

As Introduced

**128th General Assembly
Regular Session
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H. B. No. 570

Representative Grossman

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A B I L L

To amend sections 955.04, 955.21, and 955.99 and to 1
enact sections 956.01 to 956.11 and 956.99 of the 2
Revised Code to establish standards of care for 3
commercial dog breeding kennels and to establish 4
requirements governing the sale of dogs. 5

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

Section 1. That sections 955.04, 955.21, and 955.99 be 6
amended and sections 956.01, 956.02, 956.03, 956.04, 956.05, 7
956.06, 956.07, 956.08, 956.09, 956.10, 956.11, and 956.99 of the 8
Revised Code be enacted to read as follows: 9

Sec. 955.04. (A) Every owner of a kennel of dogs shall, in 10
like manner as provided in section 955.01 of the Revised Code, 11
make application for the registration of ~~such~~ the kennel, and pay 12
to the county auditor a registration fee of ten dollars for each 13
such kennel, unless a greater fee has been established under 14
section 955.14 of the Revised Code. If such an application is not 15
filed and the fee paid, on or before the thirty-first day of 16
January of each year, the auditor shall assess a penalty in an 17
amount equal to the registration fee upon the owner of ~~such~~ the 18
kennel. The payment of ~~such~~ the kennel registration fee shall 19
entitle the ~~licensee~~ registrant to not more than five tags, to 20

bear consecutive numbers and to be issued in like manner and have 21
like effect when worn by any dog owned in good faith by ~~such~~ 22
~~licensee~~ the registrant as the tags provided for in section 955.08 23
of the Revised Code. Upon application to the county auditor, 24
additional tags, in excess of the five tags, may be issued upon 25
payment of an additional fee of one dollar per tag. 26

(B) No owner of a kennel of dogs shall fail to file the 27
application for registration required by this section or fail to 28
pay the registration fee established in this section or under 29
section 955.14 of the Revised Code, as applicable. 30

Sec. 955.21. No owner, keeper, or harbinger of a dog ~~more than~~ 31
three months of age, ~~nor owner of a dog kennel, or older~~ shall 32
fail to file the application for registration required by section 33
955.01 of the Revised Code, nor shall ~~he~~ any such owner, keeper, 34
or harbinger fail to pay the ~~legal~~ registration fee ~~therefor~~ 35
established in that section or under section 955.14 of the Revised 36
Code, as applicable. 37

Sec. 955.99. (A)(1) Whoever violates division (E) of section 38
955.11 of the Revised Code because of a failure to comply with 39
division (B) of that section is guilty of a minor misdemeanor. 40

(2) Whoever violates division (E) of section 955.11 of the 41
Revised Code because of a failure to comply with division (C) or 42
(D) of that section is guilty of a minor misdemeanor on a first 43
offense and of a misdemeanor of the fourth degree on each 44
subsequent offense. 45

(B) Whoever violates section 955.10, 955.23, 955.24, or 46
955.25 of the Revised Code is guilty of a minor misdemeanor. 47

(C) Whoever violates section 955.261, 955.39, or 955.50 of 48
the Revised Code is guilty of a minor misdemeanor on a first 49
offense and of a misdemeanor of the fourth degree on each 50

subsequent offense. 51

(D) Whoever violates division (F) of section 955.16 or 52
division (B) of section 955.43 of the Revised Code is guilty of a 53
misdemeanor of the fourth degree. 54

(E)(1) Whoever violates section 955.21 or division (B) or (C) 55
of section 955.22 of the Revised Code shall be fined not less than 56
twenty-five dollars or more than one hundred dollars on a first 57
offense, and on each subsequent offense shall be fined not less 58
than seventy-five dollars or more than two hundred fifty dollars 59
and may be imprisoned for not more than thirty days. 60

(2) In addition to the penalties prescribed in division 61
(E)(1) of this section, if the offender is guilty of a violation 62
of division (B) or (C) of section 955.22 of the Revised Code, the 63
court may order the offender to personally supervise the dog that 64
the offender owns, keeps, or harbors, to cause that dog to 65
complete dog obedience training, or to do both. 66

(F) If a violation of division (D) of section 955.22 of the 67
Revised Code involves a dangerous dog, whoever violates that 68
division is guilty of a misdemeanor of the fourth degree on a 69
first offense and of a misdemeanor of the third degree on each 70
subsequent offense. Additionally, the court may order the offender 71
to personally supervise the dangerous dog that the offender owns, 72
keeps, or harbors, to cause that dog to complete dog obedience 73
training, or to do both, and the court may order the offender to 74
obtain liability insurance pursuant to division (E) of section 75
955.22 of the Revised Code. The court, in the alternative, may 76
order the dangerous dog to be humanely destroyed by a licensed 77
veterinarian, the county dog warden, or the county humane society. 78

(G) If a violation of division (D) of section 955.22 of the 79
Revised Code involves a vicious dog, whoever violates that 80
division is guilty of one of the following: 81

(1) A felony of the fourth degree on a first or subsequent offense if the dog kills or seriously injures a person. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(2) A misdemeanor of the first degree on a first offense and a felony of the fourth degree on each subsequent offense. Additionally, the court may order the vicious dog to be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

(3) A misdemeanor of the first degree if the dog causes injury, other than killing or serious injury, to any person.

(H) Whoever violates section 955.04, division (A)(2) of section 955.01, or division (E) of section 955.22 of the Revised Code is guilty of a misdemeanor of the first degree.

(I) Whoever violates division (C) of section 955.221 of the Revised Code is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations of that division shall be distributed by the mayor or clerk of the municipal or county court in accordance with section 733.40, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code to the treasury of the county, township, or municipal corporation whose resolution or ordinance was violated.

(J) Whoever violates division (F)(1), (2), or (3) of section 955.22 of the Revised Code is guilty of a felony of the fourth degree. Additionally, the court shall order that the vicious dog be humanely destroyed by a licensed veterinarian, the county dog warden, or the county humane society.

Sec. 956.01. As used in this chapter:

(A) "Animal shelter" means a facility that is used to house 112
or contain seized, impounded, or quarantined animals that were 113
unwanted, stray, homeless, or abandoned and that is under contract 114
with, owned by, operated by, or maintained by a county or 115
municipal corporation, a humane society established under Chapter 116
1717. of the Revised Code, or a nonprofit organization the primary 117
purpose of which is the welfare, protection, rehabilitation, or 118
humane treatment of animals. 119

(B) "Buyer" means a person who purchases a dog from a seller. 120

(C) "Commercial breeder" means a person who for a fee or 121
other consideration does one or more of the following: 122

(1) Maintains at any time more than five dogs that are used 123
for breeding; 124

(2) Promotes, advertises, operates, supervises, or manages 125
the breeding of dogs or the business of breeding dogs; 126

(3) Sells, leases, trades, barter, auctions, or offers to 127
sell, lease, trade, barter, or auction dogs. 128

(D) "Congenital" means existing at birth. 129

(E) "Congenital defect or common hereditary disorder" means a 130
condition, such as hip dysplasia, deafness, blindness, thyroid or 131
bleeding disorders, and patellar luxation grades three and four, 132
that frequently manifests itself in certain sizes or breeds of 133
dogs and adversely affects a dog's health or requires, or is 134
likely to require, hospitalization or a surgical procedure to 135
preserve or restore its health, prevent it from experiencing pain 136
or discomfort, or correct a condition that interferes with its 137
ability to walk, run, jump, or otherwise function in a normal 138
manner. 139

(F) "County dog warden" or "dog warden" means a county dog 140
warden appointed or employed under section 955.12 of the Revised 141

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| <u>Code.</u> | 142 |
| <u>(G) "Fire safety inspector" has the same meaning as in section 3737.01 of the Revised Code.</u> | 143 144 |
| <u>(H) "Hereditary" means genetically transmitted.</u> | 145 |
| <u>(I) "Inspector" means the attorney general, the director of agriculture, the state veterinarian or an authorized representative of the state veterinarian, a county dog warden, a humane society agent appointed under section 1717.06 of the Revised Code, or a public health or safety official within whose jurisdiction a commercial breeder operates a kennel that is registered under section 955.04 of the Revised Code.</u> | 146 147 148 149 150 151 152 |
| <u>(J) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501(c)(3), as amended.</u> | 153 154 155 156 157 |
| <u>(K) "Seller" means a person who sells dogs to any of the following:</u> | 158 159 |
| <u>(1) The public;</u> | 160 |
| <u>(2) Pet stores;</u> | 161 |
| <u>(3) The owners of kennels that are registered under section 955.04 of the Revised Code.</u> | 162 163 |
| <u>"Seller" does not include a humane society, a nonprofit organization that performs the functions of a humane society, or an animal control agency.</u> | 164 165 166 |
| <u>(L) "Veterinarian" means a person who is licensed in this state to practice veterinary medicine under Chapter 4741. of the Revised Code.</u> | 167 168 169 |
| <u>(M) "Violation" means a violation of this chapter.</u> | 170 |

Sec. 956.02. (A) A commercial breeder who operates a kennel 171
that is registered under section 955.04 of the Revised Code shall 172
do all of the following: 173

(1) Establish an evacuation plan for use in the event of a 174
fire at each kennel location that the commercial breeder operates. 175
The evacuation plan shall be submitted yearly for approval by a 176
fire safety inspector who has been certified as required by 177
section 3737.34 of the Revised Code and by the applicable county 178
dog warden. A fire safety inspector shall inspect each kennel 179
location for functioning smoke detectors and fire extinguishers. 180

Upon approval, the fire safety inspector and the county dog 181
warden shall sign and date the evacuation plan. If either the fire 182
safety inspector or the county dog warden does not approve the 183
evacuation plan, the inspector or dog warden, as applicable, shall 184
inform the commercial breeder of the reason for the plan's 185
disapproval and identify the changes that need to be made in order 186
for the plan to be approved. The commercial breeder then shall 187
modify the evacuation plan and resubmit it for approval. 188

The commercial breeder shall retain the signed evacuation 189
plan and make it available upon request. 190

(2) Maintain for at least two years records for each dog that 191
is housed at a kennel location that the commercial breeder 192
operates. The records shall include all of the following: 193

(a) The date on which the dog initially was housed at the 194
kennel and whether the dog entered the kennel through purchase, 195
birth, or otherwise; 196

(b) The name, address, and telephone number of the person 197
from whom the dog was obtained, if applicable; 198

(c) A description of the dog, including the breed, color, 199
sex, age, and weight; 200

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| <u>(d) A description of a tattoo or microchip number or other</u> | 201 |
| <u>identification number associated with or appearing on the dog, if</u> | 202 |
| <u>present;</u> | 203 |
| <u>(e) The date on which the dog gave birth to a litter and the</u> | 204 |
| <u>number of puppies in the litter, if applicable;</u> | 205 |
| <u>(f) Documentation of medical care and vaccinations provided</u> | 206 |
| <u>to the dog;</u> | 207 |
| <u>(g) A description of the disposition of the dog;</u> | 208 |
| <u>(h) The name, address, and telephone number of the person to</u> | 209 |
| <u>whom the dog was transferred or sold and the date of the transfer</u> | 210 |
| <u>or sale.</u> | 211 |
| <u>(3) Keep or confine a dog in an enclosure that complies with</u> | 212 |
| <u>all of the following requirements:</u> | 213 |
| <u>(a) A primary indoor enclosure shall be three times the area</u> | 214 |
| <u>occupied by the length, measured from the tip of the nose to the</u> | 215 |
| <u>end of the tail, and width of the largest dog in the enclosure</u> | 216 |
| <u>when the dog is in a normal standing position. The top of the</u> | 217 |
| <u>enclosure shall be six inches higher than the head of the tallest</u> | 218 |
| <u>dog when the dog is standing on all four feet. If a residence is</u> | 219 |
| <u>accessible to a dog from a primary enclosure, the area of that</u> | 220 |
| <u>residence shall be included in calculating the space available to</u> | 221 |
| <u>the dog.</u> | 222 |
| <u>(b) The roof shall be solid, clean, dry, and impervious to</u> | 223 |
| <u>moisture.</u> | 224 |
| <u>(c) The enclosure shall protect the animal from weather</u> | 225 |
| <u>emergencies, including rain, hail, sleet, snow, temperatures above</u> | 226 |
| <u>eighty-five degrees fahrenheit, temperatures below forty degrees</u> | 227 |
| <u>fahrenheit, or other temperatures or extreme conditions that may</u> | 228 |
| <u>cause a dog to suffer, sustain injury, become ill, or die.</u> | 229 |
| <u>(d) Sides or walls shall be impervious to moisture.</u> | 230 |

(e) Flooring shall be solid, nonporous, impervious to moisture, and able to be sanitized. The floor shall be of sufficient strength to support the weight of dogs confined in the enclosure without sagging. If the enclosure is raised off the ground, the flooring may be constructed of flat slats with not more than one-half inch between them. Within a single enclosure, each slat shall be level with the slat next to it. 231
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(f) Ventilation shall circulate air eight to ten times per hour. 238
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(g) A source of light to the enclosure shall be adequate for the inspection of dogs at night and during periods of cleaning. A flame shall not be used as the source of light. 240
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(h) There shall be continuous access to an outdoor enclosure that is separate from, but attached to a primary indoor enclosure, is at least four times the size of the primary indoor enclosure, and is large enough for a dog that is more than eight weeks of age to reach a running stride when the dog is unleashed. 243
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(i) Primary indoor enclosures shall not be stacked on top of each other and shall be not more than forty-two inches above the ground. 248
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(4) House or exercise together only dogs that are compatible with each other. A dangerous dog or vicious dog shall be housed and exercised separately from other dogs. As used in this division, "dangerous dog" and "vicious dog" have the same meanings as in section 955.11 of the Revised Code. 251
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(5) Clean and sanitize a primary enclosure and an exercise enclosure at least every twenty-four hours to prevent an accumulation of feces, food wastes, dirty water, parasites, pests, trash, debris, sharp or dangerous objects, offensive odors, and other contaminants that may cause disease. Dogs shall be removed from an enclosure when the enclosure is being cleaned and 256
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| <u>sanitized.</u> | 262 |
| <u>(6) Maintain fencing in good repair, ensuring that it is free</u> | 263 |
| <u>from rot and sharp or dangerous edges and defects;</u> | 264 |
| <u>(7) Provide a dog that is eight weeks of age or older with</u> | 265 |
| <u>exercise for at least one hour each day in an area that is large</u> | 266 |
| <u>enough for the dog to reach a running stride without being</u> | 267 |
| <u>tethered;</u> | 268 |
| <u>(8) Restrain a dog outside of an enclosure only with a leash,</u> | 269 |
| <u>cord, or other device that is of sufficient length for the size of</u> | 270 |
| <u>the dog and is attached to a well-fitting collar or harness. Two</u> | 271 |
| <u>fingers shall be able to fit between the collar or harness and the</u> | 272 |
| <u>body of the dog. If a dog is tethered or chained as a means of</u> | 273 |
| <u>restraint, the tether or chain shall be at least fifteen feet long</u> | 274 |
| <u>in order to prevent the dog from becoming entangled or injured and</u> | 275 |
| <u>to allow access to food, water, and shelter. The tether or chain</u> | 276 |
| <u>shall have a swivel on each end. Pinch, prong, or shock collars</u> | 277 |
| <u>shall not be used except when the dog is being trained or while</u> | 278 |
| <u>the dog is hunting or participating in an exhibition, show,</u> | 279 |
| <u>contest, or other event in which the skill, breeding, or stamina</u> | 280 |
| <u>of the dog is being evaluated.</u> | 281 |
| <u>(9) Ensure that a dog has access to adequate food, water, and</u> | 282 |
| <u>shelter when confined in an enclosure or restrained outside of an</u> | 283 |
| <u>enclosure;</u> | 284 |
| <u>(10) Provide veterinary care, including a vaccination</u> | 285 |
| <u>schedule that has been recommended by a veterinarian, pest or</u> | 286 |
| <u>parasite management, disease prevention and control, nutrition</u> | 287 |
| <u>management, emergency care and treatment, and treatment for</u> | 288 |
| <u>injuries, neglect, illness, and disease;</u> | 289 |
| <u>(11) Provide grooming that is necessary to maintain the</u> | 290 |
| <u>health of a dog, including brushing the hair of the dog to prevent</u> | 291 |
| <u>clumping and matting and trimming the nails of the dog to prevent</u> | 292 |

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| <u>them from curling;</u> | 293 |
| <u>(12) Provide at least two hours per day of interaction with compatible dogs and people;</u> | 294 295 |
| <u>(13) Maintain not more than fifty intact dogs over the age of eight months at any time;</u> | 296 297 |
| <u>(14) Breed a female dog only when all of the following conditions are met:</u> | 298 299 |
| <u>(a) A veterinarian annually certifies that the dog is in suitable health for breeding.</u> | 300 301 |
| <u>(b) The dog is at least eighteen months of age.</u> | 302 |
| <u>(c) The dog is younger than six years of age.</u> | 303 |
| <u>(d) The dog has not been bred in the preceding twelve months.</u> | 304 |
| <u>(15) Breed dogs with each other only if the dogs have different parents;</u> | 305 306 |
| <u>(16) House a dog that is less than ten weeks of age with the mother of the dog;</u> | 307 308 |
| <u>(17) Provide for the removal of a dog from the kennel only by gift, sale, transfer, barter, or humane euthanasia that is performed by a person who has completed a euthanasia technician certification course as described in section 4729.532 of the Revised Code or a veterinarian.</u> | 309 310 311 312 313 |
| <u>(B) Divisions (A)(3)(b) to (g) and (A)(3)(i) of this section do not apply to a dog that lives in a commercial breeder's primary residence.</u> | 314 315 316 |
| <u>(C) Division (A)(3)(a) of this section does not apply to an enclosure in which a dog is confined for the purpose of transport for a time period that does not exceed ten hours in a twenty-four-hour day.</u> | 317 318 319 320 |
| <u>(D) Divisions (A)(3)(h), (A)(7), (A)(8), and (A)(12) of this</u> | 321 |

section do not apply to any of the following: 322

(1) A dog that is tethered, chained, restrained, or placed in a pen or enclosure by a veterinarian while the dog is receiving veterinary care or treatment or a dog for which a veterinarian has issued a signed certificate stating that the dog should not be exercised because of a specified medical reason and the dates during which the dog should not be exercised; 323
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(2) A dog that is receiving field or obedience training, water training, or training to hunt a species of wildlife; 329
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(3) A dog that is participating in lawful hunting of wildlife; 331
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(4) A dog that is participating in an exhibition, show, contest, or other event in which the skill, breeding, or stamina of the dog is being evaluated. 333
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Sec. 956.03. No commercial breeder who operates a kennel that is registered under section 955.04 of the Revised Code shall do any of the following: 336
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(A) Register more than one kennel at an address; 339

(B) Fail to obtain and maintain a vendor's license or any applicable local business license or zoning permit, or comply with any applicable requirements established by the United States department of agriculture; 340
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(C) Tether or chain a dog, including using a pulley, in lieu of housing the dog in a primary indoor enclosure or an exercise enclosure or while the breeder is not in the presence of the dog; 344
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(D) Surgically silence, crop the ears of, or dock the tail of a dog except when medically necessary, as determined and performed by a veterinarian using anesthesia, in order to treat an injury, disease, or congenital abnormality; 347
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| <u>(E) House or exercise a female dog in heat in the same enclosure with sexually mature male dogs except for breeding;</u> | 351 352 |
| <u>(F) House or exercise a female dog and the dog's litter in the same enclosure with another adult dog;</u> | 353 354 |
| <u>(G) House or exercise puppies that are less than twelve weeks of age in the same enclosure with an adult dog that is not the puppies' dam or foster dam;</u> | 355 356 357 |
| <u>(H) Perform surgical births unless performed by a veterinarian using anesthesia;</u> | 358 359 |
| <u>(I) Advertise a dog for sale, barter, trade, or distribution without listing any applicable local business licenses, the commercial breeder's vendor license number, and any applicable zoning permit numbers in the advertisement;</u> | 360 361 362 363 |
| <u>(J) Sell, barter, trade, or distribute a dog that is less than four months of age from or at a location other than the location that is registered under section 955.04 of the Revised Code;</u> | 364 365 366 367 |
| <u>(K) Buy, sell, barter, trade, exchange, distribute, or acquire dogs at an auction or raffle, or on public property, including along public highways or roads, or rent a dog;</u> | 368 369 370 |
| <u>(L) Knowingly breed, raise, sell, purchase, trade, barter, auction, distribute, transport, deliver, or possess a dog for the purpose of human consumption;</u> | 371 372 373 |
| <u>(M) Operate or maintain an interest in an animal shelter.</u> | 374 |
| <u>Sec. 956.04. The county auditor of each county in this state shall notify the attorney general, tax commissioner, state veterinarian, county dog warden, and board of directors of the county humane society of each commercial breeder that is operating within the county.</u> | 375 376 377 378 379 |

Sec. 956.05. A person who has been convicted of or pleaded guilty to violating this chapter or section 959.13 of the Revised Code or abuse, neglect, or cruelty to animals in any jurisdiction shall not sell, trade, barter, or distribute a dog or offer to do so. 380
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Sec. 956.06. (A) An inspector shall investigate an alleged violation of section 956.02 or 956.03 of the Revised Code upon receiving a complaint or upon the inspector's own initiative. The inspector may request the assistance of a law enforcement agency in the county in which the investigation is to occur or the assistance of the applicable county dog warden or county humane society established under Chapter 1717. of the Revised Code if the inspector is not the county dog warden or a humane society agent from that humane society. Additionally, the inspector may request the assistance of a law enforcement agency, county dog warden, or county humane society from another county in this state. 385
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An investigation may include the inspection of any of the following: 396
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(1) Records that are maintained in accordance with division (A)(2) of section 956.02 of the Revised Code; 398
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(2) Any companion animal, as defined in section 959.131 of the Revised Code, that is owned by the commercial breeder; 400
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(3) An area that the commercial breeder uses to operate a kennel that is registered under section 955.04 of the Revised Code. For purposes of an inspection, any area that is used to breed or house a dog may be entered during business hours. 402
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(B) A commercial breeder who is investigated under this section may be present during an inspection and shall provide any information that the investigator requests. 406
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(C)(1) A county humane society board of directors elected 409

under section 1717.05 of the Revised Code shall prescribe and make 410
available to an inspector in the applicable county a form that 411
lists the requirements established by sections 956.02 and 956.03 412
of the Revised Code. During an inspection, the inspector shall 413
indicate on the form whether the commercial breeder is in 414
compliance with each requirement. 415

(2) If the inspector determines that the commercial breeder 416
is not in compliance, the inspector may seize and cause to be 417
impounded at an animal shelter or a humane society established 418
under Chapter 1717. of the Revised Code any dog that the inspector 419
has probable cause to believe is involved in a violation. If the 420
inspector seizes and impounds a dog, the commercial breeder shall 421
cease and desist functioning as a commercial breeder and 422
conducting any activities associated with functioning as a 423
commercial breeder. The inspector shall give written notice of the 424
seizure and impoundment and the requirement to cease and desist to 425
the commercial breeder. If the inspector is unable to give the 426
notice to the commercial breeder, the inspector shall post the 427
notice on the door of the commercial breeder's kennel or in 428
another conspicuous place on the premises at which the dog was 429
seized. The inspector also may report a violation in accordance 430
with division (D) of this section. 431

(D) An inspector may report a violation of section 956.02 or 432
956.03 of the Revised Code to the attorney general or the 433
applicable prosecuting attorney of a county, city director of law, 434
or village solicitor for the purposes of section 956.07 of the 435
Revised Code. 436

(E) Procedures, requirements, and other provisions that are 437
established in divisions (C), (D), (E), (F), and (G) of section 438
959.132 of the Revised Code shall apply to the seizure, 439
impoundment, and disposition of a dog under this section. For 440
purposes of that application, references in those divisions of 441

section 959.132 of the Revised Code to "companion animal," 442
"officer," and "offense" shall be deemed to be replaced, 443
respectively, with references to "dog," "inspector," and 444
"violation". Likewise, references in those divisions of section 445
959.132 of the Revised Code to "section 959.131 of the Revised 446
Code" shall be deemed to be replaced with references to section 447
956.02 or 956.03 of the Revised Code, as applicable. 448

Sec. 956.07. If the attorney general or a prosecuting 449
attorney of a county, city director of law, or village solicitor 450
receives a report of a violation of section 956.02 or 956.03 of 451
the Revised Code from an inspector under section 956.06 of the 452
Revised Code, the attorney general, prosecuting attorney, city 453
director of law, or village solicitor, upon the request of the 454
inspector, shall criminally prosecute to termination or bring an 455
action for a civil penalty, pursuant to division (A) of section 456
956.10 of the Revised Code, or for injunction against the person 457
who is committing the violation. The court of common pleas in 458
which an action for a civil penalty is brought has jurisdiction to 459
and shall impose the civil penalty in accordance with division (A) 460
of section 956.10 of the Revised Code upon a showing that the 461
person against whom the action is brought is violating section 462
956.02 or 956.03 of the Revised Code. The court of common pleas in 463
which an action for injunction is filed has jurisdiction to and 464
shall grant preliminary and permanent injunctive relief upon a 465
showing that the person against whom the action is brought is 466
violating section 956.02 or 956.03 of the Revised Code. 467

Sec. 956.08. (A)(1) At the time of the sale of a dog, the 468
seller shall provide the buyer with all of the following: 469

(a) A dated receipt, bill of sale, or contract containing the 470
buyer's name and home address or business address, the seller's 471
name and business address, and the purchase price of the dog; 472

(b) Information regarding any congenital defect, common 473
hereditary disorder, disease, illness, or injury in or of the dog. 474
In lieu of that information, the seller may provide a certificate 475
of medical health that has been completed and attested to by a 476
veterinarian stating that the veterinarian has examined the dog 477
and has not found evidence of any congenital defect, common 478
hereditary disorder, disease, illness, or injury at the time of the 479
examination. 480

(c) The names and addresses of all commercial breeders that 481
have had possession of the dog, and the vendor license number and 482
any applicable local business license numbers and zoning permit 483
numbers of each such commercial breeder; 484

(d) The lineage of the dog of which the seller is aware; 485

(e) A record containing the dates and types of inoculations, 486
deworming treatments, and all other veterinary care administered 487
to the dog; 488

(f) The dog's name, breed, sex, color, coat length, date of 489
birth, age, distinctive markings, if any, and microchip or tattoo 490
identification number, if present, and the registration or 491
eligibility of the dog for registration with a pedigree 492
organization. 493

The receipt, bill of sale, or contract shall contain 494
information about the benefits and importance of spaying and 495
neutering and places that are available for low-cost spaying and 496
neutering in this state. 497

(2) At the time of the transfer of physical possession of a 498
dog from a seller to a buyer, the seller shall present for the 499
buyer's signature a receipt signed by the seller and containing 500
the date of transfer and an acknowledgement of the buyer's receipt 501
of the information required by division (A)(1) of this section. 502
The seller then shall provide the buyer with the signed original 503

receipt or a copy of it. The receipt required by division (A)(2) 504
of this section may be contained within the receipt, bill of sale, 505
or contract that is required by division (A)(1) of this section. 506

(B)(1) In order to obtain a remedy under division (C) of this 507
section, a buyer shall do whichever of the following applies: 508

(a) In the case of a dog that is not older than fifteen 509
months of age that is discovered to have an injury, illness, or 510
disease that was in existence at the time of sale, present a 511
statement to the pet store, commercial breeder, or seller from a 512
veterinarian who has examined the dog within fourteen days of the 513
purchase of the dog indicating that the dog has or had a disease, 514
illness, or injury at the time of the purchase of the dog that 515
requires or required veterinary treatment and care; 516

(b) In the case of a dog that is not older than fifteen 517
months of age and that dies due to an injury, illness, or disease 518
that was in existence at the time of sale, request a veterinarian 519
chosen by the buyer to issue a necropsy report and statement in 520
accordance with division (E) of this section certifying that the 521
dog died due to the injury, illness, or disease. The veterinarian 522
shall send the statement containing the report to the buyer. 523

(c) In the case of a dog that is not older than fifteen 524
months of age and that is discovered to have a congenital defect 525
or common hereditary disorder, request a veterinarian chosen by 526
the buyer to issue a statement in accordance with division (E) of 527
this section certifying that the defect or disorder exists in the 528
dog. The veterinarian shall send the statement to the buyer. 529

(d) In the case of a dog that is not older than fifteen 530
months of age and that dies due to a congenital defect or common 531
hereditary disorder, request a veterinarian chosen by the buyer to 532
issue a necropsy report and statement in accordance with division 533
(E) of this section certifying that the dog died due to the defect 534

or disorder. The veterinarian shall send the statement containing 535
the report to the buyer. 536

(e) In the case of a buyer who, not later than twelve months 537
after obtaining physical possession of a dog, discovers that the 538
seller misrepresented the dog's registration or eligibility for 539
registration with a pedigree organization, obtain a written 540
statement from the pedigree organization containing the buyer's 541
name and address, the organization's name and address, the date on 542
which the statement was prepared, and the reason why the dog is 543
not registered or is not eligible for registration with the 544
organization. 545

(2) Not later than ten days after a veterinarian prepares the 546
veterinarian's statement or thirty days after the pedigree 547
organization prepares its statement, the buyer shall deliver it to 548
the seller in person or by certified mail, return receipt 549
requested. 550

(C) Not later than ten days after delivering a veterinarian's 551
or pedigree organization's statement in accordance with division 552
(B) of this section, a buyer may do one of the following, as 553
applicable: 554

(1) In the case of a dog with a congenital defect or common 555
hereditary disorder, do one of the following: 556

(a) Return the dog with the receipt, bill of sale, or 557
contract required by division (A) of this section. The seller 558
shall provide the buyer with a full refund of the purchase price 559
of the dog less any sales tax, plus the amount of the buyer's 560
veterinary fees for diagnosis and treatment of the defect or 561
disorder. 562

(b) If the buyer wants to keep the dog, request reimbursement 563
from the seller in an amount not to exceed the purchase price of 564
the dog less any sales tax, plus the buyer's veterinary fees for 565

diagnosis and treatment of the defect. The buyer shall present to 566
the seller the receipt, bill of sale, or contract required by 567
division (A) of this section. Except as provided in division (D) 568
of this section, the seller shall reimburse the buyer for the 569
purchase price of the dog, plus the amount of the buyer's 570
veterinary fees for diagnosis and treatment of the defect or 571
disorder. 572

(c) If the buyer wishes to obtain a dog of the same pedigree 573
and one is available from the seller, exchange the dog. The buyer 574
shall present to the seller the receipt, bill of sale, or contract 575
required by division (A) of this section. Except as provided in 576
division (D) of this section, the seller shall exchange the dog 577
with the congenital defect or common hereditary disorder for a 578
healthy dog of the same pedigree if such a dog is available. The 579
seller shall furnish the documents required by division (A) of 580
this section for the new dog and pay to the buyer the amount of 581
the buyer's veterinary fees for diagnosis and treatment of the 582
defect or disorder. 583

(2) In the case of a dog that died due to a congenital defect 584
or common hereditary disorder, do either of the following: 585

(a) Request the seller to provide a full refund of the 586
purchase price of the dog less any sales tax, plus the amount of 587
the buyer's veterinary fees for diagnosis and treatment of the 588
defect or disorder. The buyer shall present to the seller the 589
receipt, bill of sale, or contract required by division (A) of 590
this section. Except as provided in division (D) of this section, 591
the seller shall provide a full refund of the purchase price of 592
the dog, plus the amount of the buyer's veterinary fees for 593
diagnosis and treatment of the defect or disorder. 594

(b) If a healthy dog of the same pedigree is available, 595
request the seller to provide such a dog. The buyer shall present 596
to the seller the receipt, bill of sale, or contract required by 597

division (A) of this section. Except as provided in division (D) 598
of this section, the seller shall provide a healthy dog of the 599
same pedigree if one is available. The seller shall furnish the 600
documents required by division (A) of this section for the new dog 601
and pay to the buyer the amount of the buyer's veterinary fees for 602
diagnosis and treatment of the defect or disorder. 603

(3) In the case of a dog that has an injury, illness, or 604
disease that was in existence at the time of the sale: 605

(a) Return the dog with the receipt, bill of sale, or 606
contract required by division (A) of this section. The seller 607
shall provide the buyer with a full refund of the purchase price 608
of the dog less any sales tax, plus the amount of the buyer's 609
veterinary fees for diagnosis and treatment of the injury, 610
illness, or disease. 611

(b) If the buyer wants to keep the dog, request reimbursement 612
from the seller in an amount not to exceed the purchase price of 613
the dog less any sales tax, plus the buyer's veterinary fees for 614
diagnosis and treatment of the injury, illness, or disease. The 615
buyer shall present to the seller the receipt, bill of sale, or 616
contract required by division (A) of this section. Except as 617
provided in division (D) of this section, the seller shall 618
reimburse the buyer for the purchase price of the dog, plus the 619
amount of the buyer's veterinary fees for diagnosis and treatment 620
of the injury, illness, or disease. 621

(c) If the buyer wishes to obtain a dog of the same pedigree 622
and one is available from the seller, exchange the dog. The buyer 623
shall present to the seller the receipt, bill of sale, or contract 624
required by division (A) of this section. Except as provided in 625
division (D) of this section, the seller shall exchange the dog 626
with the injury, illness, or disease for a healthy dog of the same 627
pedigree if such a dog is available. The seller shall furnish the 628
documents required by division (A) of this section for the new dog 629

and pay to the buyer the amount of the buyer's veterinary fees for 630
diagnosis and treatment of the injury, illness, or disease. 631

(4) In the case of a dog that died due to an injury, illness, 632
or disease in existence at the time of sale, do either of the 633
following: 634

(a) Request the seller to provide a full refund of the 635
purchase price of the dog less any sales tax, plus the amount of 636
the buyer's veterinary fees for diagnosis and treatment of the 637
injury, illness, or disease. The buyer shall present to the seller 638
the receipt, bill of sale, or contract required by division (A) of 639
this section. Except as provided in division (D) of this section, 640
the seller shall provide a full refund of the purchase price of 641
the dog, plus the amount of the buyer's veterinary fees for 642
diagnosis and treatment of the injury, illness, or disease. 643

(b) If a healthy dog of the same pedigree is available, 644
request the seller to provide such a dog. The buyer shall present 645
to the seller the receipt, bill of sale, or contract required by 646
division (A) of this section. Except as provided in division (D) 647
of this section, the seller shall provide a healthy dog of the 648
same pedigree if one is available. The seller shall furnish the 649
documents required by division (A) of this section for the new dog 650
and pay to the buyer the amount of the buyer's veterinary fees for 651
diagnosis and treatment of the injury, illness, or disease. 652

(5) In the case of a seller who misrepresented a dog's 653
registration or eligibility for registration with a pedigree 654
organization, do either of the following: 655

(a) Return the dog with the receipt, bill of sale, or 656
contract required by division (A) of this section. Except as 657
provided in division (D) of this section, the seller shall provide 658
the buyer with a full refund of the purchase price of the dog less 659
any sales tax. 660

(b) If the buyer wants to keep the dog, request the seller to provide a refund in an amount equal to one-half of the dog's purchase price. The buyer shall present to the seller the receipt, bill of sale, or contract required by division (A) of this section. Except as provided in division (D) of this section, the seller shall provide a refund in an amount equal to one-half of the dog's purchase price. 661
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(D) In the case of a dog that has a congenital defect, common hereditary disorder, injury, illness, or disease that existed at the time of sale or has died from a congenital defect, common hereditary disorder, injury, illness, or disease that existed at the time of sale, the seller shall not be required to accept the return of the dog, replace the dog with a healthy dog of the same pedigree if one is available, or provide the buyer with a refund or reimbursement for veterinary fees in any of the following situations: 668
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(1) The seller informed the buyer, both orally and through a statement contained in the receipt, bill of sale, or contract required by division (A) of this section, that the congenital defect, common hereditary disorder, injury, illness, or disease existed in the dog at the time of sale. 677
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(2) The injury, illness, disease, or death resulted from maltreatment, neglect, illness, or an injury that occurred after the buyer obtained physical possession of the dog. 682
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(3) Following the seller's request that the buyer return to the seller copies of all documents provided, if any, for the purpose of registering the dog with a pedigree organization, the buyer fails to return the documents or provide the seller with a statement certifying that the documents have been inadvertently lost or destroyed. 685
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(4) The buyer failed to carry out a treatment protocol, if 691

any, that was recommended by the veterinarian who examined the dog 692
and confirmed the defect, disorder, injury, illness, or disease, 693
and veterinary fees plus the cost of the treatment, if it had been 694
carried out, would be equal to or less than the dog's purchase 695
price and would have corrected the defect or disorder or remedied 696
the injury, illness, or disease. 697

(5) If the receipt, bill of sale, or contract required by 698
division (A) of this section included recommended care 699
instructions for the dog, the buyer failed to carry out those 700
instructions. 701

(6) In the case of a dog that has died from a congenital 702
defect or common hereditary disorder, the seller provided the 703
buyer with documentation certifying that available noninvasive 704
genetic testing and certification of the dog's parentage were 705
performed to detect the defect or disorder and failed to reveal 706
its existence in the dog. 707

(E) A veterinarian's statement shall be in writing and 708
contain all of the following: 709

(1) The buyer's name and home address or business address, if 710
applicable; 711

(2) The veterinarian's name and office address; 712

(3) A statement that the veterinarian examined the dog; 713

(4) The date on which the veterinarian examined the dog; 714

(5) The dog's name, breed, sex, color, coat length, date of 715
birth, age, distinctive markings, if any, and microchip or tattoo 716
identification number, if present; 717

(6) The precise findings of the examination; 718

(7) In the case of a dog that dies, a necropsy report; 719

(8) The veterinarian's signature; 720

(9) The date on which the veterinarian prepared the 721
statement. 722

In the case of a buyer who wants to keep the dog and receive 723
reimbursement for veterinary fees, an itemized bill of the charges 724
necessary for diagnosis and an estimate of the cost of any 725
necessary treatment also shall be included in the veterinarian's 726
statement. 727

(F) A seller shall post written notice of the requirements 728
established in this section in a conspicuous location that is 729
visible to a buyer. A seller also shall include notice of those 730
requirements in any advertisement that describes the sale of a 731
dog. 732

Sec. 956.09. (A) At the time of the sale of a dog, a seller 733
shall present for a buyer's signature and allow the buyer to keep 734
written notice of the buyer's rights under section 956.08 of the 735
Revised Code. The seller shall retain a copy of the notice signed 736
by the buyer to acknowledge that the buyer reviewed it. 737

(B) The notice required by division (A) of this section shall 738
be printed in type of the minimum size of ten points and contain 739
the following statement: 740

"A STATEMENT OF OHIO LAW GOVERNING THE SALE OF DOGS 741

If you purchase a dog in Ohio from a seller who sells dogs to 742
pet stores, kennel owners, or the public, other than a humane 743
society, a nonprofit organization that performs the functions of a 744
humane society, or an animal control agency, you have the 745
following rights under section 956.08 of the Revised Code: 746

DOG WITH A CONGENITAL DEFECT OR COMMON HEREDITARY DISORDER OR 747
THAT HAS AN INJURY, ILLNESS, OR DISEASE AT THE TIME OF SALE: 748

REIMBURSEMENT FOR VETERINARY FEES, EXCHANGE, OR RETURN AND REFUND 749

If you purchase a dog that is not older than fifteen months of age 750

and a veterinarian who is licensed to practice veterinary medicine 751
in Ohio states in writing that the dog has a congenital defect, 752
common hereditary disorder, injury, illness, or disease that 753
adversely affects the dog's health or that requires, or is likely 754
to require in the future, veterinary care including 755
hospitalization or nonelective surgical procedures, you have ten 756
days after the veterinarian's statement is prepared in which you 757
may give the statement to the seller in person or by certified 758
mail, return receipt requested. Within ten days after delivering 759
the veterinarian's statement, you may return the dog and receive a 760
full refund of the dog's purchase price less any sales tax, plus 761
the amount of any veterinary fees for diagnosing and treating the 762
defect, disorder, injury, illness, or disease, return the dog and 763
receive a healthy dog of the same pedigree if one is available, 764
and receive payment for any veterinary fees for diagnosing and 765
treating the defect, disorder, injury, illness, or disease, or, if 766
you want to keep the dog, receive reimbursement in an amount up to 767
the dog's purchase price for veterinary fees for diagnosing and 768
treating the defect, disorder, injury, illness, or disease. 769

DOG THAT DIES: REFUND OR REPLACEMENT If you purchase a dog 770
that is not older than fifteen months of age and it dies, and a 771
veterinarian who is licensed to practice veterinary medicine in 772
Ohio provides you with a necropsy report and states in writing 773
that the death was due to a congenital defect or common hereditary 774
disorder, or an injury, illness, or disease that existed at the 775
time of sale, you have ten days after the veterinarian's statement 776
is prepared in which you may give the statement to the seller in 777
person or by certified mail, return receipt requested. Within ten 778
days after delivering the veterinarian's statement, you may either 779
receive a full refund of the dog's purchase price less any sales 780
tax and receive payment for any veterinary fees for diagnosing and 781
treating the defect, disorder, injury, illness, or disease or, if 782
a healthy dog of the same pedigree is available, replace the dog 783

with the healthy dog and receive payment for any veterinary fees 784
for diagnosing and treating the defect, disorder, injury, illness, 785
or disease. 786

SELLER'S MISREPRESENTATION OF DOG'S REGISTRATION OR 787
ELIGIBILITY FOR REGISTRATION WITH A PEDIGREE ORGANIZATION: RETURN 788
OR REFUND If you purchase a dog from a seller who states that the 789
dog is registered or eligible for registration with a pedigree 790
organization and, within one year after you receive the dog, you 791
discover that the statement is false, you may obtain a written 792
statement from the pedigree organization that contains your name 793
and home address or business address, if applicable, the 794
organization's name and address, the date on which the statement 795
was prepared, and the reason why the dog is not registered or is 796
not eligible for registration with the organization. You have 797
thirty days after the organization's statement is prepared in 798
which you may give the statement to the seller in person or by 799
certified mail, return receipt requested. Within ten days after 800
delivering the organization's statement, you may either return the 801
dog and receive a full refund of the dog's purchase price less any 802
sales tax or keep the dog and receive a refund in an amount equal 803
to one-half of the dog's purchase price. 804

On the sale of a dog, a seller is required to give you a 805
dated receipt, bill of sale, or contract containing all of the 806
following: 807

Your name and home address or business address, if 808
applicable; 809

The seller's name and business address; 810

The price you paid for the dog; 811

Disclosure of any congenital defect, common hereditary 812
disorder, injury, illness, or disease in or of the dog at the time 813
of sale or a certificate of medical health that has been completed 814

and attested to by a veterinarian licensed in this state that 815
states that the veterinarian has examined the dog and has not 816
found evidence of any congenital defect, common hereditary 817
disorder, injury, illness, or disease at the time of the 818
examination; 819

The names and addresses of all commercial breeders that have 820
had possession of the dog, and the vendor license number and any 821
applicable local business license and zoning permit numbers of 822
each such commercial breeder; 823

A record containing the veterinary care administered to the 824
dog, including the dates and types of inoculations and deworming 825
treatments; 826

The dog's name, breed, sex, color, coat length, date of 827
birth, age, distinctive markings, if any, and microchip or tattoo 828
identification number, if present; 829

The registration or eligibility of the dog for registration 830
with a pedigree organization. 831

On the day you obtain physical possession of the dog, the 832
seller is required to present you with a receipt for your 833
signature that contains the seller's signature and that day's 834
date. This receipt may be contained within the receipt, bill of 835
sale, or contract that the seller is required to give you at the 836
time of the sale of the dog. If you received all of the 837
information that the seller is required to give you as discussed 838
above, you must sign the receipt to acknowledge that you received 839
it. The seller then is required to give you the original receipt 840
or a copy of it. 841

A veterinarian's statement is required to be in writing and 842
contain all of the following information: 843

Your name and home address or business address, if 844
applicable; 845

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|---|-----|
| <u>The veterinarian's name and office address;</u> | 846 |
| <u>A statement that the veterinarian examined the dog;</u> | 847 |
| <u>The date on which the veterinarian examined the dog;</u> | 848 |
| <u>The dog's name, breed, sex, color, coat length, date of</u> | 849 |
| <u>birth, age, distinctive markings, if any, and microchip or tattoo</u> | 850 |
| <u>identification number, if present;</u> | 851 |
| <u>The precise findings of the examination;</u> | 852 |
| <u>In the case of a dog that dies, a necropsy report;</u> | 853 |
| <u>The veterinarian's signature;</u> | 854 |
| <u>The date on which the veterinarian prepared the statement.</u> | 855 |
| <u>If you want to keep the dog and receive reimbursement for</u> | 856 |
| <u>veterinary fees, an itemized bill of the charges necessary for</u> | 857 |
| <u>diagnosis and an estimate of the cost of any necessary treatment</u> | 858 |
| <u>also are required to be included in the veterinarian's statement.</u> | 859 |
| <u>I have read and understand the above information.</u> | 860 |
| <u>.....</u> | 861 |
| <u>Your (buyer's) signature</u> | 862 |
| <u>.....</u> | 863 |
| <u>date"</u> | 864 |
| <u>Sec. 956.10. (A) Whoever violates section 956.02 or 956.03 of</u> | 865 |
| <u>the Revised Code shall pay a civil penalty of not more than five</u> | 866 |
| <u>hundred dollars on a first offense and not more than five thousand</u> | 867 |
| <u>dollars on a second or subsequent offense. Money collected as</u> | 868 |
| <u>civil penalties under this division shall be deposited in the</u> | 869 |
| <u>commercial dog breeder enforcement fund that is created in section</u> | 870 |
| <u>956.11 of the Revised Code.</u> | 871 |
| <u>(B) Whoever fails to comply with section 956.08 or 956.09 of</u> | 872 |
| <u>the Revised Code is liable to the buyer for an amount that is</u> | 873 |

equal to the purchase price of the dog, plus the amount of 874
veterinary fees that are incurred by the buyer as provided in 875
section 956.08 of the Revised Code within one year after the date 876
of the sale of the dog, and any attorney fees or other costs 877
related to the dog that are incurred by the buyer within one year 878
after the date of the sale of the dog. Additionally, the buyer may 879
keep the dog. 880

(C) The failure to comply with section 956.08 or 956.09 of 881
the Revised Code is an unfair or deceptive act or practice in 882
violation of section 1345.02 of the Revised Code. The remedies 883
provided for in division (B) of this section are in addition to 884
the remedies provided for in Chapter 1345. of the Revised Code. 885

Sec. 956.11. (A) There is hereby created the commercial dog 886
breeder enforcement fund, which shall be in the custody of the 887
treasurer of state, but shall not be a part of the state treasury. 888
All civil penalties that are collected pursuant to division (A) of 889
section 956.10 of the Revised Code shall be deposited into the 890
fund. Money in the fund shall be used to make payments to 891
inspectors for reimbursement of expenses associated with 892
conducting investigations under section 956.06 of the Revised 893
Code. The treasurer of state shall disburse money from the fund on 894
order of the director of agriculture or the director's designee in 895
accordance with this section. 896

(B) The director shall prescribe and make available a form to 897
be used by an inspector to request reimbursement for expenses 898
related to an investigation under section 956.06 of the Revised 899
Code. 900

(C) If a civil penalty was imposed as a result of an 901
investigation that an inspector conducted, the inspector may 902
request reimbursement for expenses associated with the 903
investigation. The inspector shall submit the form prescribed 904

under division (B) of this section containing the appropriate 905
information to the director. The director shall verify the 906
information on the form and request the treasurer of state to 907
disburse money to the inspector. 908

Sec. 956.99. (A) Whoever violates section 956.02 of the 909
Revised Code is guilty of a misdemeanor of the second degree on a 910
first offense and a misdemeanor of the first degree on a second or 911
subsequent offense. However, whoever violates that section at 912
least three times within a five-year period is guilty of a felony 913
of the fifth degree. 914

(B) Whoever violates division (L) of section 956.03 of the 915
Revised Code is guilty of a minor misdemeanor. 916

(C) Whoever violates division (K) of section 956.03 or 917
section 956.05 of the Revised Code is guilty of a felony of the 918
fifth degree. 919

(D) Whoever violates any section of this chapter for which no 920
penalty otherwise is provided is guilty of a misdemeanor of the 921
first degree. 922

Section 2. That existing sections 955.04, 955.21, and 955.99 923
of the Revised Code are hereby repealed. 924