

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 124

Representatives Hagan, Weddington

**Cosponsors: Representatives Harris, Ujvagi, Yuko, Combs, Heard, Skindell,
Patten, Letson, Winburn, Williams, B., DeGeeter, Foley, Chandler, Celeste,
Slesnick, Brown, Bacon**

—

A B I L L

To amend sections 955.02, 955.10, 955.12, 955.20, 1
955.26, and 1901.183 and to enact sections 956.01, 2
956.011, 956.02 to 956.08, 956.081, 956.09 to 3
956.20, 956.98, and 956.99 of the Revised Code to 4
establish licensing requirements and standards of 5
care for certain dog breeding kennels, dog 6
intermediaries, and animal rescues for dogs. 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 955.02, 955.10, 955.12, 955.20, 8
955.26, and 1901.183 be amended and sections 956.01, 956.011, 9
956.02, 956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.081, 10
956.09, 956.10, 956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 11
956.17, 956.18, 956.19, 956.20, 956.98, and 956.99 of the Revised 12
Code be enacted to read as follows: 13

Sec. 955.02. ~~A~~ As used in this chapter, "dog kennel" or 14
"kennel owner is a person, partnership, firm, company, or 15
corporation professionally engaged in the business " means an 16
establishment that keeps, houses, and maintains adult dogs, as 17

defined in section 956.01 of the Revised Code, for the purpose of 18
breeding ~~the dogs for hunting or~~ for a fee or other consideration 19
received through a sale, exchange, or lease and that is not a 20
regulated dog breeding kennel licensed under Chapter 956. of the 21
Revised Code. 22

Sec. 955.10. No owner of a dog, except a dog constantly 23
confined to a ~~registered dog~~ kennel registered under this chapter 24
or a regulated dog breeding kennel licensed under Chapter 956. of 25
the Revised Code, shall fail to require the dog to wear, at all 26
times, a valid tag issued in connection with a certificate of 27
registration. A ~~dog's failure~~ dog found not wearing at any time ~~to~~ 28
~~wear~~ a valid tag shall be prima-facie evidence of lack of 29
registration and shall subject any dog found not wearing such a 30
tag to impounding, sale, or destruction. 31

Sec. 955.12. The board of county commissioners shall appoint 32
or employ a county dog warden and deputies in such number, for 33
such periods of time, and at such compensation as the board 34
considers necessary to enforce sections 955.01 to 955.27, 955.29 35
to 955.38, and 955.50 to 955.53 of the Revised Code. 36

The warden and deputies shall give bond in a sum not less 37
than five hundred dollars and not more than two thousand dollars, 38
as set by the board, conditioned for the faithful performance of 39
their duties. The bond or bonds may, in the discretion of the 40
board, be individual or blanket bonds. The bonds shall be filed 41
with the county auditor of their respective counties. 42

The warden and deputies shall make a record of all dogs 43
owned, kept, and harbored in their respective counties. They shall 44
patrol their respective counties and seize and impound on sight 45
all dogs found running at large and all dogs more than three 46
months of age found not wearing a valid registration tag, except 47

any dog that wears a valid registration tag and is: on the 48
premises of its owner, keeper, or harborer, under the reasonable 49
control of its owner or some other person, hunting with its owner 50
or its handler at a field trial, kept constantly confined in a 51
~~registered~~ dog kennel registered under this chapter or a regulated 52
dog breeding kennel licensed under Chapter 956. of the Revised 53
Code, or acquired by, and confined on the premises of, an 54
institution or organization of the type described in section 55
955.16 of the Revised Code. A dog that wears a valid registration 56
tag may be seized on the premises of its owner, keeper, or 57
harborer and impounded only in the event of a natural disaster. 58

If a dog warden has reason to believe that a dog is being 59
treated inhumanely on the premises of its owner, keeper, or 60
harborer, the warden shall apply to the court of common pleas for 61
the county in which the premises are located for an order to enter 62
the premises, and if necessary, seize the dog. If the court finds 63
probable cause to believe that the dog is being treated 64
inhumanely, it shall issue such an order. 65

The warden and deputies shall also investigate all claims for 66
damages to animals reported to them under section 955.29 of the 67
Revised Code and assist claimants to fill out the claim form 68
therefor. They shall make weekly reports, in writing, to the board 69
in their respective counties of all dogs seized, impounded, 70
redeemed, and destroyed and of all claims for damage to animals 71
inflicted by dogs. 72

The wardens and deputies shall have the same police powers as 73
are conferred upon sheriffs and police officers in the performance 74
of their duties as prescribed by sections 955.01 to 955.27, 955.29 75
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 76
also have power to summon the assistance of bystanders in 77
performing their duties and may serve writs and other legal 78
processes issued by any court in their respective counties with 79

reference to enforcing those sections. County auditors may 80
deputize the wardens or deputies to issue dog licenses as provided 81
in sections 955.01 and 955.14 of the Revised Code. 82

Whenever any person files an affidavit in a court of 83
competent jurisdiction that there is a dog running at large that 84
is not kept constantly confined either in a ~~registered~~ dog kennel 85
registered under this chapter or a regulated dog breeding kennel 86
licensed under Chapter 956. of the Revised Code or on the premises 87
of an institution or organization of the type described in section 88
955.16 of the Revised Code or that a dog is kept or harbored in 89
the warden's jurisdiction without being registered as required by 90
law, the court shall immediately order the warden to seize and 91
impound the dog. Thereupon the warden shall immediately seize and 92
impound the dog complained of. The warden shall give immediate 93
notice by certified mail to the owner, keeper, or harborer of the 94
dog seized and impounded by the warden, if the owner, keeper, or 95
harborer can be determined from the current year's registration 96
list maintained by the warden and the county auditor of the county 97
where the dog is registered, that the dog has been impounded and 98
that, unless the dog is redeemed within fourteen days of the date 99
of the notice, it may thereafter be sold or destroyed according to 100
law. If the owner, keeper, or harborer cannot be determined from 101
the current year's registration list maintained by the warden and 102
the county auditor of the county where the dog is registered, the 103
officer shall post a notice in the pound or animal shelter both 104
describing the dog and place where seized and advising the unknown 105
owner that, unless the dog is redeemed within three days, it may 106
thereafter be sold or destroyed according to law. 107

As used in this section, "animal" has the same meaning as in 109
section 955.51 of the Revised Code. 110

Sec. 955.20. The registration fees provided for in sections 111
955.01 to 955.14 of the Revised Code and money transferred to the 112
county under section 956.07 of the Revised Code constitute a 113
special fund known as "the dog and kennel fund." The fees shall be 114
deposited by the county auditor in the county treasury daily as 115
collected ~~and~~. Money in the fund shall be used for the purpose of 116
defraying the cost of furnishing all blanks, records, tags, nets, 117
and other equipment, for the purpose of paying the compensation of 118
county dog wardens, deputies, poundkeepers, and other employees 119
necessary to carry out and enforce sections 955.01 to 955.261 of 120
the Revised Code, and for the payment of animal claims as provided 121
in sections 955.29 to 955.38 of the Revised Code, and in 122
accordance with section 955.27 of the Revised Code. The board of 123
county commissioners, by resolution, shall appropriate sufficient 124
funds out of the dog and kennel fund, not more than fifteen per 125
cent of which shall be expended by the auditor for registration 126
tags, blanks, records, and clerk hire, for the purpose of 127
defraying the necessary expenses of registering, seizing, 128
impounding, and destroying dogs in accordance with sections 955.01 129
to 955.27 of the Revised Code, and for the purpose of covering any 130
additional expenses incurred by the county auditor as authorized 131
by division (F)(3) of section 955.14 of the Revised Code. 132

If the funds so appropriated in any calendar year are found 133
by the board to be insufficient to defray the necessary cost and 134
expense of the county dog warden in enforcing sections 955.01 to 135
955.27 of the Revised Code, the board, by resolution so provided, 136
after setting aside a sum equal to the total amount of animal 137
claims ~~paid or~~ filed in that calendar year, or an amount equal to 138
the total amount of animal claims paid or allowed the preceding 139
year, whichever amount is larger, may appropriate further funds 140
for the use and purpose of the county dog warden in administering 141
those sections. 142

Money received by a county under section 956.07 of the 143
Revised Code is subject to audit by the auditor of state. 144

Sec. 955.26. Whenever, in the judgment of the director of 145
health, any city or general health district board of health, or 146
persons performing the duties of a board of health, rabies is 147
prevalent, the director of health, the board, or those persons 148
shall declare a quarantine of all dogs in the health district or 149
in a part of it. During the quarantine, the owner, keeper, or 150
harborer of any dog shall keep it confined on the premises of the 151
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~ kennel, or 152
other suitable place, at the expense of the owner, keeper, or 153
harborer, except that a dog may be permitted to leave the premises 154
of its owner, keeper, or harborer if it is under leash or under 155
the control of a responsible person. The quarantine order shall be 156
considered an emergency and need not be published. 157

When the quarantine has been declared, the director of 158
health, the board, or those persons may require vaccination for 159
rabies of all dogs within the health district or part of it. Proof 160
of rabies vaccination within a satisfactory period shall be 161
demonstrated to the county auditor before any registration is 162
issued under section 955.01 of the Revised Code for any dog that 163
is required to be vaccinated. 164

The public health council shall determine appropriate methods 165
of rabies vaccination and satisfactory periods for purposes of 166
quarantines under this section. 167

When a quarantine of dogs has been declared in any health 168
district or part of a health district, the county dog warden and 169
all other persons having the authority of police officers shall 170
assist the health authorities in enforcing the quarantine order. 171
When rabies vaccination has been declared compulsory in any health 172
district or part of a health district, the dog warden shall assist 173

the health authorities in enforcing the vaccination order. 174

Notwithstanding ~~the provisions of~~ this section, a city or 175
general health district board of health may make orders pursuant 176
to sections 3709.20 and 3709.21 of the Revised Code requiring the 177
vaccination of dogs. 178

Sec. 956.01. As used in this chapter: 179

(A) "Adult dog" means a dog that is twelve months of age or 180
older. 181

(B) "Animal rescue for dogs" means an individual or 182
organization recognized by the director of the kennel control 183
authority that keeps, houses, and maintains dogs and that is 184
dedicated to the welfare, health, safety, and protection of dogs, 185
provided that the individual or organization does not operate for 186
profit, does not sell dogs for a profit, does not breed dogs, and 187
does not purchase more than nine dogs in any given calendar year 188
unless the dogs are purchased from a dog warden appointed under 189
Chapter 955. of the Revised Code, a humane society established 190
under Chapter 1717. of the Revised Code, or another animal rescue 191
for dogs. "Animal rescue for dogs" includes an individual or 192
organization that offers dogs for adoption and charges reasonable 193
adoption fees approved by the director of the authority under this 194
chapter to cover the costs of the individual or organization, 195
including, but not limited to, costs related to spaying or 196
neutering dogs. 197

(C) "Animal shelter for dogs" means a facility that keeps, 198
houses, and maintains dogs and that is operated by a humane 199
society established under Chapter 1717. of the Revised Code, 200
animal welfare society, society for the prevention of cruelty to 201
animals, or other nonprofit organization that is devoted to the 202
welfare, protection, and humane treatment of dogs and other 203
animals. 204

(D) "Boarding kennel" means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration. 205
206
207
208

(E) "Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's primary residence. 209
210
211

(F) "Regulated dog breeding kennel" means an establishment that keeps, houses, and maintains adult breeding dogs that produce either at least nine litters of puppies or at least forty puppies in any given calendar year and, in return for a fee or other consideration, sells, exchanges, or leases adult dogs or puppies. 212
213
214
215
216

(G) "Regulated dog intermediary" means a person who buys, sells, offers to sell, donates, gives, or exchanges more than nine dogs annually in this state or who sells or gives one or more dogs to a pet store annually. "Regulated dog intermediary" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society established under Chapter 1717. of the Revised Code, a medical kennel for dogs, a research kennel for dogs, or a veterinarian. 217
218
219
220
221
222
223
224

(H) "Enclosure, crate, or cage" does not include an enclosure, crate, or cage that is used during the transportation of a dog or used for medical purposes. 225
226
227

(I) "Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created in section 1901.011 of the Revised Code. 228
229
230

(J) "Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs. 231
232
233

(K) "Pet store" means a retail store that sells dogs to the public. 234
235

<u>(L) "Puppy" means a dog that is under twelve months of age.</u>	236
<u>(M) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes.</u>	237 238
<u>(N) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code.</u>	239 240
<u>Sec. 956.011. Medical kennels for dogs, research kennels for dogs, and veterinarians are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it.</u>	241 242 243 244
<u>Sec. 956.02. There is hereby created the kennel control authority for the purpose of administering this chapter and rules adopted under it by the director of the authority and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The kennel control authority board created in section 956.18 of the Revised Code shall designate a suitable individual as director of the authority, who shall serve at the board's pleasure.</u>	245 246 247 248 249 250 251 252 253
<u>The director may contract with any political subdivision of the state to assist the director and the director's authorized representatives in administering and enforcing this chapter and the rules adopted under it.</u>	254 255 256 257
<u>Sec. 956.03. The director of the kennel control authority shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:</u>	258 259 260
<u>(A) Requirements and procedures governing regulated dog breeding kennels, including the licensing and inspection of and record keeping by regulated dog breeding kennels, in addition to the requirements and procedures established in this chapter. The</u>	261 262 263 264

rules shall require that a regulated dog breeding kennel be 265
assigned a license number and that a regulated dog breeding kennel 266
provide the license number and the applicable vendor number 267
assigned by the department of taxation whenever it solicits 268
business or it is solicited for business. In addition, the rules 269
shall require any other person to provide such a vendor number 270
when soliciting to sell an adult dog or a puppy or when solicited 271
for such a sale. 272

(B) Requirements and procedures for conducting background 273
investigations of each applicant for a license issued under 274
section 956.04 of the Revised Code in order to determine if the 275
applicant has been convicted of or pleaded guilty to any of the 276
violations specified in division (H) of that section. The rules 277
shall provide that background investigations shall be conducted 278
solely by the attorney general on behalf of the kennel control 279
authority. The rules shall establish procedures for annually 280
updating background investigation information regarding an 281
applicant after an initial background investigation has been 282
conducted with respect to an initial application for a license 283
submitted under that section. 284

(C) Requirements and procedures governing regulated dog 285
intermediaries, including the licensing of and record keeping by 286
regulated dog intermediaries, in addition to the requirements and 287
procedures established in this chapter. The rules shall require 288
that a regulated dog intermediary be assigned a license number and 289
that a regulated dog intermediary provide the license number and 290
the applicable vendor number assigned by the department of 291
taxation whenever it solicits business or it is solicited for 292
business. 293

(D) Requirements and procedures governing animal rescues for 294
dogs, including the licensing and inspection of and record keeping 295
by animal rescues for dogs, in addition to the requirements and 296

procedures established in this chapter; 297

(E) The form of applications for licenses issued under this 298
chapter and the information that is required to be submitted in 299
the applications. The rules shall require an animal rescue for 300
dogs to provide in an application for a license the name and 301
address of each foster home that it utilizes. 302

(F) A requirement that each regulated dog breeding kennel 303
submit to the director, with an application for a regulated dog 304
breeding kennel license, evidence of insurance or, in the 305
alternative, evidence of a surety bond payable to the authority to 306
ensure compliance with this chapter and rules adopted under it. 307
The face value of the insurance coverage or bond shall be in the 308
following amounts: 309

(1) Five thousand dollars for regulated dog breeding kennels 310
keeping, housing, and maintaining not more than twenty-five adult 311
dogs; 312

(2) Ten thousand dollars for regulated dog breeding kennels 313
keeping, housing, and maintaining at least twenty-six adult dogs, 314
but not more than fifty adult dogs; 315

(3) Fifty thousand dollars for regulated dog breeding kennels 316
keeping, housing, and maintaining more than fifty adult dogs. 317

The rules shall require that the insurance be payable to the 318
state or that the surety bond be subject to redemption by the 319
state, as applicable, upon a suspension or revocation of a 320
regulated dog breeding kennel license for the purpose of paying 321
for the maintenance and care of dogs that are seized or otherwise 322
impounded from the regulated dog breeding kennel in accordance 323
with this chapter. 324

(G) Procedures for inspections conducted under section 956.10 325
of the Revised Code in addition to the procedures established in 326
that section, and procedures for making records of the 327

<u>inspections;</u>	328
<u>(H) Requirements and procedures that are necessary to</u>	329
<u>implement and enforce the requirements pertaining to pet stores</u>	330
<u>that are established in section 956.19 of the Revised Code;</u>	331
<u>(I)(1) A requirement that an in-state retailer or direct</u>	332
<u>seller of a puppy or adult dog provide to the purchaser the</u>	333
<u>complete name, address, and telephone number of all regulated dog</u>	334
<u>breeding kennels, regulated dog intermediaries, and private owners</u>	335
<u>that kept, housed, or maintained the puppy or adult dog prior to</u>	336
<u>its coming into the possession of the retailer or direct seller,</u>	337
<u>or proof that the puppy or adult dog was acquired through an</u>	338
<u>animal rescue for dogs, animal shelter for dogs, or humane society</u>	339
<u>established under Chapter 1717. of the Revised Code, or a valid</u>	340
<u>health certificate from the state of origin pertaining to the</u>	341
<u>puppy or adult dog;</u>	342
<u>(2) A requirement that an out-of-state retailer or direct</u>	343
<u>seller of a puppy or adult dog that is conducting business in this</u>	344
<u>state provide to the purchaser a valid health certificate from the</u>	345
<u>state of origin pertaining to the puppy or adult dog and the</u>	346
<u>complete name, address, and telephone number of all dog breeding</u>	347
<u>kennels, sellers, and private owners that kept, housed, or</u>	348
<u>maintained the puppy or adult dog prior to its coming into the</u>	349
<u>possession of the retailer or direct seller or proof that the</u>	350
<u>puppy or adult dog was acquired through an animal rescue for dogs,</u>	351
<u>animal shelter for dogs, or humane society in this state or</u>	352
<u>another state.</u>	353
<u>(J) A requirement that a person who advertises the sale of a</u>	354
<u>puppy or adult dog include with the advertisement the person's</u>	355
<u>vendor number assigned by the tax commissioner if the sale of the</u>	356
<u>puppy or dog is subject to the tax levied under Chapter 5739. of</u>	357
<u>the Revised Code;</u>	358

(K) Requirements and procedures governing the registration of litters under section 956.20 of the Revised Code; 359
360

(L) A requirement that a licensed regulated dog breeding kennel and a licensed regulated dog intermediary comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of this division. 361
362
363
364
365
366

(M) Any other requirements and procedures that are determined by the commission to be necessary for the administration and enforcement of this chapter and rules adopted under it. 367
368
369

Sec. 956.04. (A)(1) No person shall operate a regulated dog breeding kennel in this state without a regulated dog breeding kennel license issued by the director of the kennel control authority in accordance with this section and rules adopted under section 956.03 of the Revised Code. 370
371
372
373
374

(2) The director shall not issue a license under this section unless the director determines that the applicant will operate or will continue to operate the regulated dog breeding kennel in accordance with this chapter and rules adopted under it. 375
376
377
378

(B) In determining whether an establishment is a regulated dog breeding kennel requiring a license under this chapter, the director shall determine if, in any given year, the establishment is a regulated dog breeding kennel as defined in section 956.01 of the Revised Code. All facilities that are located at an individual postal address shall be licensed as one regulated dog breeding kennel. Not more than one license shall be issued under this section for any given postal address. 379
380
381
382
383
384
385
386
387

(C) A person who is proposing to operate a new regulated dog 388

breeding kennel, at least ninety days prior to the operation of 389
the regulated dog breeding kennel, shall submit an application for 390
a license to the director. The application shall be submitted in 391
the form and with the information required by rules adopted under 392
section 956.03 of the Revised Code and shall include with it at 393
least all of the following: 394

(1) An affidavit signed under oath or solemn affirmation of 395
the number of adult dogs that are kept, housed, and maintained by 396
the applicant at the location that is the subject of the 397
application; 398

(2) An estimate of the number of puppies to be kept, housed, 399
and maintained and of the number of litters of puppies or total 400
number of puppies to be produced during the annual term of the 401
license; 402

(3) Photographic evidence documenting the facilities where 403
dogs will be kept, housed, and maintained by the applicant. The 404
kennel control authority may conduct an inspection of the 405
facilities that are the subject of an application in addition to 406
reviewing photographic evidence submitted by an applicant for a 407
license. 408

(4) A signed release permitting the performance of a 409
background investigation regarding the applicant in accordance 410
with rules adopted under section 956.03 of the Revised Code; 411

(5) The names and addresses and any other identifying 412
information required by rules adopted under section 956.03 of the 413
Revised Code of all persons who will have custody of or control 414
over dogs kept by the applicant. 415

(D) During the month of December, but before the first day of 416
January of the next year, a person who is proposing to continue 417
the operation of a regulated dog breeding kennel shall obtain a 418
license for the regulated dog breeding kennel from the director 419

for the following year. The person shall submit the application to 420
the director on or before the last day of November of the year 421
preceding the year for which the license is sought. 422

(E) The owner or operator of a regulated dog breeding kennel 423
that is in operation on the effective date of this section shall 424
submit to the director an application for a regulated dog breeding 425
kennel license not later than three months after the effective 426
date of this section. The director shall issue or deny the 427
application for a license within ninety days after the receipt of 428
the completed application. 429

(F) A person who has received a license under this section, 430
upon sale or other disposition of the regulated dog breeding 431
kennel, may have the license transferred to another person with 432
the consent of the director, provided that the transferee 433
otherwise qualifies to be licensed as a regulated dog breeding 434
kennel under this chapter and rules adopted under it and does not 435
have a certified unpaid debt to the state. 436

(G) An applicant for a license issued under this section 437
shall demonstrate that the regulated dog breeding kennel that is 438
the subject of the application complies with the standards of care 439
and other standards established under this chapter. 440

(H) No person shall be licensed as or operate a regulated dog 441
breeding kennel who has been convicted of or pleaded guilty to 442
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 443
or 959.16 of the Revised Code or an equivalent municipal 444
ordinance, law of another state, or law of the federal government 445
or has been convicted of or pleaded guilty to violating more than 446
once section 2919.25 of the Revised Code or an equivalent 447
municipal ordinance, law of another state, or law of the federal 448
government. 449

Sec. 956.05. (A)(1) No person shall act as or perform the 450

functions of a regulated dog intermediary in this state without a 451
regulated dog intermediary license issued by the director of the 452
kennel control authority in accordance with this section and rules 453
adopted under section 956.03 of the Revised Code. 454

(2) The director shall not issue a license under this section 455
unless the director determines that the applicant will act as or 456
perform the functions of a regulated dog intermediary in 457
accordance with this chapter and rules adopted under it. 458

(B) A person who is proposing to act as or perform the 459
functions of a regulated dog intermediary shall submit an 460
application for a license to the director. During the month of 461
December, but before the first day of January of the next year, a 462
person who is proposing to continue to act as or perform the 463
functions of a regulated dog intermediary shall obtain a license 464
from the director for the following year. The person shall submit 465
the application to the director on or before the last day of 466
November of the year preceding the year for which the license is 467
sought. 468

(C) A person who is acting as or performing the functions of 469
a regulated dog intermediary on the effective date of this section 470
shall submit to the director an application for a regulated dog 471
intermediary license not later than three months after the 472
effective date of this section. The director shall issue or deny 473
the application for a license within ninety days after the receipt 474
of the completed application. 475

(D) No person shall be licensed as or act as or perform the 476
functions of a regulated dog intermediary who has been convicted 477
of or pleaded guilty to violating section 959.01, 959.02, 959.03, 478
959.13, 959.131, 959.15, or 959.16 of the Revised Code or an 479
equivalent municipal ordinance, law of another state, or law of 480
the federal government or has been convicted of or pleaded guilty 481
to violating more than once section 2919.25 of the Revised Code or 482

an equivalent municipal ordinance, law of another state, or law of 483
the federal government. 484

Sec. 956.06. (A) No person shall operate an animal rescue for 485
dogs without a license to do so issued by the director of the 486
kennel control authority in accordance with rules adopted under 487
section 956.03 of the Revised Code. No license application fee 488
shall be charged to an animal rescue for dogs. The director shall 489
maintain a database of all persons that are licensed to operate an 490
animal rescue for dogs in this state. 491

(B) No person shall be licensed as or operate an animal 492
rescue for dogs who has been convicted of or pleaded guilty to 493
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 494
or 959.16 of the Revised Code or an equivalent municipal 495
ordinance, law of another state, or law of the federal government 496
or has been convicted of or pleaded guilty to violating more than 497
once section 2919.25 of the Revised Code or an equivalent 498
municipal ordinance, law of another state, or law of the federal 499
government. 500

Sec. 956.07. (A) A person who is applying for a license to 501
operate a regulated dog breeding kennel or to act as or perform 502
the functions of a regulated dog intermediary under section 956.04 503
or 956.05 of the Revised Code, as applicable, shall include with 504
the application for a license a nonrefundable license application 505
fee as follows: 506

(1) For a regulated dog breeding kennel: 507

(a) One hundred fifty dollars if breeding dogs at the 508
regulated dog breeding kennel annually produce at least nine, but 509
not more than fifteen litters or, if fewer than nine litters are 510
produced, at least forty puppies are produced in a calendar year 511
at the kennel; 512

(b) Two hundred fifty dollars if breeding dogs at the regulated dog breeding kennel annually produce at least sixteen, but not more than twenty-five litters; 513
514
515

(c) Three hundred fifty dollars if breeding dogs at the regulated dog breeding kennel annually produce at least twenty-six, but not more than thirty-five litters; 516
517
518

(d) Five hundred dollars if breeding dogs at the regulated dog breeding kennel annually produce at least thirty-six, but not more than forty-five litters; 519
520
521

(e) Seven hundred fifty dollars if breeding dogs at the regulated dog breeding kennel annually produce forty-six or more litters. 522
523
524

(2) For a regulated dog intermediary, five hundred dollars. 525

(B) The owner of a boarding kennel shall register the boarding kennel with the director of the kennel control authority by paying an annual fee of fifty dollars. 526
527
528

(C) Money collected by the director from application and registration fees submitted under this section shall be transmitted by the director to the treasurer of state to be credited to the regulated dog breeding kennel control license fund created in section 956.17 of the Revised Code. However, the treasurer of state shall transfer to the county in which a regulated dog breeding kennel is or will be located fifty dollars of the application fee received from the person who is applying for a license to operate the regulated dog breeding kennel or an amount equal to the fee charged on January 1, 2009, by the county for the registration of a kennel under section 955.04 of the Revised Code, whichever is greater. The county auditor shall deposit the money in the county's dog and kennel fund created in accordance with section 955.20 of the Revised Code. 529
530
531
532
533
534
535
536
537
538
539
540
541
542

543

Sec. 956.08. No person operating a regulated dog breeding kennel or acting as or performing the functions of a regulated dog intermediary shall do any of the following: 544
545
546

(A) Fail to keep or confine a dog in accordance with one of the following: 547
548

(1) In an indoor enclosure with an attached outdoor enclosure that is accessible to the dog, provided that not more than three dogs are kept or confined in the indoor or outdoor enclosure at any one time. For dogs that weigh less than twenty pounds, the indoor enclosure shall be at least four feet by four feet with an attached outdoor enclosure of at least four feet by eight feet. For dogs that weigh at least twenty pounds, but less than fifty-one pounds, the indoor enclosure shall be at least four feet by six feet with an attached outdoor enclosure of at least four feet by twelve feet. For dogs that weigh fifty-one pounds or more, the indoor enclosure shall be at least four feet by eight feet with an attached outdoor enclosure of at least four feet by sixteen feet. 549
550
551
552
553
554
555
556
557
558
559
560
561

(2) In an indoor enclosure with no attached outdoor enclosure, but with an exercise period in an outdoor enclosure that is provided at least two hours each day, provided that not more than three dogs are kept or confined in the indoor or outdoor enclosure at any one time. For dogs that weigh less than twenty pounds, the indoor enclosure shall be at least four feet by four feet, and outdoor exercise shall take place in an enclosed area that is at least ten feet by ten feet. For dogs that weigh at least twenty pounds, but less than fifty-one pounds, the indoor enclosure shall be at least four feet by six feet, and outdoor exercise shall take place in an enclosed area that is at least twenty feet by twenty feet. For dogs that weigh fifty-one pounds or more, the indoor enclosure shall be at least four feet by eight 562
563
564
565
566
567
568
569
570
571
572
573
574

feet, and outdoor exercise shall take place in an enclosed area 575
that is at least forty feet by forty feet. 576

For purposes of complying with division (A)(2) of this 577
section, an indoor enclosure may be utilized for exercise when 578
weather does not permit access to an outdoor enclosure. However, 579
the indoor exercise enclosure shall comply with the size 580
requirements that are established in this division for outdoor 581
enclosures that are used for exercise. In addition, exercise is 582
not required for a dog that has an illness and for which exercise 583
would be detrimental to recovering from the illness. In addition, 584
for purposes of complying with division (A)(2) of this section, 585
enclosures may be stacked on top of one another, but there shall 586
be a nonporous barrier separating the floor and ceiling of stacked 587
enclosures. 588

(B) Keep or confine dogs in an enclosure, crate, or cage that 589
are incompatible based on observation; 590

(C) Keep or confine more than three adult dogs in one 591
enclosure, crate, or cage; 592

(D) Keep or confine a female dog in heat in the same 593
enclosure, crate, or cage with a sexually mature male dog except 594
for the time period that is necessary for breeding the female dog; 595

(E) Keep or confine a female dog that is nursing in an 596
enclosure, crate, or cage with another adult dog; 597

(F) Keep or confine a dog in an enclosure, crate, or cage 598
without access to either natural or artificial light during 599
daytime hours; 600

(G) Keep or confine a dog in an enclosure, crate, or cage 601
outdoors unless the dog has access at all times to a dry insulated 602
indoor shelter or dog house with clean straw or other nontoxic 603
insulating material in an amount that is sufficient to permit the 604
dog to burrow under the straw or material while at the same time 605

using the straw or material as bedding; 606

(H) Keep or confine a dog in an enclosure, crate, or cage if 607
urine or feces have accumulated beyond an amount that is expected 608
to accumulate in a normal twenty-four-hour period or, if the dog 609
is a female dog with a litter, in a normal twelve-hour period; 610

(I) Keep or confine a dog in an enclosure, crate, or cage 611
without access to clean unfrozen water at all times unless the dog 612
is being used for hunting or sledding, in which case access to 613
clean unfrozen water shall be provided not less than one time per 614
eight-hour period. Water shall be provided to a dog in an open 615
bowl or container that is not a drip bottle or limited intake 616
mechanism. 617

(J) Keep or confine a dog in an enclosure, crate, or cage 618
without access to adequate and wholesome food on a daily basis so 619
as to ensure a proper and healthy weight unless medically 620
contraindicated; 621

(K) Keep or confine a dog in an enclosure, crate, or cage 622
with flooring material that is incapable of being cleaned or 623
sanitized or that is likely to cause injury to the pads of a dog's 624
feet; 625

(L) Keep or confine a dog in an enclosure, crate, or cage 626
without providing a solid, nonporous surface, free from moisture 627
or feces, that comprises at least fifty per cent of the floor of 628
the enclosure, crate, or cage. The solid surface may include soft 629
bedding. Female dogs with litters and puppies twelve weeks of age 630
or less shall be housed in an enclosure, crate, or cage with a 631
solid, nonporous surface, free from moisture or feces, that 632
comprises one hundred per cent of the floor of the enclosure, 633
crate, or cage. Nonporous surfaces shall not be made of metal. 634

(M) Keep or confine a dog in an enclosure, crate, or cage in 635
unsanitary conditions; 636

(N) Keep or confine a dog in an enclosure, crate, or cage that is in contact with or in the immediate vicinity of any animal with a diagnosed or suspected disease that is contagious to dogs; 637
638
639

(O) Keep or confine a dog in an enclosure, crate, or cage without adequate ventilation; 640
641

(P) Keep or confine a dog in an enclosure, crate, or cage without providing shelter from the elements; 642
643

(Q) Keep or confine a dog in an outdoor run or kennel where shade is not provided during the months of May through September. The shade so provided shall provide a reduction of temperature of at least five degrees from nonshaded areas. 644
645
646
647

(R) Keep or confine a dog in an indoor enclosure, crate, or cage where the temperature is below fifty degrees fahrenheit or over ninety degrees fahrenheit; 648
649
650

(S) Fail to equip a kennel with a smoke alarm and provide a means of fire suppression such as a sprinkler system or fire extinguishers in all kennel housing units; 651
652
653

(T) Fail to keep the area around a kennel in good repair, clean, and free from accumulations of junk, waste products, and discarded materials to protect dogs from injury and to prevent infestation by rodents or other pests. Weeds, grasses, bushes, and trees shall be controlled at the property on which a kennel is located to allow for effective pest control and to protect the health and safety of the dogs that are housed at the kennel. 654
655
656
657
658
659
660

(U) Fail to provide a dog with at least two hours per day of interaction with other dogs, provided that the dog is not sick and does not present a risk of illness to other dogs; 661
662
663

(V) Fail to sanitize food and water receptacles at least every two weeks or more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other 664
665
666

<u>disease hazards;</u>	667
<u>(W) Fail to provide a dog with appropriate veterinary care and treatment for any disease, illness, or injury;</u>	668 669
<u>(X) Fail to provide a breeding dog with a clean whelping box when needed;</u>	670 671
<u>(Y) Fail to trim an adult dog's nails so that there is curling or an impairment of the dog's gait;</u>	672 673
<u>(Z) Fail to provide regular care to a dog to prevent matting of fur from fecal matter or bodily fluids;</u>	674 675
<u>(AA) Fail to provide a dog with appropriate protection from fleas, ticks, biting insects, and stinging insects or treatment for worms if the dog is so afflicted;</u>	676 677 678
<u>(BB) Fail to provide an adult dog with appropriate vaccinations as determined by the dog's veterinarian;</u>	679 680
<u>(CC) Fail to provide each puppy that is three months of age or older with appropriate phase-in booster vaccines if determined necessary by the puppy's veterinarian;</u>	681 682 683
<u>(DD) Fail to provide heartworm preventative to a breeding dog as determined by the dog's veterinarian;</u>	684 685
<u>(EE) Fail to ensure that a dog in the person's possession or control requiring euthanization is euthanized by a veterinarian or a person under the direct supervision of a veterinarian;</u>	686 687 688
<u>(FF) Fail to ensure that a dog that is being euthanized is not left unattended between the commencement of the process and death;</u>	689 690 691
<u>(GG) Beat or brutalize a dog within the person's custody or control;</u>	692 693
<u>(HH) Fail to provide all dogs in a kennel with a manual physical inspection at least once each week;</u>	694 695

(II) Breed a dog that is less than eighteen months of age or more than nine years of age or breed a female dog without a certificate from a licensed veterinarian that the female dog is in proper health for breeding; 696
697
698
699

(JJ) Permit a dog to have more than one litter per calendar year; 700
701

(KK) Dock a dog's tail, crop a dog's ear, remove a dog's claws, or debark a dog. Tail docking, ear cropping, the removal of a dog's claws, or debarking shall only be conducted by a licensed veterinarian. 702
703
704
705

(LL) Fail to prepare and implement a plan for the disposal of waste that is generated by dogs at the kennel; 706
707

(MM) Keep a dog in an enclosure, crate, or cage that includes exposed metal caging without a protective plastic or rubber coating. 708
709
710

Divisions (A), (F), (G), (I), (J), (L), and (P) of this section do not apply during the temporary transportation of a dog from one location to another location. 711
712
713

Sec. 956.081. (A) On and after the effective date of this section, no person shall sell a dog at a flea market, market day, garage sale, conference, or other public place other than at a pet store that is licensed under this chapter as a regulated dog intermediary. This division does not prohibit the sale of dogs by a licensed regulated dog breeding kennel or licensed regulated dog intermediary at the location that is listed as the address of the kennel or intermediary on the applicable license application submitted by or on behalf of the kennel or intermediary. 714
715
716
717
718
719
720
721
722

(B) On and after two hundred seventy days after the effective date of this section, no person shall sell a dog at an auction or conduct an auction for the purpose of selling dogs. However, no 723
724
725

out-of-state resident shall sell a dog at an auction conducted in 726
this state on and after the effective date of this section. 727

(C) This section does not apply to adoption events that are 728
held by an animal rescue for dogs or an animal shelter for dogs. 729

Sec. 956.09. The director of the kennel control authority 730
shall appoint kennel control enforcement inspectors for the 731
purpose of enforcing the requirements and standards established by 732
this chapter and rules adopted under it and to act as authorized 733
agents of the authority. Inspectors shall serve at the pleasure of 734
the director and shall be employees of the kennel control 735
authority. Inspectors may issue citations and orders that are 736
necessary to enforce this chapter and rules adopted under it. The 737
director shall provide each kennel control enforcement inspector 738
with an identifying badge and an official uniform. A kennel 739
control enforcement inspector shall have training in animal 740
husbandry, kennel management, record keeping, and first aid. 741

Sec. 956.10. (A) At least once biennially, the director of 743
the kennel control authority or the director's authorized 744
representative shall inspect a regulated dog breeding kennel that 745
is subject to licensure under this chapter and rules adopted under 746
section 956.03 of the Revised Code to ensure compliance with this 747
chapter and rules adopted under it, including, but not limited to, 748
the standards of care established in section 956.08 of the Revised 749
Code. In addition, upon a complaint, the director may inspect an 750
animal rescue for dogs to ensure compliance with this chapter and 751
rules adopted under section 956.03 of the Revised Code, including, 752
but not limited to, the standards of care established in section 753
956.08 of the Revised Code. Inspections shall be conducted without 754
prior notification to the licensee or persons associated with the 755
licensee. In addition, upon the request of a member of the public, 756

a public official, an animal rescue for dogs, or an animal shelter for dogs, the director or the director's authorized representative shall inspect any facility at which a person is acting as or performing the functions of a regulated dog intermediary to ensure such compliance.

757
758
759
760
761
762

The director or the director's authorized representative shall inspect a boarding kennel when the director or the director's authorized representative has received information that the boarding kennel is breeding dogs and is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code.

763
764
765
766
767
768

Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the inspector who is responsible for the inspection in accordance with those rules.

769
770
771
772

(B) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the environmental division of the Franklin county municipal court for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. A judge of that court may issue such a warrant.

773
774
775
776
777
778
779
780
781
782
783
784

(C) No owner or operator of a regulated dog breeding kennel, person acting as or performing the functions of a regulated dog intermediary, owner or operator of an animal rescue for dogs, or owner or operator of a boarding kennel shall interfere with an

785
786
787
788

inspection or refuse to allow an inspector full access to all 789
areas where dogs are kept or cared for. If entry is refused or 790
inspection or investigation is refused, hindered, or thwarted by a 791
regulated dog breeding kennel, regulated dog intermediary, or 792
animal rescue for dogs the director may suspend or revoke the 793
kennel's, intermediary's, or rescue's license in accordance with 794
this chapter. 795

(D) If entry that is authorized by division (B) of this 796
section is refused or if an inspection or investigation is 797
refused, hindered, or thwarted by intimidation or otherwise and if 798
the director, an authorized representative of the director, or the 799
attorney general applies for and obtains a court order or a search 800
warrant under division (B) of this section to conduct the 801
inspection or investigation, the owner or operator of the premises 802
where entry was refused or inspection or investigation was 803
refused, hindered, or thwarted is liable to the director for the 804
reasonable costs incurred by the director for the regular salaries 805
and fringe benefit costs of personnel assigned to conduct the 806
inspection or investigation from the time the entry, inspection, 807
or investigation was refused, hindered, or thwarted until the 808
court order or search warrant is executed; for the salary, fringe 809
benefits, and travel expenses of the director, an authorized 810
representative of the director, or the attorney general incurred 811
in obtaining the court order or search warrant; and for expenses 812
necessarily incurred for the assistance of local law enforcement 813
officers in executing the court order or search warrant. In the 814
application for a court order or a search warrant, the director, 815
the director's authorized representative, or the attorney general 816
may request and the environmental division of the Franklin county 817
municipal court, in its order granting the court order or search 818
warrant, may order the owner or operator of the premises to 819
reimburse the director for any of those costs that the court finds 820
reasonable. From money recovered under this division, the director 821

shall reimburse the attorney general for the costs incurred by the 822
attorney general in connection with proceedings for obtaining the 823
court order or search warrant, shall reimburse the political 824
subdivision in which the premises is located for the assistance of 825
its law enforcement officers in executing the court order or 826
search warrant, and shall deposit the remainder in the state 827
treasury to the credit of the regulated dog breeding kennel 828
control license fund created in section 956.17 of the Revised 829
Code. 830

(E) A dog warden appointed under Chapter 955. of the Revised 831
Code or an agent of a humane society established under Chapter 832
1717. of the Revised Code entering on public or private property 833
to make investigations and inspections in accordance with Chapter 834
955. or 1717. of the Revised Code, as applicable, shall report any 835
violations of this chapter and rules adopted under it to the 836
director or a kennel control enforcement inspector and may examine 837
and copy any records that are required to be maintained under 838
rules adopted under this chapter. 839

Sec. 956.11. (A) The director of the kennel control authority 840
or the director's authorized representative may impound a dog if 841
the director or the director's authorized representative has 842
probable cause to believe that the dog is being kept by a 843
regulated dog breeding kennel, regulated dog intermediary, or 844
animal rescue for dogs in a manner that materially violates this 845
chapter or rules adopted under it and if the dog's health or 846
safety appears to be in imminent danger. 847

(B) The director or the director's authorized representative 848
shall give written notice of the impoundment by posting a notice 849
on the door of the premises from which the dog was taken or by 850
otherwise posting the notice in a conspicuous place at the 851
premises from which the dog was taken. The notice shall provide a 852

date for an adjudication hearing, which shall take place not later 853
than five business days after the dog is taken and at which the 854
director shall determine if the dog should be permanently 855
relinquished to the custody of the kennel control authority. 856

857
(C) The owner or operator of the applicable regulated dog 858
breeding kennel, the person acting as or performing the functions 859
of a regulated dog intermediary, or the owner or operator of the 860
applicable animal rescue for dogs may appeal the determination 861
made at the adjudication hearing in accordance with section 119.12 862
of the Revised Code, except that the appeal may only be made to 863
the environmental division of the Franklin county municipal court. 864
If a dog has been impounded and the owner or operator of the 865
applicable regulated dog breeding kennel, the person acting as or 866
performing the functions of a regulated dog intermediary, or the 867
owner or operator of the applicable animal rescue for dogs appeals 868
the determination made at an adjudication hearing, that person 869
shall file an appeal bond that is sufficient to cover the costs of 870
keeping, housing, and maintaining the dog in a manner and amount 871
to be determined by the environmental division of the Franklin 872
county municipal court. 873

(D) The director may enter into contracts or agreements with 874
an animal rescue for dogs, an animal shelter for dogs, a boarding 875
kennel, a veterinarian, a dog warden appointed under Chapter 955. 876
of the Revised Code, or a humane society established under Chapter 877
1717. of the Revised Code for the purpose of keeping, housing, and 878
maintaining dogs that are impounded under this section. If, after 879
the final disposition of an adjudication hearing and any appeals 880
from that adjudication hearing, it is determined that a dog shall 881
be permanently relinquished to the custody of the kennel control 882
authority, the dog may be adopted directly from the animal rescue 883
for dogs, animal shelter for dogs, boarding kennel, veterinarian, 884

dog warden, or humane society where it is being kept, housed, and 885
maintained, provided that the dog has been spayed or neutered 886
unless there are medical reasons against spaying or neutering as 887
determined by a veterinarian. The animal rescue for dogs, animal 888
shelter for dogs, boarding kennel, veterinarian, dog warden, or 889
humane society may charge a reasonable adoption fee. The fee shall 890
be at least sufficient to cover the costs of spaying or neutering 891
the dog unless it is medically contraindicated. 892

893

Sec. 956.12. If the director of the kennel control authority 894
or the director's authorized representative determines that a 895
person has violated, is violating, or is threatening to violate 896
this chapter or rules adopted under it, the director may issue and 897
cause to be served by certified mail or personal service a 898
citation of violation and an order requiring the person to cease 899
the acts or practices appearing to the director or the director's 900
authorized representative to constitute a violation of this 901
chapter or rules adopted under it or requiring the person to take 902
corrective actions to eliminate the conditions appearing to the 903
director or the director's authorized representative to constitute 904
a violation of this chapter and rules adopted under it. The order 905
shall state specifically the provision or provisions of this 906
chapter or the rule or rules adopted under this chapter that 907
appear to the director or the director's authorized representative 908
to have been violated or threatened to be violated and the facts 909
constituting the violation or threatened violation, the actions 910
that the person must take to correct the deficiencies, and the 911
time period within which the person must correct the violations. 912

913

Sec. 956.13. (A) The director of the kennel control authority 914
may assess a civil penalty against a person violating this chapter 915

or rules adopted under it if all of the following occur: 916

917

(1) The person has received an order and been notified of the 918
violation by certified mail as required in section 956.12 of the 919
Revised Code. 920

(2) After the time period for correcting the violation 921
specified in the order has elapsed, the director or the director's 922
authorized representative has inspected the premises where the 923
violation has occurred and determined that the violation has not 924
been corrected, and the director has issued a notice of an 925
adjudication hearing pursuant to division (A)(3) of this section. 926
927

(3) The director affords the person an opportunity for an 928
adjudication hearing under Chapter 119. of the Revised Code to 929
challenge the director's determination that the person is not in 930
compliance with this chapter or rules adopted under it, the 931
imposition of the civil penalty, or both. A person may waive the 932
opportunity for an adjudication hearing. 933

(B) If the opportunity for an adjudication hearing is waived 934
or if, after an adjudication hearing, the director determines that 935
a violation of this chapter or a rule adopted under it has 936
occurred or is occurring, the director may assess a civil penalty. 937
The civil penalty may be appealed in accordance with section 938
119.12 of the Revised Code, except that the civil penalty may only 939
be appealed to the environmental division of the Franklin county 940
municipal court. 941

(C) Civil penalties shall be assessed in the following 942
amounts: 943

(1) A person who has violated division (A)(1) of section 944
956.04, division (A)(1) of section 956.05, or division (A) of 945
section 956.06 of the Revised Code shall pay a civil penalty in an 946

amount that is equal to two times the amount of the license fee 947
that should have been paid by the person under section 956.07 of 948
the Revised Code. 949

(2) A person who has violated division (H) of section 956.04, 950
division (D) of section 956.05, or division (B) of section 956.06 951
of the Revised Code shall pay a civil penalty of not more than 952
fifteen thousand dollars. 953

(3) A person who has violated any other provision of this 954
chapter or rules adopted under it, including, but not limited to, 955
the standards of care established in section 956.08 of the Revised 956
Code, shall pay a civil penalty of twenty-five dollars. 957

Each day that a violation continues constitutes a separate 958
violation. 959

Sec. 956.14. The attorney general, upon the request of the 960
director of the kennel control authority, may bring an action for 961
injunction against a person who has violated, is violating, or is 962
threatening to violate this chapter, rules adopted under it, or an 963
order issued under section 956.12 of the Revised Code. An action 964
for injunction shall be filed in the environmental division of the 965
Franklin county municipal court, which shall have exclusive 966
jurisdiction to grant preliminary and permanent injunctive relief 967
under this chapter. The environmental division of the Franklin 968
county municipal court shall grant such injunctive relief upon a 969
showing that the person against whom the action is brought has 970
violated, is violating, or is threatening to violate this chapter, 971
rules adopted under it, or an order issued under it. The court 972
shall give precedence to such an action over all other cases. 973

Sec. 956.15. (A) The director of the kennel control authority 975
shall deny an application for a license that is submitted under 976

section 956.04, 956.05, or 956.06 of the Revised Code for any of 977
the following reasons: 978

(1) The applicant for the license has violated any provision 979
of this chapter or a rule adopted under it. 980

(2) The applicant has been convicted of or pleaded guilty to 981
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 982
or 959.16 of the Revised Code or an equivalent municipal 983
ordinance, law of another state, or law of the federal government 984
or has been convicted of or pleaded guilty to violating more than 985
once section 2919.25 of the Revised Code or an equivalent 986
municipal ordinance, law of another state, or law of the federal 987
government. 988

(3) The director determines that the applicant for the 989
license does not have the expertise or capacity to comply with 990
this chapter or rules adopted under it. 991

(B) The director may suspend or revoke a license issued under 992
this chapter for violation of any provision of this chapter or a 993
rule adopted or order issued under it. 994

(C) An application or a license shall not be denied, 995
suspended, or revoked under this section without a written order 996
of the director stating the findings on which the denial, 997
suspension, or revocation is based. A copy of the order shall be 998
sent to the applicant or license holder by certified mail or may 999
be provided to the applicant or license holder by personal 1000
service. In addition, the person to whom a denial, suspension, or 1001
revocation applies may request an adjudication hearing under 1002
Chapter 119. of the Revised Code. The director shall comply with 1003
such a request. The determination of the director at an 1004
adjudication hearing may be appealed in accordance with section 1005
119.12 of the Revised Code, except that the determination may be 1006
appealed only to the environmental division of the Franklin county 1007

municipal court. 1008

Sec. 956.16. The director of the kennel control authority, 1009
the director's authorized representative, or the attorney general 1010
may require the attendance of witnesses and the production of 1011
books, records, papers, and dogs that are needed either by the 1012
director or the attorney general or by any party to a hearing 1013
before the director and for that purpose may issue a subpoena for 1014
any witness or a subpoena duces tecum to compel the production of 1015
any books, records, papers, or dogs. The subpoena shall be served 1016
by personal service or by certified mail. If the subpoena is 1017
returned because of inability to deliver, or if no return is 1018
received within thirty days after the date of mailing, the 1019
subpoena may be served by ordinary mail. If no return of ordinary 1020
mail is received within thirty days after the date of mailing, 1021
service shall be deemed to have been made. If the subpoena is 1022
returned because of inability to deliver, the director or the 1023
attorney general may designate a person or persons to effect 1024
either personal or residence service on the witness. The person 1025
designated to effect personal or residence service under this 1026
section may be the sheriff of the county in which the witness 1027
resides or may be found or any other duly designated person. The 1028
fees and mileage of the person serving the subpoena shall be the 1029
same as those allowed by the courts of common pleas in criminal 1030
cases and shall be paid from the funds of the authority. Fees and 1031
mileage for the witness shall be the same as those allowed for 1032
witnesses by the courts of common pleas in criminal cases and 1033
shall be paid from the funds of the authority upon request of the 1034
witness following the hearing. 1035

Sec. 956.17. All money collected by the director of the 1037
kennel control authority from license and registration fees under 1038

sections 956.07 and 956.20 of the Revised Code and all money 1039
collected from civil penalties assessed under section 956.13 of 1040
the Revised Code shall be deposited in the state treasury to the 1041
credit of the regulated dog breeding kennel control license fund, 1042
which is hereby created. The director shall use money in the fund 1043
for the purpose of administering this chapter and rules adopted 1044
under it. 1045

Sec. 956.18. (A) There is hereby created the kennel control 1046
authority board consisting of one member of the senate appointed 1047
by the president of the senate, one member of the house of 1048
representatives appointed by the speaker of the house of 1049
representatives, and the following seven members appointed by the 1050
governor: 1051

(1) Two members representing animal care and welfare 1052
organizations in this state; 1053

(2) One member who is a county dog warden; 1054

(3) One member who is a veterinarian; 1055

(4) One member representing pet stores in this state that are 1056
licensed under this chapter as regulated dog breeding kennels or 1057
regulated dog breeding intermediaries; 1058

(5) One member who is a member in good standing of a national 1059
breed parent club of the American kennel club; 1060

(6) One member representing the public. 1061

Initial appointments to the board shall be made not later 1062
than sixty days after the effective date of this section. Terms of 1063
office of the members appointed by the president of the senate and 1064
the speaker of the house of representatives shall coincide with 1065
their terms of office as members of the senate and the house of 1066
representatives, as applicable. Of the initial appointments made 1067
by the governor, two shall be for one-year terms, two shall be for 1068

two-year terms, and three shall be for three-year terms. 1069
Thereafter, terms of office of members appointed by the governor 1070
shall be three years, with each term ending on the same day of the 1071
same month as did the term that it succeeds. Each member shall 1072
hold office from the date of appointment until the end of the term 1073
for which the member was appointed. Members may be reappointed. 1074
Vacancies shall be filled in the manner provided for the original 1075
appointments. Any member appointed to fill a vacancy occurring 1076
prior to the expiration date of the term for which the member's 1077
predecessor was appointed shall hold office for the remainder of 1078
the term. A member shall continue in office subsequent to the 1079
expiration date of the member's term until the member's successor 1080
takes office or until a period of sixty days has elapsed, 1081
whichever occurs first. 1082

(B) The governor shall select a chairperson from among the 1083
board's members. A majority of the members of the board 1084
constitutes a quorum. The board shall meet at least four times a 1085
year in Columbus or at other locations selected by the 1086
chairperson. The chairperson shall determine the agenda for each 1087
meeting of the board. However, if the member appointed by the 1088
president of the senate and the member appointed by the speaker of 1089
the house of representatives jointly request in writing that an 1090
item be placed on the agenda for a meeting of the board, the 1091
chairperson shall place the item on the agenda at the board's next 1092
regularly scheduled meeting occurring more than ten days after the 1093
request has been made. 1094

Members of the board shall serve without compensation for 1095
attending board meetings. Members of the board shall be reimbursed 1096
for their actual and necessary expenses incurred in the 1097
performance of official duties as members of the board. 1098

(C) The board shall provide oversight and evaluation of the 1099
administration of this chapter and rules adopted under it, 1100

including the operation of the kennel control authority created in 1101
section 956.02 of the Revised Code. The oversight and evaluation 1102
may include, but not be limited to, a determination of whether 1103
this chapter and rules adopted under it and the operation of the 1104
authority have resulted in the prevention of cruelty to and abuse 1105
of dogs and an evaluation of the sanctions imposed on violators of 1106
this chapter and rules adopted under it. In addition, the board 1107
may make recommendations to the director of the kennel control 1108
authority for changes to the administration of this chapter and 1109
rules adopted under it and to the general assembly for changes to 1110
this chapter that the board considers necessary for the effective 1111
enforcement of this chapter and rules adopted under it. The board 1112
may inspect records kept by the kennel control authority and may 1113
interview kennel control enforcement inspectors. The board, by the 1114
thirty-first day of December each year, shall issue a report of 1115
its findings and submit it to the authority, the president of the 1116
senate, and the speaker of the house of representatives. 1117

Sec. 956.19. (A) In accordance with rules adopted under 1119
section 956.03 of the Revised Code, at the time of the sale of a 1120
dog, a pet store shall provide the buyer of the dog with either of 1121
the following: 1122

(1) A certificate of medical health that has been completed 1123
and attested to by a veterinarian and that states that the 1124
veterinarian has examined the dog and has not found evidence of 1125
disease, illness, or injury at the time of the examination; 1126

(2) A money-back guarantee that is valid for not less than 1127
twenty-one days after the date of purchase of the dog. The 1128
guarantee shall authorize the purchaser of the dog to receive the 1129
purchase price of the dog from the pet store within that 1130
twenty-one-day period if the purchaser presents a statement to the 1131

pet store from a veterinarian who has examined the dog within 1132
fourteen days of the purchase of the dog that the dog has a 1133
significant disease, illness, or injury that was in existence at 1134
the time of the purchase of the dog. 1135

(B) A pet store shall post written notice of the pet store's 1136
responsibility under this section in a conspicuous location near 1137
the pet store's cash register. The written notice shall be posted 1138
in accordance with rules and shall be in prominent and easily read 1139
type that is not less than eighteen-point type. 1140

(C) At a time prior to the sale of a dog, a pet store shall 1141
provide the name, complete address, and telephone number of the 1142
breeder that bred the dog, the regulated dog breeding kennel where 1143
the dog was kept, housed, and maintained, and the regulated dog 1144
intermediary from whom the pet store acquired the dog, as 1145
applicable. The pet store also shall provide the telephone number 1146
and the address of the kennel control authority. 1147

(D) No pet store shall fail to comply with this section. 1148

(E) A pet store that fails to comply with division (A)(1) of 1149
this section with respect to the sale of a dog or a pet store that 1150
fails to refund the purchase price of a dog in accordance with 1151
division (A)(2) of this section is liable to the purchaser of the 1152
dog for an amount that is equal to the actual damages incurred by 1153
the purchaser within one year after the date of the purchase of 1154
the dog, except that veterinary expenses are limited to not more 1155
than five hundred dollars. The pet store also is liable for any 1156
attorney's fees and costs incurred by the purchaser. In addition, 1157
the buyer of the dog may keep the dog. 1158

(F) The director of the kennel control authority or the 1159
director's authorized representative shall enforce this section. 1160
Kennel control enforcement inspectors may make inspections of pet 1161
stores for the purpose of enforcing this section. 1162

Sec. 956.20. No regulated dog breeding kennel shall sell or otherwise transfer a puppy that is less than ninety days old without registering the litter in which the puppy was born with the director of the kennel control authority in accordance with rules adopted under section 956.03 of the Revised Code and paying a registration fee of twenty-five dollars per litter. This section does not apply to an animal rescue for dogs or an animal shelter for dogs.

Sec. 956.98. No person shall violate this chapter or a rule adopted or order issued under it.

Sec. 956.99. Whoever violates section 956.98 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 1901.183. In addition to jurisdiction otherwise granted in this chapter, the environmental division of a municipal court shall have jurisdiction within its territory in all of the following actions or proceedings and to perform all of the following functions:

(A) Notwithstanding any monetary limitations in section 1901.17 of the Revised Code, in all actions and proceedings for the sale of real or personal property under lien of a judgment of the environmental division of the municipal court, or a lien for machinery, material, fuel furnished, or labor performed, irrespective of amount, and, in those cases, the environmental division may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party;

(B) When in aid of execution of a judgment of the environmental division of the municipal court, in all actions for the foreclosure of a mortgage on real property given to secure the

payment of money, or the enforcement of a specific lien for money 1192
or other encumbrance or charge on real property, when the real 1193
property is situated within the territory, and, in those cases, 1194
the environmental division may proceed to foreclose all liens and 1195
all vested and contingent rights and proceed to render judgments, 1196
and make findings and orders, between the parties, in the same 1197
manner and to the same extent as in similar cases in the court of 1198
common pleas; 1199

(C) When in aid of execution of a judgment of the 1200
environmental division of the municipal court, in all actions for 1201
the recovery of real property situated within the territory to the 1202
same extent as courts of common pleas have jurisdiction; 1203

(D) In all actions for injunction to prevent or terminate 1204
violations of the ordinances and regulations of any municipal 1205
corporation within its territory enacted or promulgated under the 1206
police power of that municipal corporation pursuant to Section 3 1207
of Article XVIII, Ohio Constitution, over which the court of 1208
common pleas has or may have jurisdiction, and, in those cases, 1209
the environmental division of the municipal court may proceed to 1210
render judgments, and make findings and orders, in the same manner 1211
and to the same extent as in similar cases in the court of common 1212
pleas; 1213

(E) In all actions for injunction to prevent or terminate 1214
violations of the resolutions and regulations of any political 1215
subdivision within its territory enacted or promulgated under the 1216
power of that political subdivision pursuant to Article X of the 1217
Ohio Constitution, over which the court of common pleas has or may 1218
have jurisdiction, and, in those cases, the environmental division 1219
of the municipal court may proceed to render judgments, and make 1220
findings and orders, in the same manner and to the same extent as 1221
in similar cases in the court of common pleas; 1222

(F) In any civil action to enforce any provision of Chapter 1223

3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 1224
over which the court of common pleas has or may have jurisdiction, 1225
and, in those actions, the environmental division of the municipal 1226
court may proceed to render judgments, and make findings and 1227
orders, in the same manner and to the same extent as in similar 1228
actions in the court of common pleas; 1229

(G) In all actions and proceedings in the nature of 1230
creditors' bills, and in aid of execution to subject the interests 1231
of a judgment debtor in real or personal property to the payment 1232
of a judgment of the division, and, in those actions and 1233
proceedings, the environmental division may proceed to marshal and 1234
foreclose all liens on the property irrespective of the amount of 1235
the lien, and all vested or contingent rights in the property; 1236

(H) Concurrent jurisdiction with the court of common pleas of 1237
all criminal actions or proceedings related to the pollution of 1238
the air, ground, or water within the territory of the 1239
environmental division of the municipal court, for which a 1240
sentence of death cannot be imposed under Chapter 2903. of the 1241
Revised Code; 1242

(I) In any review or appeal of any final order of any 1243
administrative officer, agency, board, department, tribunal, 1244
commission, or other instrumentality that relates to a local 1245
building, housing, air pollution, sanitation, health, fire, 1246
zoning, or safety code, ordinance, or regulation, in the same 1247
manner and to the same extent as in similar appeals in the court 1248
of common pleas; 1249

(J) With respect to the environmental division of the 1250
Franklin county municipal court, in any civil action to enforce a 1251
provision of Chapter 956. of the Revised Code and to hear appeals 1252
from an adjudication hearing conducted under that chapter. 1253

Section 2. That existing sections 955.02, 955.10, 955.12, 1254

955.20, 955.26, and 1901.183 of the Revised Code are hereby 1255
repealed. 1256

Section 3. It is the intent of the General Assembly to 1257
appropriate money to the Regulated Dog Breeding Kennel Control 1258
License Fund created in section 956.17 of the Revised Code to 1259
enable the Kennel Control Authority created in section 956.02 of 1260
the Revised Code to begin administering Chapter 956. of the 1261
Revised Code and rules adopted under it. 1262