



## Comparison *of the* Federal Animal Welfare Act *and* Ohio HB 223/SB 173

The regulations written to enforce the federal Animal Welfare Act are not perfect, but they do provide an example of regulations that protect dogs without treating licensees as potential criminals who know nothing about dog care. These comparisons of the Ohio bills and the federal regulations present a starting point for understanding the damage that over-zealous regulations can cause.

1. The Ohio bills require that a dog kept outdoors in licensed kennels have "access at all times to a dry insulated indoor shelter or dog house or is provided with clean straw or other nontoxic insulating material in an amount that is sufficient to permit the dog to burrow under the straw or material while at the same time using the straw or material as bedding;"

*The federal AWA requires that outdoor shelters "Contain clean, dry, bedding material if the ambient temperature is below 50 ° F (10 ° C). Additional clean, dry bedding is required when the temperature is 35 ° F (1.7 ° C) or lower."*

2. The Ohio bills ban the use of drip water bottles and other types of limited-access mechanisms for water and require that water be available 24 hours per day. (Never mind that drip bottles keep puppies and young dogs from spilling their water and keep the water clean.)

*The federal AWA leaves the type of watering device and the frequency of watering up to the kennel owner as long as the dogs are healthy. The language the feds use is "If potable water is not continually available to the dogs and cats, it must be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by the attending veterinarian."*

3. The Ohio bills ban the use of ordinary dog crates for temporary confinement by refusing to allow breeders to "Keep or confine a dog in an enclosure, crate, or cage of insufficient size so that the dog cannot stand, turn around, or lay down without touching the enclosure on the sides or the top, as applicable, without touching other dogs kept or confined in the enclosure, crate, or cage, and without touching or dislodging a food dish or water bowl placed within the enclosure;"

*The feds handled the matter of enclosure by specifying that "primary" enclosures must meet certain size requirements and left breeders free to use temporary confinement in smaller enclosures when suitable.*

**4.** The Ohio bills require "appropriate veterinary care" for any illness, disease, or injury, even though kennel owners often have the experience and the expertise to treat their dogs for minor problems. The Ohio bills also require that a breeder follow his veterinarian's advice on vaccinations and parasite control.

*The federal regulations require that each licensed kennel have an approved veterinary plan, leaving specific treatments, vaccination protocols, parasite control, etc. up to the breeder in consultation with his veterinarian. It's a subtle difference, but the federal regulations recognize that the breeder must be part of the process while the Ohio bills effectively take decisions out of the breeder's hands.*

**5.** The Ohio bill requires a five degree temperature difference between shaded and unshaded areas in outdoor kennels.

*The AWA simply states: "Dogs and cats must be provided with adequate shelter from the elements at all times to protect their health and well-being."*

**6.** The Ohio bills specify that breeders cannot "Keep or confine a dog in an enclosure, crate, or cage without providing a resting board or pan that is free from moisture and feces and that is sufficient for the size of the dog and, if applicable, the dog's litter. Such a resting board or pan may include soft bedding."

*The federal regulations do not require resting pans and allow any type of bedding that can be removed and discarded or cleaned when it gets dirty.*

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