allow the adult dog or puppy to be easily and quickly removed from the primary enclosure for transportation in an emergency; and,
 - (5) Be clearly marked on top and on one or more sides with the words "Live Animals," in letters at least three quarters of an inch high, and with arrows or other markings to indicate the correct upright position of the primary enclosure for transportation;
- (G) If a slatted or mesh floor is used in the primary enclosure for transportation, it shall be designed and constructed so that the adult dog or puppy cannot put any part of its body between the slats or through the holes in the mesh.
- The primary enclosure for transportation shall have a solid, leak-proof bottom or a removable, leak-proof collection tray under the floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure.
- (H) If the primary enclosure for transportation uses a solid floor, it shall contain enough previously unused litter to absorb and cover excreta. The litter shall be of a suitably absorbent material that is safe and nontoxic to the adult dogs or puppies.
- (I) Adult dogs or puppies in transit shall be checked on every four hours to assure they are receiving sufficient air for normal breathing and they are being protected from adverse weather conditions and temperatures which may cause distress.
- (J) No more than two compatible adult dogs or puppies over four months of age may be transported in the same primary enclosure for transportation. Such primary enclosures for transportation must comply with the size requirements in paragraph (F) of this rule.

(K) Puppies four months of age or less may not be transported in the same primary enclosure for transportation with adult dogs other than their dams.

(L) During transport:

(1) Each adult dog or puppy that is 16 weeks of age or more shall be offered food and water at least once every eight hours.

(2) Puppies less than 16 weeks of age shall be offered food and water at least once every four hours.

(M) The transporter shall have an emergency plan; to include, but not limited to, delays caused by accidents and vehicle malfunctions.

901:1-6-07 Recordkeeping and identification.

(A) All adult dogs or puppies 16 weeks of age or older in the possession of a high volume breeder or dog retailer licensee, and any adult dog or puppy removed from the premises, shall be identified by either:

(1) An official USDA identification tag or Ohio department of agriculture approved identification tag affixed to the adult dog or puppy's neck by means of a collar made of appropriate material so as not to cause distress to the adult dog or puppy

(2) A distinctive and legible tattoo marking; or,

(3) A microchip.

(B) Records of adult dog and puppy movement from the premises of high volume breeder and dog retailer licensees shall be kept on the United States department of agriculture animal plant health inspection service form 7006. The USDA/APHIS copy shall be made available to the Ohio department of agriculture upon request.

(C) Unweaned puppies need not be individually identified as required by paragraphs (A) of this section while they are maintained as a litter with their dam in the same primary enclosure, provided the dam has been individually identified.

(D) Unweaned puppies shall be identified on a cage card that contains the following:

(1) The mother's USDA identification number, if available;

(2) The puppy's individual serial number, if available;

(3) The date of birth;

(4) The sex; and,

(5) Any other information deemed necessary by the veterinarian.

(E) Weaned puppies, less than 16 weeks of age, shall be identified by:

- (1) An official tag affixed to the puppy's neck as provided in paragraph (A)(1) of this rule;
- (2) A distinctive and legible tattoo;
- (3) A plastic-type collar with the information required for an official tag; or,
- (4) A microchip.

(F) Accurate and complete records shall be separately maintained by the licensee and shall be made available to an inspector of the Ohio department of agriculture upon request. The records shall contain:

- (1) An accurate description of the adult dog or puppy;
- (2) The official identification as provided for in paragraph (A) of this rule;
- (3) How, where, from whom, and when the adult dog or puppy was obtained;
- (4) The age of the adult dog or puppy;
- (5) The kennel's health plans as provided for in rule 901:1-6-05 of the administrative code; and,
- (6) The proof of insurance or surety bond required for high volume breeder licensees in division (E) of section 956.03 of the Revised Code.

If the insurance policy or surety bond is, for any reason, cancelled, not renewed, or there is a material change, the licensee is to inform the Ohio department of agriculture within ten days.

(G) Records required by paragraphs (B) and (F) of this rule shall be:

- (1) Kept at the facility at which the adult dog or puppy is housed; and,
- (2) Retained for one year past the date adult dog or puppy has left the facility.

(H) An in-state retailer shall provide the purchaser of an adult dog or puppy one of the following:

- (1) The name, address, telephone number, or proof of each high volume breeder, dog retailer, and private owner that kept, housed or maintained the adult dog or puppy prior to the retailer taking possession of the adult dog or puppy;
- (2) Proof that the adult dog or puppy was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society; or,
- (3) A valid health certificate from the state of origin of the adult dog or puppy.

(I) An out-of-state retailer conducting business in Ohio shall provide the purchaser of an adult dog or puppy the following:

(1) A valid health certificate from the state of origin of the adult dog or puppy; and,

(2) One of the following:

(a) The name, address, telephone number, or proof of each high volume breeder, dog retailer, and private owner that kept, housed or maintained the adult dog or puppy prior to the retailer taking possession of the adult dog or puppy; or,

(b) Proof that the adult dog or puppy was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society.

901:1-6-08 Licensing.

(A) High volume breeder license and license renewal applications shall be made on a form provided by the director of the Ohio department of agriculture.

(B) Applications shall be considered complete when the following have been submitted to the director of the Ohio department of agriculture:

(1) The completed and signed application form;

(2) The accompanying documentation required by division (C) of section 956.04 of the Revised Code;

(3) The appropriate fee as required by section 956.07 of the Revised Code; and,

(4) The proof of insurance or a surety bond, which shall be executed by a surety company authorized to do business in this state, as required by division (E) of section 956.03 of the Revised Code.

The insurance shall be payable to the state or the surety bond shall be subject to redemption by the state, as applicable, upon a suspension or revocation of a high volume breeder license for the purpose of paying for the maintenance and care of dogs that are seized or otherwise impounded from the high volume breeder in accordance with Chapter 956. of the Revised Code.

(C) Upon the receipt of a completed application the director of the Ohio department of agriculture shall conduct a criminal background investigation for the purposes of identifying any violations specified in division (A)(2) of section 956.15 of the Revised Code.

(D) Dog retailer license and license renewal applications shall be made on a form provided by the director of the Ohio department of agriculture. The application shall be considered complete when the completed and signed application form and appropriate fee as required by section 956.07 of the Revised Code are submitted to the director of the Ohio department of agriculture.

(E) Animal rescues for dogs shall register with the director of the Ohio department of agriculture on a form provided by the director.

(F) Animal rescues for dogs registration is effective for one calendar year, and may be renewed annually by submitting the form provided by the director of the Ohio department of agriculture in paragraph (E) of this rule.

(G) Animal rescues for dogs shall provide the name and address of each foster home utilized by the animal rescue for dogs at the time of registration or renewal.

(H) High volume breeder and dog retailer licensees shall include with any advertisements for the sale of a puppy or adult dog the vendor number assigned by the tax commissioner to the licensee if the sale is subject to the tax levied under Chapter 5739. of the Revised Code.

(I) High volume breeder and dog retailer licensees shall comply with Chapter 5739. of the Revised Code. The director of the Ohio department of agriculture may suspend or revoke a license if the tax commissioner informs the director the licensee is not in compliance with that Chapter.

901:1-6-09 Inspections.

(A) The director of the Ohio department of agriculture or the director's authorized representative shall conduct inspections in accordance with section 956.10 of the Revised Code.

(B) Upon entering the property of a facility, the inspector or investigator shall identify themselves with proper identification to prove that they are an agent of the Ohio department of agriculture.

(C) The director shall keep a record of:

(1) All complaints and requests to investigate for facilities authorized for inspections by section 956.10 of the Revised Code;

(2) All inspections and reports of findings for all inspections conducted; and,

(3) Any enforcement actions that result from inspections.

Records kept under this paragraph shall be retained for the period of time required by the Ohio department of agriculture records retention policy.

901:1-6-10 Civil penalties.

Pursuant to section 956.13 of the Revised Code, any person operating as a high volume breeder or a dog retailer without a license shall be subject to a civil penalty of one hundred dollars for the first offense and five hundred dollars for each subsequent offense.