

As Introduced

129th General Assembly
Regular Session
2011-2012

S. B. No. 130

Senators Hughes, Cates

Cosponsors: Senators Lehner, Seitz, Skindell, Turner

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A B I L L

To amend sections 955.02, 955.10, 955.12, 955.20,
955.26, and 1901.183 and to enact sections 956.01,
956.011, 956.02 to 956.20, 956.98, and 956.99 of
the Revised Code to establish licensing
requirements and standards of care for certain dog
breeding kennels, dog retailers, and animal
rescues for dogs.

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

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

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Sec. 955.02. ~~A As used in this chapter, "dog kennel" or~~
~~"kennel owner is a person, partnership, firm, company, or~~
~~corporation professionally engaged in the business "~~ means an
establishment that keeps, houses, and maintains adult dogs, as
defined in section 956.01 of the Revised Code, for the purpose of
breeding the dogs for hunting or for a fee or other consideration

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received through a sale, exchange, or lease and that is not a high 20
volume breeder licensed under Chapter 956. of the Revised Code. 21

Sec. 955.10. No owner of a dog, except a dog constantly 22
confined to a ~~registered dog~~ kennel registered under this chapter 23
or one licensed under Chapter 956. of the Revised Code, shall fail 24
to require the dog to wear, at all times, a valid tag issued in 25
connection with a certificate of registration. A ~~dog's failure~~ dog 26
found not wearing at any time ~~to wear~~ a valid tag shall be 27
prima-facie evidence of lack of registration and shall subject any 28
dog found not wearing such a tag to impounding, sale, or 29
destruction. 30

Sec. 955.12. The board of county commissioners shall appoint 31
or employ a county dog warden and deputies in such number, for 32
such periods of time, and at such compensation as the board 33
considers necessary to enforce sections 955.01 to 955.27, 955.29 34
to 955.38, and 955.50 to 955.53 of the Revised Code. 35

The warden and deputies shall give bond in a sum not less 36
than five hundred dollars and not more than two thousand dollars, 37
as set by the board, conditioned for the faithful performance of 38
their duties. The bond or bonds may, in the discretion of the 39
board, be individual or blanket bonds. The bonds shall be filed 40
with the county auditor of their respective counties. 41

The warden and deputies shall make a record of all dogs 42
owned, kept, and harbored in their respective counties. They shall 43
patrol their respective counties and seize and impound on sight 44
all dogs found running at large and all dogs more than three 45
months of age found not wearing a valid registration tag, except 46
any dog that wears a valid registration tag and is: on the 47
premises of its owner, keeper, or harborer, under the reasonable 48
control of its owner or some other person, hunting with its owner 49

or its handler at a field trial, kept constantly confined in a 50
~~registered dog kennel~~ registered under this chapter or one 51
licensed under Chapter 956. of the Revised Code, or acquired by, 52
and confined on the premises of, an institution or organization of 53
the type described in section 955.16 of the Revised Code. A dog 54
that wears a valid registration tag may be seized on the premises 55
of its owner, keeper, or harbinger and impounded only in the event 56
of a natural disaster. 57

If a dog warden has reason to believe that a dog is being 58
treated inhumanely on the premises of its owner, keeper, or 59
harbinger, the warden shall apply to the court of common pleas for 60
the county in which the premises are located for an order to enter 61
the premises, and if necessary, seize the dog. If the court finds 62
probable cause to believe that the dog is being treated 63
inhumanely, it shall issue such an order. 64

The warden and deputies shall also investigate all claims for 65
damages to animals reported to them under section 955.29 of the 66
Revised Code and assist claimants to fill out the claim form 67
therefor. They shall make weekly reports, in writing, to the board 68
in their respective counties of all dogs seized, impounded, 69
redeemed, and destroyed and of all claims for damage to animals 70
inflicted by dogs. 71

The wardens and deputies shall have the same police powers as 72
are conferred upon sheriffs and police officers in the performance 73
of their duties as prescribed by sections 955.01 to 955.27, 955.29 74
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 75
also have power to summon the assistance of bystanders in 76
performing their duties and may serve writs and other legal 77
processes issued by any court in their respective counties with 78
reference to enforcing those sections. County auditors may 79
deputize the wardens or deputies to issue dog licenses as provided 80
in sections 955.01 and 955.14 of the Revised Code. 81

Whenever any person files an affidavit in a court of 82
competent jurisdiction that there is a dog running at large that 83
is not kept constantly confined either in a ~~registered~~ dog kennel 84
registered under this chapter or one licensed under Chapter 956. 85
of the Revised Code or on the premises of an institution or 86
organization of the type described in section 955.16 of the 87
Revised Code or that a dog is kept or harbored in the warden's 88
jurisdiction without being registered as required by law, the 89
court shall immediately order the warden to seize and impound the 90
dog. Thereupon the warden shall immediately seize and impound the 91
dog complained of. The warden shall give immediate notice by 92
certified mail to the owner, keeper, or harborer of the dog seized 93
and impounded by the warden, if the owner, keeper, or harborer can 94
be determined from the current year's registration list maintained 95
by the warden and the county auditor of the county where the dog 96
is registered, that the dog has been impounded and that, unless 97
the dog is redeemed within fourteen days of the date of the 98
notice, it may thereafter be sold or destroyed according to law. 99
If the owner, keeper, or harborer cannot be determined from the 100
current year's registration list maintained by the warden and the 101
county auditor of the county where the dog is registered, the 102
officer shall post a notice in the pound or animal shelter both 103
describing the dog and place where seized and advising the unknown 104
owner that, unless the dog is redeemed within three days, it may 105
thereafter be sold or destroyed according to law. 106

As used in this section, "animal" has the same meaning as in 107
section 955.51 of the Revised Code. 108

Sec. 955.20. The registration fees provided for in sections 109
955.01 to 955.14 of the Revised Code and money transferred to the 110
county under section 956.07 of the Revised Code constitute a 111
special fund known as "the dog and kennel fund." The fees shall be 112
deposited by the county auditor in the county treasury daily as 113

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

If the funds so appropriated in any calendar year are found 131
by the board to be insufficient to defray the necessary cost and 132
expense of the county dog warden in enforcing sections 955.01 to 133
955.27 of the Revised Code, the board, by resolution so provided, 134
after setting aside a sum equal to the total amount of animal 135
claims ~~paid or~~ filed in that calendar year, or an amount equal to 136
the total amount of animal claims paid or allowed the preceding 137
year, whichever amount is larger, may appropriate further funds 138
for the use and purpose of the county dog warden in administering 139
those sections. 140

Sec. 955.26. Whenever, in the judgment of the director of 141
health, any city or general health district board of health, or 142
persons performing the duties of a board of health, rabies is 143
prevalent, the director of health, the board, or those persons 144
shall declare a quarantine of all dogs in the health district or 145

in a part of it. During the quarantine, the owner, keeper, or 146
harborer of any dog shall keep it confined on the premises of the 147
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, kennel, or 148
other suitable place, at the expense of the owner, keeper, or 149
harborer, except that a dog may be permitted to leave the premises 150
of its owner, keeper, or harborer if it is under leash or under 151
the control of a responsible person. The quarantine order shall be 152
considered an emergency and need not be published. 153

When the quarantine has been declared, the director of 154
health, the board, or those persons may require vaccination for 155
rabies of all dogs within the health district or part of it. Proof 156
of rabies vaccination within a satisfactory period shall be 157
demonstrated to the county auditor before any registration is 158
issued under section 955.01 of the Revised Code for any dog that 159
is required to be vaccinated. 160

The public health council shall determine appropriate methods 161
of rabies vaccination and satisfactory periods for purposes of 162
quarantines under this section. 163

When a quarantine of dogs has been declared in any health 164
district or part of a health district, the county dog warden and 165
all other persons having the authority of police officers shall 166
assist the health authorities in enforcing the quarantine order. 167
When rabies vaccination has been declared compulsory in any health 168
district or part of a health district, the dog warden shall assist 169
the health authorities in enforcing the vaccination order. 170

Notwithstanding ~~the provisions of~~ this section, a city or 171
general health district board of health may make orders pursuant 172
to sections 3709.20 and 3709.21 of the Revised Code requiring the 173
vaccination of dogs. 174

Sec. 956.01. As used in this chapter: 175

(A) "Adult dog" means a dog that is twelve months of age or older. 176
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(B) "Animal rescue for dogs" means an individual or organization recognized by the director of the kennel control authority that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society established under Chapter 1717. of the Revised Code, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers dogs for adoption and charges reasonable adoption fees approved by the director of the authority under this chapter to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs. 178
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(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society established under Chapter 1717. of the Revised Code, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 194
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(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. 202
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(E) "Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's primary 206
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residence. 208

(F) "High volume breeder" means an establishment that keeps, 209
houses, and maintains adult breeding dogs that produce at least 210
nine litters of puppies in any given calendar year and, in return 211
for a fee or other consideration, sells sixty or more adult dogs 212
or puppies per calendar year. 213

(G) "Dog retailer" means a person who buys, sells, or offers 214
to sell dogs at wholesale for resale to another or who sells or 215
gives one or more dogs to a pet store annually. "Dog retailer" 216
does not include an animal rescue for dogs, an animal shelter for 217
dogs, a humane society established under Chapter 1717. of the 218
Revised Code, a medical kennel for dogs, a research kennel for 219
dogs, a pet store, or a veterinarian. 220

(H) "Enclosure, crate, or cage" does not include an 221
enclosure, crate, or cage that is used during the transportation 222
of a dog or used for medical purposes. 223

(I) "Environmental division of the Franklin county municipal 224
court" means the environmental division of the Franklin county 225
municipal court created in section 1901.011 of the Revised Code. 226

(J) "Medical kennel for dogs" means a facility that is 227
maintained by a veterinarian and operated primarily for the 228
treatment of sick or injured dogs. 229

(K) "Pet store" means a retail store that sells dogs to the 230
public. 231

(L) "Puppy" means a dog that is under twelve months of age. 232

(M) "Research kennel for dogs" means a facility housing dogs 233
that is maintained exclusively for research purposes. 234

(N) "Veterinarian" means a veterinarian licensed under 235
Chapter 4741. of the Revised Code. 236

Sec. 956.011. Medical kennels for dogs, research kennels for 237
dogs, animal shelters for dogs that are operated by a municipal 238
corporation, or by a county under Chapter 955. of the Revised 239
Code, and veterinarians are not required to obtain a license under 240
this chapter or comply with any other requirements of this chapter 241
and rules adopted under it. 242

Sec. 956.02. There is hereby created the kennel control 243
authority for the purpose of administering this chapter and rules 244
adopted under it by the director of the authority and ensuring the 245
welfare and humane treatment of dogs and their offspring in 246
accordance with this chapter and rules adopted under it. The 247
kennel control authority board created in section 956.18 of the 248
Revised Code shall designate a suitable individual as director of 249
the authority who shall serve at the board's pleasure. 250

The director may contract with any political subdivision of 251
the state to assist the director and the director's authorized 252
representatives in administering and enforcing this chapter and 253
rules adopted under it. 254

Sec. 956.03. The director of the kennel control authority 255
shall adopt rules in accordance with Chapter 119. of the Revised 256
Code establishing all of the following: 257

(A) Requirements and procedures governing high volume 258
breeders, including the licensing and inspection of and record 259
keeping by high volume breeders, in addition to the requirements 260
and procedures established in this chapter. The rules shall 261
require that a high volume breeder be assigned a license number 262
and that a high volume breeder provide the license number and the 263
applicable vendor number assigned by the department of taxation 264
whenever it solicits business or it is solicited for business. 265

(B) Requirements and procedures for conducting background 266

investigations of each applicant for a license issued under 267
section 956.04 of the Revised Code in order to determine if the 268
applicant has been convicted of or pleaded guilty to any of the 269
violations specified in division (H) of that section. The rules 270
shall provide that background investigations shall be conducted 271
solely by the attorney general on behalf of the kennel control 272
authority. The rules shall establish procedures for annually 273
updating background investigation information regarding an 274
applicant after an initial background investigation has been 275
conducted with respect to an initial application for a license 276
submitted under that section. 277

(C) Requirements and procedures governing dog retailers, 278
including the licensing of and record keeping by dog retailers, in 279
addition to the requirements and procedures established in this 280
chapter. The rules shall require that a dog retailer be assigned a 281
license number and that a dog retailer provide the license number 282
and the applicable vendor number assigned by the department of 283
taxation whenever it solicits business or it is solicited for 284
business. 285

(D) Requirements and procedures governing animal rescues for 286
dogs, including the licensing and inspection of and record keeping 287
by animal rescues for dogs, in addition to the requirements and 288
procedures established in this chapter; 289

(E) The form of applications for licenses issued under this 290
chapter and the information that is required to be submitted in 291
the applications. The rules shall require an animal rescue for 292
dogs to provide in an application for a license the name and 293
address of each foster home that it utilizes. 294

(F) A requirement that each high volume breeder submit to the 295
director, with an application for a high volume breeder license, 296
evidence of insurance or, in the alternative, evidence of a surety 297
bond payable to the authority to ensure compliance with this 298

chapter and rules adopted under it. The face value of the 299
insurance coverage or bond shall be in the following amounts: 300

(1) Five thousand dollars for high volume breeders keeping, 301
housing, and maintaining not more than twenty-five adult dogs; 302

(2) Ten thousand dollars for high volume breeders keeping, 303
housing, and maintaining at least twenty-six adult dogs, but not 304
more than fifty adult dogs; 305

(3) Fifty thousand dollars for high volume breeders keeping, 306
housing, and maintaining more than fifty adult dogs. 307

The rules shall require that the insurance be payable to the 308
state or that the surety bond be subject to redemption by the 309
state, as applicable, upon a suspension or revocation of a high 310
volume breeder license for the purpose of paying for the 311
maintenance and care of dogs that are seized or otherwise 312
impounded from the high volume breeder in accordance with this 313
chapter. 314

(G) Procedures for inspections conducted under section 956.10 315
of the Revised Code in addition to the procedures established in 316
that section, and procedures for making records of the 317
inspections; 318

(H) Requirements and procedures that are necessary to 319
implement and enforce the requirements pertaining to pet stores 320
that are established in section 956.19 of the Revised Code; 321

(I)(1) A requirement that an in-state retailer or direct 322
seller of a puppy or adult dog provide to the purchaser the 323
complete name, address, and telephone number of all high volume 324
breeders, dog retailers, and private owners that kept, housed, or 325
maintained the puppy or adult dog prior to its coming into the 326
possession of the retailer or direct seller or proof that the 327
puppy or adult dog was acquired through an animal rescue for dogs, 328
animal shelter for dogs, or humane society established under 329

Chapter 1717. of the Revised Code, or a valid health certificate 330
from the state of origin pertaining to the puppy or adult dog; 331

(2) A requirement that an out-of-state retailer or direct 332
seller of a puppy or adult dog that is conducting business in this 333
state provide to the purchaser a valid health certificate from the 334
state of origin pertaining to the puppy or adult dog and the 335
complete name, address, and telephone number of all breeders, 336
sellers, and private owners that kept, housed, or maintained the 337
puppy or adult dog prior to its coming into the possession of the 338
retailer or direct seller or proof that the puppy or adult dog was 339
acquired through an animal rescue for dogs, animal shelter for 340
dogs, or humane society in this state or another state. 341

(J) A requirement that a high volume breeder or a dog 342
retailer who advertises the sale of a puppy or adult dog include 343
with the advertisement the vendor number assigned by the tax 344
commissioner to the high volume breeder or to the dog retailer if 345
the sale of the puppy or dog is subject to the tax levied under 346
Chapter 5739. of the Revised Code; 347

(K) Requirements and procedures governing the registration of 348
litters under section 956.20 of the Revised Code; 349

(L) A requirement that a licensed high volume breeder and a 350
licensed dog retailer comply with Chapter 5739. of the Revised 351
Code. The rules shall authorize the director to suspend or revoke 352
a license for failure to comply with that chapter. The director 353
shall work in conjunction with the tax commissioner for the 354
purposes of this division. 355

(M) Any other requirements and procedures that are determined 356
by the director to be necessary for the administration and 357
enforcement of this chapter and rules adopted under it. 358

Sec. 956.04. (A)(1) No person shall operate a high volume 359

breeder in this state without a high volume breeder license issued 360
by the director of the kennel control authority in accordance with 361
this section and rules adopted under section 956.03 of the Revised 362
Code. 363

(2) The director shall not issue a license under this section 364
unless the director determines that the applicant will operate or 365
will continue to operate the high volume breeder in accordance 366
with this chapter and rules adopted under it. 367

(B) In determining whether an establishment is a high volume 368
breeder requiring a license under this chapter, the director shall 369
determine if, in any given year, the establishment is a high 370
volume breeder as defined in section 956.01 of the Revised Code. 371
All facilities that are located at an individual postal address 372
shall be licensed as one high volume breeder. Not more than one 373
license shall be issued under this section for any given postal 374
address. 375

(C) A person who is proposing to operate a new high volume 376
breeder shall submit an application for a license to the director 377
at least ninety days before commencing operation of the high 378
volume breeder. The application shall be submitted in the form and 379
with the information required by rules adopted under section 380
956.03 of the Revised Code and shall include with it at least all 381
of the following: 382

(1) An affidavit signed under oath or solemn affirmation of 383
the number of adult dogs that are kept, housed, and maintained by 384
the applicant at the location that is the subject of the 385
application; 386

(2) An estimate of the number of puppies to be kept, housed, 387
and maintained and of the number of litters of puppies or total 388
number of puppies to be produced during the annual term of the 389
license; 390

(3) Photographic evidence documenting the facilities where 391
dogs will be kept, housed, and maintained by the applicant. The 392
kennel control authority may conduct an inspection of the 393
facilities that are the subject of an application in addition to 394
reviewing photographic evidence submitted by an applicant for a 395
license. 396

(4) A signed release permitting the performance of a 397
background investigation regarding the applicant in accordance 398
with rules adopted under section 956.03 of the Revised Code; 399

(5) The names and addresses and any other identifying 400
information required by rules adopted under section 956.03 of the 401
Revised Code of all persons who will have custody of or control 402
over dogs kept by the applicant. 403

(D) During the month of December, but before the first day of 404
January of the next year, a person who is proposing to continue 405
the operation of a high volume breeder shall obtain a license for 406
the high volume breeder from the director for the following year. 407
The person shall submit the application to the director on or 408
before the last day of November of the year preceding the year for 409
which the license is sought. 410

(E) The owner or operator of a high volume breeder that is in 411
operation on the effective date of this section shall submit to 412
the director an application for a high volume breeder license not 413
later than three months after the effective date of this section. 414
The director shall issue or deny the application for a license 415
within ninety days after the receipt of the completed application. 416

(F) A person who has received a license under this section, 417
upon sale or other disposition of the high volume breeder, may 418
have the license transferred to another person with the consent of 419
the director, provided that the transferee otherwise qualifies to 420
be licensed as a high volume breeder under this chapter and rules 421

adopted under it and does not have a certified unpaid debt to the 422
state. 423

(G) An applicant for a license issued under this section 424
shall demonstrate that the high volume breeder that is the subject 425
of the application complies with the standards of care and other 426
standards established under this chapter. 427

Sec. 956.05. (A)(1) No person shall act as or perform the 428
functions of a dog retailer in this state without a dog retailer 429
license issued by the director of the kennel control authority in 430
accordance with this section and rules adopted under section 431
956.03 of the Revised Code. 432

(2) The director shall not issue a license under this section 433
unless the director determines that the applicant will act as or 434
perform the functions of a dog retailer in accordance with this 435
chapter and rules adopted under it. 436

(B) A person who is proposing to act as or perform the 437
functions of a dog retailer shall submit an application for a 438
license to the director. During the month of December, but before 439
the first day of January of the next year, a person who is 440
proposing to continue to act as or perform the functions of a dog 441
retailer shall obtain a license from the director for the 442
following year. The person shall submit the application to the 443
director on or before the last day of November of the year 444
preceding the year for which the license is sought. 445

(C) A person who is acting as or performing the functions of 446
a dog retailer on the effective date of this section shall submit 447
to the director an application for a dog retailer license not 448
later than three months after the effective date of this section. 449
The director shall issue or deny the application for a license 450
within ninety days after the receipt of the completed application. 451

Sec. 956.06. No person shall operate an animal rescue for 452
dogs without a license to do so issued by the director of the 453
kennel control authority in accordance with rules adopted under 454
section 956.03 of the Revised Code. No license application fee 455
shall be charged to an animal rescue for dogs. The director shall 456
maintain a database of all persons that are licensed to operate an 457
animal rescue for dogs in this state. 458

Sec. 956.07. (A) A person who is applying for a license to 459
operate a high volume breeder or to act as or perform the 460
functions of a dog retailer under section 956.04 or 956.05 of the 461
Revised Code, as applicable, shall include with the application 462
for a license a nonrefundable license application fee. For the 463
purpose of calculating the application fee for a high volume 464
breeder, the sale of one dog from a litter constitutes the sale of 465
a litter. The application fees are as follows: 466

(1) For a high volume breeder: 467

(a) One hundred fifty dollars if the high volume breeder 468
annually sells at least nine, but not more than fifteen litters; 469

(b) Two hundred fifty dollars if the high volume breeder 470
annually produce at least sells at least sixteen, but not more 471
than twenty-five litters; 472

(c) Three hundred fifty dollars if the high volume breeder 473
annually sells at least twenty-six, but not more than thirty-five 474
litters; 475

(d) Five hundred dollars if the high volume breeder annually 476
sells at least thirty-six, but not more than forty-five litters; 477

(e) Seven hundred fifty dollars if the high volume breeder 478
annually sells forty-six or more litters. 479

(2) For a dog retailer, five hundred dollars. 480

(B) The owner of a boarding kennel shall register the 481
boarding kennel with the director of the kennel control authority 482
by paying an annual fee of fifty dollars. 483

(C) Money collected by the director from application and 484
registration fees submitted under this section shall be 485
transmitted by the director to the treasurer of state to be 486
credited to the high volume breeder kennel control license fund 487
created in section 956.17 of the Revised Code. However, the 488
treasurer of state shall transfer to the county in which a high 489
volume breeder is or will be located fifty dollars of the 490
application fee received from the person who is applying for a 491
license to operate the high volume breeder or an amount equal to 492
the fee charged by the county for the registration of a kennel 493
under section 955.04 of the Revised Code, whichever is greater. 494
The county auditor shall deposit the money in the county's dog and 495
kennel fund created in accordance with section 955.20 of the 496
Revised Code. 497

Sec. 956.08. No person operating a high volume breeder or 498
acting as or performing the functions of a dog retailer or animal 499
rescue for dogs shall do any of the following: 500

(A) Fail to keep or confine a dog in accordance with one of 501
the following: 502

(1) In an indoor enclosure with an attached outdoor enclosure 503
that is accessible to the dog, provided that not more than three 504
dogs are kept or confined in the indoor or outdoor enclosure at 505
any one time. For dogs that weigh less than twenty pounds, the 506
indoor enclosure shall be at least four feet by four feet with an 507
attached outdoor enclosure of at least four feet by eight feet. 508
For dogs that weigh at least twenty pounds, but less than 509
fifty-one pounds, the indoor enclosure shall be at least four feet 510

by six feet with an attached outdoor enclosure of at least four 511
feet by twelve feet. For dogs that weigh fifty-one pounds or more, 512
the indoor enclosure shall be at least four feet by eight feet 513
with an attached outdoor enclosure of at least four feet by 514
sixteen feet. 515

(2) In an indoor enclosure with no attached outdoor 516
enclosure, but with an exercise period in an outdoor enclosure 517
that is provided at least two hours each day, provided that not 518
more than three dogs are kept or confined in the indoor or outdoor 519
enclosure at any one time. For dogs that weigh less than twenty 520
pounds, the indoor enclosure shall be at least four feet by four 521
feet, and outdoor exercise shall take place in an enclosed area 522
that is at least ten feet by ten feet. For dogs that weigh at 523
least twenty pounds, but less than fifty-one pounds, the indoor 524
enclosure shall be at least four feet by six feet, and outdoor 525
exercise shall take place in an enclosed area that is at least 526
twenty feet by twenty feet. For dogs that weigh fifty-one pounds 527
or more, the indoor enclosure shall be at least four feet by eight 528
feet, and outdoor exercise shall take place in an enclosed area 529
that is at least forty feet by forty feet. 530

For purposes of complying with division (A)(2) of this 531
section, an indoor enclosure may be utilized for exercise when 532
weather does not permit access to an outdoor enclosure. However, 533
the indoor exercise enclosure shall comply with the size 534
requirements that are established in this division for outdoor 535
enclosures that are used for exercise. In addition, exercise is 536
not required for a dog that has an illness and for which exercise 537
would be detrimental to recovering from the illness. In addition, 538
for purposes of complying with division (A)(2) of this section, 539
enclosures may be stacked on top of one another, but there shall 540
be a nonporous barrier separating the floor and ceiling of stacked 541
enclosures. 542

(B) Keep or confine dogs in an enclosure, crate, or cage with 543
any dog exhibiting vicious or aggressive behavior. Any dog 544
exhibiting vicious or aggressive behavior shall be housed 545
separately to avoid injury to other dogs. 546

(C) Keep or confine more than three adult dogs in one 547
enclosure, crate, or cage; 548

(D) Keep or confine a female dog that is nursing in an 549
enclosure, crate, or cage with another adult dog; 550

(E) Keep or confine a dog in an enclosure, crate, or cage 551
without access to either natural or artificial light during 552
daytime hours; 553

(F) Keep or confine a dog in an enclosure, crate, or cage 554
outdoors unless the dog has access at all times to a dry insulated 555
indoor shelter or dog house with clean straw or other nontoxic 556
insulating material in an amount that is sufficient to permit the 557
dog to burrow under the straw or material while at the same time 558
using the straw or material as bedding; 559

(G) Keep or confine a dog in an enclosure, crate, or cage if 560
urine or feces have accumulated beyond an amount that is expected 561
to accumulate in a normal twenty-four-hour period or, if the dog 562
is a female dog with a litter, in a normal twelve-hour period; 563

(H) Keep or confine a dog in an enclosure, crate, or cage 564
without access to clean unfrozen water at all times unless the dog 565
is being used for hunting or sledding, in which case access to 566
clean unfrozen water shall be provided not less than one time per 567
eight-hour period. Water shall be provided to a dog in an open 568
bowl or container that is not a drip bottle or limited intake 569
mechanism. 570

(I) Keep or confine a dog in an enclosure, crate, or cage 571
without access to adequate and wholesome food on a daily basis so 572
as to ensure a proper and healthy weight unless medically 573

contraindicated; 574

(J) Keep or confine a dog in an enclosure, crate, or cage 575
with flooring material that is incapable of being cleaned or 576
sanitized or that is likely to cause injury to the pads of a dog's 577
feet; 578

(K) Keep or confine a dog in an enclosure, crate, or cage 579
without providing a solid, nonporous surface, free from moisture 580
or feces, that comprises at least fifty per cent of the floor of 581
the enclosure, crate, or cage. The solid surface may include soft 582
bedding. Female dogs with litters and puppies twelve weeks of age 583
or less shall be housed in an enclosure, crate, or cage with a 584
solid, nonporous surface, free from moisture or feces, that 585
comprises one hundred per cent of the floor of the enclosure, 586
crate, or cage. If a nonporous surface that is made of metal is 587
used as flooring in the enclosure, crate, or cage, sufficient 588
straw or soft bedding shall be added to offer protection to the 589
dog. 590

(L) Keep or confine a dog in an enclosure, crate, or cage in 591
unsanitary conditions. Hard surfaces used by dogs shall be 592
spot-cleaned daily and sanitized at least once every two weeks to 593
prevent the accumulation of dirt, debris, food waste, excreta, and 594
other disease hazards. 595

(M) Keep or confine a dog in an enclosure, crate, or cage 596
that is in contact with or in the immediate vicinity of any animal 597
with a diagnosed or suspected disease that is contagious to dogs; 598

(N) Keep or confine a dog in an enclosure, crate, or cage 599
without adequate ventilation to minimize odors, drafts, and 600
ammonia levels and to prevent the condensation of moisture; 601

(O) Keep or confine a dog in an enclosure, crate, or cage 602
without providing shelter from the elements; 603

(P) Keep or confine a dog in an outdoor run or kennel where 604

shade is not provided during the months of May through September; 605

(O) Keep or confine a dog in an indoor enclosure, crate, or 606
cage where the temperature is below fifty degrees fahrenheit or 607
over ninety degrees fahrenheit; 608

(R) Fail to keep the area around a kennel in good repair, 609
clean, and free from accumulations of junk, waste products, and 610
discarded materials to protect dogs from injury and to prevent 611
infestation by birds, rodents, or other pests. Weeds, grasses, 612
bushes, and trees shall be controlled at the property on which a 613
kennel is located to allow for effective pest control and to 614
protect the health and safety of the dogs that are housed at the 615
kennel. 616

(S) Fail to provide a dog with sufficient interaction with 617
other dogs. The opportunity for interaction shall allow the dog to 618
move relative to age, breed, sex, and reproductive status and 619
shall take place separately from the primary enclosure in an area 620
that is clean and free of pests and vermin and that will prevent 621
escape. Dogs in activity groups shall be compatible and free of 622
infectious disease. 623

(T) Fail to sanitize food and water receptacles at least 624
every two weeks or more often if necessary to prevent an 625
accumulation of dirt, debris, food waste, excreta, and other 626
disease hazards; 627

(U) Fail to provide a dog with appropriate veterinary care 628
and treatment for any disease, illness, or injury; 629

(V) Fail to provide all bitches with a clean, appropriate 630
whelping box to securely house their puppies during whelping. The 631
whelping box shall be designed so that the bitch can lay fully 632
recumbent, stand, turn around, and have some freedom of movement. 633
No other animals shall inhabit the whelping box besides the bitch 634
and puppies. 635

<u>(W) Fail to trim an adult dog's nails so that there is</u>	636
<u>curling or an impairment of the dog's gait;</u>	637
<u>(X) Fail to provide regular care to a dog to prevent matting</u>	638
<u>of fur from fecal matter or bodily fluids;</u>	639
<u>(Y) Fail to provide a dog with appropriate protection from</u>	640
<u>ectopic parasites or treatment for worms if the dog is so</u>	641
<u>afflicted;</u>	642
<u>(Z) Fail to provide an adult dog with appropriate</u>	643
<u>vaccinations as determined by the dog's veterinarian;</u>	644
<u>(AA) Fail to provide each puppy that is three months of age</u>	645
<u>or older with appropriate phase-in booster vaccines as recommended</u>	646
<u>by a veterinarian;</u>	647
<u>(BB) Fail to provide heartworm preventative to a breeding dog</u>	648
<u>as determined by the dog's veterinarian;</u>	649
<u>(CC) Fail to ensure that a dog in the person's possession or</u>	650
<u>control requiring euthanization is euthanized by a veterinarian or</u>	651
<u>a person under the direct supervision of a veterinarian;</u>	652
<u>(DD) Beat or brutalize a dog within the person's custody or</u>	653
<u>control;</u>	654
<u>(EE) Breed a female dog that has not had a physical</u>	655
<u>examination from a veterinarian in the last twelve months before</u>	656
<u>breeding;</u>	657
<u>(FF) Dock a dog's tail, crop a dog's ear, remove a dog's</u>	658
<u>claws, or debark a dog. Tail docking, ear cropping, the removal of</u>	659
<u>a dog's claws, or debarking shall only be conducted by a</u>	660
<u>veterinarian.</u>	661
<u>(GG) Fail to prepare and implement a plan for the disposal of</u>	662
<u>waste that is generated by dogs at the kennel;</u>	663
<u>(HH) Keep a dog in an enclosure, crate, or cage that includes</u>	664
<u>exposed metal caging without a protective plastic or rubber</u>	665

coating. 666

Divisions (A), (E), (F), (H), (I), (K), and (O) of this 667
section do not apply during the temporary transportation of a dog 668
from one location to another location. 669

Sec. 956.09. The director of the kennel control authority 670
shall appoint kennel control enforcement inspectors for the 671
purpose of enforcing the requirements and standards established by 672
this chapter and rules adopted under it and to act as authorized 673
agents of the authority. Inspectors shall serve at the pleasure of 674
the director and shall be employees of the kennel control 675
authority. Inspectors may issue citations and orders that are 676
necessary to enforce this chapter and rules adopted under it. The 677
director shall provide each kennel control enforcement inspector 678
with an identifying badge and an official uniform. A kennel 679
control enforcement inspector shall have training in animal 680
husbandry, kennel management, record keeping, and first aid. 681

Sec. 956.10. (A) At least once biennially, the director of 682
the kennel control authority or the director's authorized 683
representative shall inspect a high volume breeder that is subject 684
to licensure under this chapter and rules adopted under section 685
956.03 of the Revised Code to ensure compliance with this chapter 686
and rules adopted under it, including, but not limited to, the 687
standards of care established in section 956.08 of the Revised 688
Code. In addition, upon a complaint, the director may inspect an 689
animal rescue for dogs to ensure compliance with this chapter and 690
rules adopted under section 956.03 of the Revised Code, including, 691
but not limited to, the standards of care established in section 692
956.08 of the Revised Code. Inspections shall be conducted without 693
prior notification to the licensee or persons associated with the 694
licensee. In addition, upon the request of a member of the public, 695
a public official, an animal rescue for dogs, or an animal shelter 696

for dogs, the director or the director's authorized representative 697
shall inspect any facility at which a person is acting as or 698
performing the functions of a dog retailer to ensure such 699
compliance. 700

The director or the director's authorized representative 701
shall inspect a boarding kennel when the director or the 702
director's authorized representative has received information that 703
the boarding kennel is breeding dogs and may be subject to 704
licensure under this chapter and rules adopted under section 705
956.03 of the Revised Code. 706

Inspections shall be conducted in accordance with rules 707
adopted under section 956.03 of the Revised Code. A record of each 708
inspection shall be made by the inspector who is responsible for 709
the inspection in accordance with those rules. 710

(B) The director or the director's authorized representative, 711
upon proper identification and upon stating the purpose and 712
necessity of an inspection, may enter at reasonable times on any 713
public or private property, real or personal, to inspect or 714
investigate and to examine or copy records in order to determine 715
compliance with this chapter and rules adopted under it. The 716
director, the director's authorized representative, or the 717
attorney general upon the request of the director may apply to the 718
appropriate court in the county in which inspection will occur for 719
an appropriate court order or search warrant as necessary to 720
achieve the purposes of this chapter and rules adopted under it. 721

(C) No owner or operator of a high volume breeder, person 722
acting as or performing the functions of a dog retailer, owner or 723
operator of an animal rescue for dogs, or owner or operator of a 724
boarding kennel shall interfere with an inspection or refuse to 725
allow an inspector full access to all areas where dogs are kept or 726
cared for. If entry is refused or inspection or investigation is 727
refused, hindered, or thwarted by a high volume breeder, dog 728

retailer, or animal rescue for dogs, the director may suspend or 729
revoke the breeder's, retailer's, or rescue's license in 730
accordance with this chapter. 731

(D) If entry that is authorized by division (B) of this 732
section is refused or if an inspection or investigation is 733
refused, hindered, or thwarted by intimidation or otherwise and if 734
the director, an authorized representative of the director, or the 735
attorney general applies for and obtains a court order or a search 736
warrant under division (B) of this section to conduct the 737
inspection or investigation, the owner or operator of the premises 738
where entry was refused or inspection or investigation was 739
refused, hindered, or thwarted is liable to the director for the 740
reasonable costs incurred by the director for the regular salaries 741
and fringe benefit costs of personnel assigned to conduct the 742
inspection or investigation from the time the court order or 743
search warrant was issued until the court order or search warrant 744
is executed; for the salary, fringe benefits, and travel expenses 745
of the director, an authorized representative of the director, or 746
the attorney general incurred in obtaining the court order or 747
search warrant; and for expenses necessarily incurred for the 748
assistance of local law enforcement officers in executing the 749
court order or search warrant. In the application for a court 750
order or a search warrant, the director, the director's authorized 751
representative, or the attorney general may request and the court, 752
in its order granting the court order or search warrant, may order 753
the owner or operator of the premises to reimburse the director 754
for any of those costs that the court finds reasonable. From money 755
recovered under this division, the director shall reimburse the 756
attorney general for the costs incurred by the attorney general in 757
connection with proceedings for obtaining the court order or 758
search warrant, shall reimburse the political subdivision in which 759
the premises is located for the assistance of its law enforcement 760
officers in executing the court order or search warrant, and shall 761

deposit the remainder in the state treasury to the credit of the 762
high volume breeder kennel control license fund created in section 763
956.17 of the Revised Code. 764

(E) A dog warden appointed under Chapter 955. of the Revised 765
Code or an agent of a humane society established under Chapter 766
1717. of the Revised Code entering on public or private property 767
to make investigations and inspections in accordance with Chapter 768
955. or 1717. of the Revised Code, as applicable, shall report any 769
violations of this chapter and rules adopted under it to the 770
director or a kennel control enforcement inspector and may examine 771
and copy any records that are required to be maintained under 772
rules adopted under this chapter. 773

Sec. 956.11. (A) The director of the kennel control authority 774
or the director's authorized representative may impound a dog if 775
the director or the director's authorized representative has 776
probable cause to believe that the dog is being kept by a high 777
volume breeder, dog retailer, or animal rescue for dogs in a 778
manner that materially violates this chapter or rules adopted 779
under it and if the dog's health or safety appears to be in 780
imminent danger. 781

(B) The director or the director's authorized representative 782
shall give written notice of the impoundment by posting a notice 783
on the door of the premises from which the dog was taken or by 784
otherwise posting the notice in a conspicuous place at the 785
premises from which the dog was taken. The notice shall provide a 786
date for an adjudication hearing, which shall take place not later 787
than five business days after the dog is taken and at which the 788
director shall determine if the dog should be permanently 789
relinquished to the custody of the kennel control authority. 790

(C) The owner or operator of the applicable high volume 791
breeder, the person acting as or performing the functions of a dog 792

retailer, or the owner or operator of the applicable animal rescue 793
for dogs may appeal the determination made at the adjudication 794
hearing in accordance with section 119.12 of the Revised Code, 795
except that the appeal may only be made to the environmental 796
division of the Franklin county municipal court. 797

(D) The director may enter into contracts or agreements with 798
an animal rescue for dogs, an animal shelter for dogs, a boarding 799
kennel, a veterinarian, a board of county commissioners, or a 800
humane society established under Chapter 1717. of the Revised Code 801
for the purpose of keeping, housing, and maintaining dogs that are 802
impounded under this section. If, after the final disposition of 803
an adjudication hearing and any appeals from that adjudication 804
hearing, it is determined that a dog shall be permanently 805
relinquished to the custody of the kennel control authority, the 806
dog may be adopted directly from the animal rescue for dogs, 807
animal shelter for dogs, boarding kennel, veterinarian, county dog 808
pound, or humane society where it is being kept, housed, and 809
maintained, provided that the dog has been spayed or neutered 810
unless there are medical reasons against spaying or neutering as 811
determined by a veterinarian. The animal rescue for dogs, animal 812
shelter for dogs, boarding kennel, veterinarian, county dog pound, 813
or humane society may charge a reasonable adoption fee. The fee 814
shall be at least sufficient to cover the costs of spaying or 815
neutering the dog unless it is medically contraindicated. 816
Impounded dogs shall be returned to persons acquitted of any 817
alleged violations. 818

Sec. 956.12. If the director of the kennel control authority 819
or the director's authorized representative determines that a 820
person has violated or is violating this chapter or rules adopted 821
under it, the director may issue and cause to be served by 822
certified mail or personal service a citation of violation and an 823
order requiring the person to cease the acts or practices that 824

constitute a violation of this chapter or rules adopted under it 825
or requiring the person to take corrective actions to eliminate 826
the conditions that constitute a violation of this chapter and 827
rules adopted under it. The order shall state specifically the 828
provision or provisions of this chapter or the rule or rules 829
adopted under this chapter that have been violated and the facts 830
constituting the violation, the actions that the person must take 831
to correct the deficiencies, and the time period within which the 832
person must correct the violations. 833

Sec. 956.13. (A) The director of the kennel control authority 834
may assess a civil penalty against a person violating this chapter 835
or rules adopted under it if all of the following occur: 836
837

(1) The person has received an order and been notified of the 838
violation by certified mail as required in section 956.12 of the 839
Revised Code. 840

(2) After the time period for correcting the violation 841
specified in the order has elapsed, the director or the director's 842
authorized representative has inspected the premises where the 843
violation has occurred and determined that the violation has not 844
been corrected, and the director has issued a notice of an 845
adjudication hearing pursuant to division (A)(3) of this section. 846

(3) The director affords the person an opportunity for an 847
adjudication hearing under Chapter 119. of the Revised Code to 848
challenge the director's determination that the person is not in 849
compliance with this chapter or rules adopted under it, the 850
imposition of the civil penalty, or both. A person may waive the 851
opportunity for an adjudication hearing. 852

(B) If the opportunity for an adjudication hearing is waived 853
or if, after an adjudication hearing, the director determines that 854
a violation of this chapter or a rule adopted under it has 855

occurred or is occurring, the director may assess a civil penalty. 856
The civil penalty may be appealed in accordance with section 857
119.12 of the Revised Code, except that the civil penalty may only 858
be appealed to the environmental division of the Franklin county 859
municipal court. 860

(C) Civil penalties shall be assessed in the following 861
amounts: 862

(1) A person who has violated division (A)(1) of section 863
956.04 or division (A)(1) of section 956.05 of the Revised Code 864
shall pay a civil penalty in an amount that is equal to two times 865
the amount of the license fee that should have been paid by the 866
person under section 956.07 of the Revised Code. 867

(2) A person who has violated any other provision of this 868
chapter or rules adopted under it, including, but not limited to, 869
the standards of care established in section 956.08 of the Revised 870
Code, shall pay a civil penalty of twenty-five dollars. 871

Each day that a violation continues constitutes a separate 872
violation. 873

Sec. 956.14. The attorney general, upon the request of the 874
director of the kennel control authority, may bring an action for 875
injunction against a person who has violated or is violating this 876
chapter, rules adopted under it, or an order issued under section 877
956.12 of the Revised Code. An action for injunction shall be 878
filed in the appropriate court in the county in which the 879
violation is alleged to have occurred. The court shall grant such 880
injunctive relief upon a showing that the person against whom the 881
action is brought has violated or is violating this chapter, rules 882
adopted under it, or an order issued under it. The court shall 883
give precedence to such an action over all other cases. 884

Sec. 956.15. (A) The director of the kennel control authority 885

may deny an application for a license that is submitted under 886
section 956.04, 956.05, or 956.06 of the Revised Code for either 887
of the following reasons: 888

(1) The applicant for the license has violated any provision 889
of this chapter or a rule adopted under it if the violation 890
materially threatens the health or welfare of a dog. 891

(2) The applicant, in the past twenty years, has been 892
convicted of or pleaded guilty to violating section 959.01, 893
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 894
Code or an equivalent municipal ordinance, law of another state, 895
or law of the federal government or, in the past twenty years, has 896
been convicted of or pleaded guilty to violating more than once 897
section 2919.25 of the Revised Code or an equivalent municipal 898
ordinance, law of another state, or law of the federal government. 899

(B) The director may suspend or revoke a license issued under 900
this chapter for violation of any provision of this chapter or a 901
rule adopted or order issued under it if the violation materially 902
threatens the health and welfare of a dog. 903

(C) An application or a license shall not be denied, 904
suspended, or revoked under this section without a written order 905
of the director stating the findings on which the denial, 906
suspension, or revocation is based. A copy of the order shall be 907
sent to the applicant or license holder by certified mail or may 908
be provided to the applicant or license holder by personal 909
service. In addition, the person to whom a denial, suspension, or 910
revocation applies may request an adjudication hearing under 911
Chapter 119. of the Revised Code. The director shall comply with 912
such a request. The determination of the director at an 913
adjudication hearing may be appealed in accordance with section 914
119.12 of the Revised Code, except that the determination may be 915
appealed only to the environmental division of the Franklin county 916
municipal court. 917

Sec. 956.16. The director of the kennel control authority, 918
the director's authorized representative, or the attorney general 919
may require the attendance of witnesses and the production of 920
books, records, papers, and dogs that are needed either by the 921
director or the attorney general or by any party to a hearing 922
before the director and for that purpose may issue a subpoena for 923
any witness or a subpoena duces tecum to compel the production of 924
any books, records, papers, or dogs. The subpoena shall be served 925
by personal service or by certified mail. If the subpoena is 926
returned because of inability to deliver, or if no return is 927
received within thirty days after the date of mailing, the 928
subpoena may be served by ordinary mail. If no return of ordinary 929
mail is received within thirty days after the date of mailing, 930
service shall be deemed to have been made. If the subpoena is 931
returned because of inability to deliver, the director or the 932
attorney general may designate a person or persons to effect 933
either personal or residence service on the witness. The person 934
designated to effect personal or residence service under this 935
section may be the sheriff of the county in which the witness 936
resides or may be found or any other duly designated person. The 937
fees and mileage of the person serving the subpoena shall be the 938
same as those allowed by the courts of common pleas in criminal 939
cases and shall be paid from the funds of the authority. Fees and 940
mileage for the witness shall be the same as those allowed for 941
witnesses by the courts of common pleas in criminal cases and 942
shall be paid from the funds of the authority upon request of the 943
witness following the hearing. 944

Sec. 956.17. All money collected by the director of the 945
kennel control authority from license and registration fees under 946
sections 956.07 and 956.20 of the Revised Code and all money 947
collected from civil penalties assessed under section 956.13 of 948

the Revised Code shall be deposited in the state treasury to the 949
credit of the high volume breeder kennel control license fund, 950
which is hereby created. The director shall use money in the fund 951
for the purpose of administering this chapter and rules adopted 952
under it. 953

Sec. 956.18. (A) There is hereby created the kennel control 954
authority board consisting of one member of the senate appointed 955
by the president of the senate, one member of the house of 956
representatives appointed by the speaker of the house of 957
representatives, and the following seven members appointed by the 958
governor: 959

(1) One member representing animal care and welfare 960
organizations in this state; 961

(2) One member who is a county dog warden; 962

(3) One member who is a veterinarian; 963

(4) One member representing pet stores in this state that are 964
licensed under this chapter as high volume breeders or dog 965
retailers; 966

(5) One member who is a member in good standing of a national 967
breed parent club of the American kennel club; 968

(6) One member who is licensed under this chapter as a high 969
volume breeder; 970

(7) One member representing the public. 971

Initial appointments to the board shall be made not later 972
than sixty days after the effective date of this section. Terms of 973
office of the members appointed by the president of the senate and 974
the speaker of the house of representatives shall coincide with 975
their terms of office as members of the senate and the house of 976
representatives, as applicable. Of the initial appointments made 977
by the governor, two shall be for one-year terms, two shall be for 978

two-year terms, and three shall be for three-year terms. 979
Thereafter, terms of office of members appointed by the governor 980
shall be three years, with each term ending on the same day of the 981
same month as did the term that it succeeds. Each member shall 982
hold office from the date of appointment until the end of the term 983
for which the member was appointed. Members may be reappointed. 984
Vacancies shall be filled in the manner provided for the original 985
appointments. Any member appointed to fill a vacancy occurring 986
before the expiration date of the term for which the member's 987
predecessor was appointed shall hold office for the remainder of 988
the term. A member shall continue in office subsequent to the 989
expiration date of the member's term until the member's successor 990
takes office or until a period of sixty days has elapsed, 991
whichever occurs first. 992

(B) The governor shall select a chairperson from among the 993
board's members. A majority of the members of the board 994
constitutes a quorum. The board shall meet at least four times a 995
year in Columbus or at other locations selected by the 996
chairperson. The chairperson shall determine the agenda for each 997
meeting of the board. However, if the member appointed by the 998
president of the senate and the member appointed by the speaker of 999
the house of representatives jointly request in writing that an 1000
item be placed on the agenda for a meeting of the board, the 1001
chairperson shall place the item on the agenda at the board's next 1002
regularly scheduled meeting occurring more than ten days after the 1003
request has been made. 1004

Members of the board shall serve without compensation for 1005
attending board meetings. Members of the board shall be reimbursed 1006
for their actual and necessary expenses incurred in the 1007
performance of official duties as members of the board. 1008

(C) The board shall provide oversight and evaluation of the 1009
administration of this chapter and rules adopted under it, 1010

including the operation of the kennel control authority created in 1011
section 956.02 of the Revised Code. The oversight and evaluation 1012
may include, but not be limited to, a determination of whether 1013
this chapter and rules adopted under it and the operation of the 1014
authority have resulted in the prevention of cruelty to and abuse 1015
of dogs and an evaluation of the sanctions imposed on violators of 1016
this chapter and rules adopted under it. In addition, the board 1017
may make recommendations to the director of the kennel control 1018
authority for changes to the administration of this chapter and 1019
rules adopted under it and to the general assembly for changes to 1020
this chapter that the board considers necessary for the effective 1021
enforcement of this chapter and rules adopted under it. The board 1022
may inspect records kept by the kennel control authority and may 1023
interview kennel control enforcement inspectors. The board, by the 1024
thirty-first day of December each year, shall issue a report of 1025
its findings and submit it to the authority, the president of the 1026
senate, and the speaker of the house of representatives. 1027

Sec. 956.19. (A) In accordance with rules adopted under 1028
section 956.03 of the Revised Code, at the time of the sale of a 1029
dog, a pet store shall provide the buyer of the dog with either of 1030
the following: 1031

(1) A record of veterinary examination that states that the 1032
dog presents no evidence of disease or physical deformity at the 1033
time of the examination; 1034

(2) A money-back guarantee that is valid for not less than 1035
twenty-one days after the date of purchase of the dog. The 1036
guarantee shall authorize the purchaser of the dog to receive the 1037
purchase price of the dog from the pet store within that 1038
twenty-one-day period if the purchaser presents a statement to the 1039
pet store from a veterinarian who has examined the dog within 1040
fourteen days of the purchase of the dog that the dog has a 1041

significant disease, illness, or injury that was in existence at 1042
the time of the purchase of the dog. 1043

(B) A pet store shall post written notice of the pet store's 1044
responsibility under this section in a conspicuous location near 1045
the pet store's cash register. The written notice shall be posted 1046
in accordance with rules and shall be in prominent and easily read 1047
type that is not less than eighteen-point type. 1048

(C) At a time prior to the sale of a dog, a pet store shall 1049
provide the name, complete address, and telephone number of the 1050
breeder that bred the dog, the high volume breeder where the dog 1051
was kept, housed, and maintained, and the dog retailer from whom 1052
the pet store acquired the dog, as applicable. The pet store also 1053
shall provide the telephone number and the address of the kennel 1054
control authority. 1055

(D) No pet store shall fail to comply with this section. 1056

(E) A pet store that fails to comply with division (A)(1) of 1057
this section with respect to the sale of a dog or a pet store that 1058
fails to refund the purchase price of a dog in accordance with 1059
division (A)(2) of this section is liable to the purchaser of the 1060
dog for an amount that is equal to the actual damages incurred by 1061
the purchaser within one year after the date of the purchase of 1062
the dog, except that veterinary expenses are to be limited to not 1063
more than five hundred dollars. The pet store also is liable for 1064
reasonable attorney's fees and costs incurred by the purchaser. In 1065
addition, the buyer of the dog may keep the dog. 1066

(F) The director of the kennel control authority or the 1067
director's authorized representative shall enforce divisions (A) 1068
to (D) of this section. Kennel control enforcement inspectors may 1069
make inspections of pet stores for the purpose of enforcing those 1070
divisions. 1071

(G) A purchaser shall commence any action necessary to 1072

recover damages specified in division (E) of this section within 1073
two years from the date of purchase of a dog. 1074

Sec. 956.20. No high volume breeder shall sell or otherwise 1075
transfer a puppy that is less than ninety days old without 1076
registering the litter in which the puppy was born with the 1077
director of the kennel control authority in accordance with rules 1078
adopted under section 956.03 of the Revised Code and paying a 1079
registration fee of twenty-five dollars per litter. This section 1080
does not apply to an animal rescue for dogs or an animal shelter 1081
for dogs. 1082

Sec. 956.98. No person shall violate this chapter or a rule 1083
adopted or order issued under it. 1084

Sec. 956.99. Whoever violates section 956.98 of the Revised 1085
Code is guilty of a misdemeanor of the first degree. 1086

Sec. 1901.183. In addition to jurisdiction otherwise granted 1087
in this chapter, the environmental division of a municipal court 1088
shall have jurisdiction within its territory in all of the 1089
following actions or proceedings and to perform all of the 1090
following functions: 1091

(A) Notwithstanding any monetary limitations in section 1092
1901.17 of the Revised Code, in all actions and proceedings for 1093
the sale of real or personal property under lien of a judgment of 1094
the environmental division of the municipal court, or a lien for 1095
machinery, material, fuel furnished, or labor performed, 1096
irrespective of amount, and, in those cases, the environmental 1097
division may proceed to foreclose and marshal all liens and all 1098
vested or contingent rights, to appoint a receiver, and to render 1099
personal judgment irrespective of amount in favor of any party; 1100

(B) When in aid of execution of a judgment of the 1101

environmental division of the municipal court, in all actions for 1102
the foreclosure of a mortgage on real property given to secure the 1103
payment of money, or the enforcement of a specific lien for money 1104
or other encumbrance or charge on real property, when the real 1105
property is situated within the territory, and, in those cases, 1106
the environmental division may proceed to foreclose all liens and 1107
all vested and contingent rights and proceed to render judgments, 1108
and make findings and orders, between the parties, in the same 1109
manner and to the same extent as in similar cases in the court of 1110
common pleas; 1111

(C) When in aid of execution of a judgment of the 1112
environmental division of the municipal court, in all actions for 1113
the recovery of real property situated within the territory to the 1114
same extent as courts of common pleas have jurisdiction; 1115

(D) In all actions for injunction to prevent or terminate 1116
violations of the ordinances and regulations of any municipal 1117
corporation within its territory enacted or promulgated under the 1118
police power of that municipal corporation pursuant to Section 3 1119
of Article XVIII, Ohio Constitution, over which the court of 1120
common pleas has or may have jurisdiction, and, in those cases, 1121
the environmental division of the municipal court may proceed to 1122
render judgments, and make findings and orders, in the same manner 1123
and to the same extent as in similar cases in the court of common 1124
pleas; 1125

(E) In all actions for injunction to prevent or terminate 1126
violations of the resolutions and regulations of any political 1127
subdivision within its territory enacted or promulgated under the 1128
power of that political subdivision pursuant to Article X of the 1129
Ohio Constitution, over which the court of common pleas has or may 1130
have jurisdiction, and, in those cases, the environmental division 1131
of the municipal court may proceed to render judgments, and make 1132
findings and orders, in the same manner and to the same extent as 1133

in similar cases in the court of common pleas; 1134

(F) In any civil action to enforce any provision of Chapter 1135
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 1136
over which the court of common pleas has or may have jurisdiction, 1137
and, in those actions, the environmental division of the municipal 1138
court may proceed to render judgments, and make findings and 1139
orders, in the same manner and to the same extent as in similar 1140
actions in the court of common pleas; 1141

(G) In all actions and proceedings in the nature of 1142
creditors' bills, and in aid of execution to subject the interests 1143
of a judgment debtor in real or personal property to the payment 1144
of a judgment of the division, and, in those actions and 1145
proceedings, the environmental division may proceed to marshal and 1146
foreclose all liens on the property irrespective of the amount of 1147
the lien, and all vested or contingent rights in the property; 1148

(H) Concurrent jurisdiction with the court of common pleas of 1149
all criminal actions or proceedings related to the pollution of 1150
the air, ground, or water within the territory of the 1151
environmental division of the municipal court, for which a 1152
sentence of death cannot be imposed under Chapter 2903. of the 1153
Revised Code; 1154

(I) In any review or appeal of any final order of any 1155
administrative officer, agency, board, department, tribunal, 1156
commission, or other instrumentality that relates to a local 1157
building, housing, air pollution, sanitation, health, fire, 1158
zoning, or safety code, ordinance, or regulation, in the same 1159
manner and to the same extent as in similar appeals in the court 1160
of common pleas; 1161

(J) With respect to the environmental division of the 1162
Franklin county municipal court, to hear appeals from adjudication 1163
hearings conducted under Chapter 956. of the Revised Code. 1164

Section 2. That existing sections 955.02, 955.10, 955.12, 1165
955.20, 955.26, and 1901.183 of the Revised Code are hereby 1166
repealed. 1167

Section 3. It is the intent of the General Assembly to 1168
appropriate money to the High Volume Breeder Kennel Control 1169
License Fund created in section 956.17 of the Revised Code to 1170
enable the Kennel Control Authority created in section 956.02 of 1171
the Revised Code to begin administering Chapter 956. of the 1172
Revised Code and rules adopted under it. 1173

Section 4. Notwithstanding the requirements for licensure for 1174
two members of the Kennel Control Authority Board created in 1175
section 956.18 of the Revised Code, for the initial appointments 1176
of those members it is sufficient that the appointees apply for 1177
the requisite licensure within thirty days after their 1178
appointments are made. Their continued membership on the Board is 1179
contingent upon the satisfactory completion of the application 1180
process and receipt of the requisite license from the director of 1181
the Kennel Control Authority. An inability to obtain approval for 1182
licensure shall render the office vacant. All subsequent members 1183
who are required to have a license shall be licensed, or be in the 1184
process of renewing the license, before being appointed to the 1185
Board. 1186