



AMERICAN  
KENNEL CLUB®

The Honorable Dorothy Pelanda  
Director  
Ohio Department of Agriculture  
8995 E. Main Street  
Reynoldsburg, OH 43068

February 14, 2019

Dear Director Pelanda,

On behalf to the American Kennel Club (“AKC”), I write to express concerns with the Ohio Department of Agriculture’s (the “Department”) interpretation and enforcement of Chapter 956 of the Ohio Revised Code. Specifically, after the passage of Substitute House Bill 506 (“HB 506”) during the 132<sup>nd</sup> General Assembly, the Department began to interpret the definition of “pet store” as applying to any person selling dogs to the public where during the sale the person selling the dog, the buyer of the dog, and the dog for sale are all physically present. This overly broad, expansive interpretation is inconsistent with both the intent and purpose of HB 506 and is in contravention of the clear statutory language.

As you know from your time in the legislature and as a supporter of HB 506, the legislation was intended to clarify issues relating to high volume dog breeders. At no point during the legislative process was the scope or reach of the definition of “pet store” discussed. It was therefore a shock and surprise when AKC started hearing from our constituents that the Department was requiring casual and small, home-based breeders to get a license as a pet store. Further, the AKC understands from some high volume breeders that they are being required to obtain dual licenses in order to continue to operate in the state. Given the clear statutory language of what constitutes a pet store, AKC believes the Department should immediately reverse its position and stop requiring non-retail store sellers to get a pet store license.

The definition of “pet store” in Section 956.01 of the Ohio Revised Code establishes three elements for a person or entity to be considered a pet store. First, in terms of the actual transaction, the seller, the buyer, and the dog for sale must all be physically present so that the “buyer may personally observe the dog and help ensure its health prior to taking custody.” Second, the seller must offer the dogs for sale to the public. And third, the seller must be a “retail store.” The definition repeatedly and consistently categorizes the seller as a “store” and never uses the more generic, all-encompassing term “person” or “entity”. As a result, regardless of whether the first two elements are met, a person selling a dog at his or her home cannot be considered a pet store.

This third element is crucial, and comports with common sense: If the definition did not include the requirement that the sale be made by a retail store, a family whose dog has a litter of puppies and offers a couple for sale would meet the other two elements and potentially be required to pay \$500 dollars to get a pet store license. Such an outcome was clearly not the intent of the General Assembly, and until recently has never been the position of the Department.

The American Kennel Club appreciates your taking the time to hear and understand our concerns on this important issue. We are confident that we will be able to engage in a productive dialog on the matter and come to an agreeable resolution for all parties involved. We know from your time in the General Assembly that you are thoughtful and considerate public servant and we look forward to continuing to work with you on the important issues that affect dogs and the dog-breeding community that loves them.

Respectfully submitted,

Sheila Goffe  
Vice President, Government Relations

Cc: C. David Paragas, Esq., of counsel