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Senators Hughes, Cates

**Cosponsors: Senators Lehner, Seitz, Skindell, Turner, Hite, Beagle, Burke,
Gentile, Jones, LaRose, Niehaus, Patton, Sawyer, Schiavoni, Tavares,
Wagoner**

**Representatives Antonio, Ashford, Budish, Celebrezze, Cera, Combs,
Derickson, Dovilla, Fedor, Fende, Garland, Gerberry, Goyal, Grossman,
Hagan, R., Heard, Kozlowski, Letson, Lundy, Mallory, Milkovich, O'Brien,
Phillips, Ramos, Schuring, Szollosi, Thompson, Winburn, Yuko**

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A B I L L

To amend sections 955.02, 955.10, 955.12, 955.20, 1
955.26, and 1901.183 and to enact sections 956.01 2
to 956.18 of the Revised Code to regulate certain 3
dog breeding kennels and dog retailers. 4

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

Section 1. That sections 955.02, 955.10, 955.12, 955.20, 5
955.26, and 1901.183 be amended and sections 956.01, 956.02, 6
956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.09, 956.10, 7
956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 956.17, and 956.18 8
of the Revised Code be enacted to read as follows: 9

Sec. 955.02. A As used in this chapter, "dog kennel" or 10
"kennel owner is a person, partnership, firm, company, or 11
corporation professionally engaged in the business" means an 12
establishment that keeps, houses, and maintains adult dogs, as 13

defined in section 956.01 of the Revised Code, for the purpose of 14
breeding the dogs for hunting or for a fee or other consideration 15
received through a sale, exchange, or lease and that is not a high 16
volume breeder licensed under Chapter 956. of the Revised Code. 17

Sec. 955.10. No owner of a dog, except a dog constantly 18
confined to a ~~registered dog~~ kennel registered under this chapter 19
or one licensed under Chapter 956. of the Revised Code, shall fail 20
to require the dog to wear, at all times, a valid tag issued in 21
connection with a certificate of registration. A ~~dog's failure~~ dog 22
found not wearing at any time ~~to wear~~ a valid tag shall be 23
prima-facie evidence of lack of registration and shall subject any 24
dog found not wearing such a tag to impounding, sale, or 25
destruction. 26

Sec. 955.12. The board of county commissioners shall appoint 27
or employ a county dog warden and deputies in such number, for 28
such periods of time, and at such compensation as the board 29
considers necessary to enforce sections 955.01 to 955.27, 955.29 30
to 955.38, and 955.50 to 955.53 of the Revised Code. 31

The warden and deputies shall give bond in a sum not less 32
than five hundred dollars and not more than two thousand dollars, 33
as set by the board, conditioned for the faithful performance of 34
their duties. The bond or bonds may, in the discretion of the 35
board, be individual or blanket bonds. The bonds shall be filed 36
with the county auditor of their respective counties. 37

The warden and deputies shall make a record of all dogs 38
owned, kept, and harbored in their respective counties. They shall 39
patrol their respective counties and seize and impound on sight 40
all dogs found running at large and all dogs more than three 41
months of age found not wearing a valid registration tag, except 42
any dog that wears a valid registration tag and is: on the 43

premises of its owner, keeper, or harborer, under the reasonable 44
control of its owner or some other person, hunting with its owner 45
or its handler at a field trial, kept constantly confined in a 46
~~registered~~ dog kennel registered under this chapter or one 47
licensed under Chapter 956. of the Revised Code, or acquired by, 48
and confined on the premises of, an institution or organization of 49
the type described in section 955.16 of the Revised Code. A dog 50
that wears a valid registration tag may be seized on the premises 51
of its owner, keeper, or harborer and impounded only in the event 52
of a natural disaster. 53

If a dog warden has reason to believe that a dog is being 54
treated inhumanely on the premises of its owner, keeper, or 55
harborer, the warden shall apply to the court of common pleas for 56
the county in which the premises are located for an order to enter 57
the premises, and if necessary, seize the dog. If the court finds 58
probable cause to believe that the dog is being treated 59
inhumanely, it shall issue such an order. 60

The warden and deputies shall also investigate all claims for 61
damages to animals reported to them under section 955.29 of the 62
Revised Code and assist claimants to fill out the claim form 63
therefor. They shall make weekly reports, in writing, to the board 64
in their respective counties of all dogs seized, impounded, 65
redeemed, and destroyed and of all claims for damage to animals 66
inflicted by dogs. 67

The wardens and deputies shall have the same police powers as 68
are conferred upon sheriffs and police officers in the performance 69
of their duties as prescribed by sections 955.01 to 955.27, 955.29 70
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 71
also have power to summon the assistance of bystanders in 72
performing their duties and may serve writs and other legal 73
processes issued by any court in their respective counties with 74
reference to enforcing those sections. County auditors may 75

deputize the wardens or deputies to issue dog licenses as provided 76
in sections 955.01 and 955.14 of the Revised Code. 77

Whenever any person files an affidavit in a court of 78
competent jurisdiction that there is a dog running at large that 79
is not kept constantly confined either in a ~~registered~~ dog kennel 80
registered under this chapter or one licensed under Chapter 956. 81
of the Revised Code or on the premises of an institution or 82
organization of the type described in section 955.16 of the 83
Revised Code or that a dog is kept or harbored in the warden's 84
jurisdiction without being registered as required by law, the 85
court shall immediately order the warden to seize and impound the 86
dog. Thereupon the warden shall immediately seize and impound the 87
dog complained of. The warden shall give immediate notice by 88
certified mail to the owner, keeper, or harborer of the dog seized 89
and impounded by the warden, if the owner, keeper, or harborer can 90
be determined from the current year's registration list maintained 91
by the warden and the county auditor of the county where the dog 92
is registered, that the dog has been impounded and that, unless 93
the dog is redeemed within fourteen days of the date of the 94
notice, it may thereafter be sold or destroyed according to law. 95
If the owner, keeper, or harborer cannot be determined from the 96
current year's registration list maintained by the warden and the 97
county auditor of the county where the dog is registered, the 98
officer shall post a notice in the pound or animal shelter both 99
describing the dog and place where seized and advising the unknown 100
owner that, unless the dog is redeemed within three days, it may 101
thereafter be sold or destroyed according to law. 102

As used in this section, "animal" has the same meaning as in 103
section 955.51 of the Revised Code. 104

Sec. 955.20. The registration fees provided for in sections 105
955.01 to 955.14 of the Revised Code constitute a special fund 106

known as "the dog and kennel fund." The fees shall be deposited by 107
the county auditor in the county treasury daily as collected ~~and~~ 108
Money in the fund shall be used for the purpose of defraying the 109
cost of furnishing all blanks, records, tags, nets, and other 110
equipment, for the purpose of paying the compensation of county 111
dog wardens, deputies, poundkeepers, and other employees necessary 112
to carry out and enforce sections 955.01 to 955.261 of the Revised 113
Code, and for the payment of animal claims as provided in sections 114
955.29 to 955.38 of the Revised Code, and in accordance with 115
section 955.27 of the Revised Code. The board of county 116
commissioners, by resolution, shall appropriate sufficient funds 117
out of the dog and kennel fund, not more than fifteen per cent of 118
which shall be expended by the auditor for registration tags, 119
blanks, records, and clerk hire, for the purpose of defraying the 120
necessary expenses of registering, seizing, impounding, and 121
destroying dogs in accordance with sections 955.01 to 955.27 of 122
the Revised Code, and for the purpose of covering any additional 123
expenses incurred by the county auditor as authorized by division 124
(F)(3) of section 955.14 of the Revised Code. 125

If the funds so appropriated in any calendar year are found 126
by the board to be insufficient to defray the necessary cost and 127
expense of the county dog warden in enforcing sections 955.01 to 128
955.27 of the Revised Code, the board, by resolution so provided, 129
after setting aside a sum equal to the total amount of animal 130
claims ~~paid or~~ filed in that calendar year, or an amount equal to 131
the total amount of animal claims paid or allowed the preceding 132
year, whichever amount is larger, may appropriate further funds 133
for the use and purpose of the county dog warden in administering 134
those sections. 135

Sec. 955.26. Whenever, in the judgment of the director of 136
health, any city or general health district board of health, or 137
persons performing the duties of a board of health, rabies is 138

prevalent, the director of health, the board, or those persons 139
shall declare a quarantine of all dogs in the health district or 140
in a part of it. During the quarantine, the owner, keeper, or 141
harborer of any dog shall keep it confined on the premises of the 142
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~ kennel, or 143
other suitable place, at the expense of the owner, keeper, or 144
harborer, except that a dog may be permitted to leave the premises 145
of its owner, keeper, or harborer if it is under leash or under 146
the control of a responsible person. The quarantine order shall be 147
considered an emergency and need not be published. 148

When the quarantine has been declared, the director of 149
health, the board, or those persons may require vaccination for 150
rabies of all dogs within the health district or part of it. Proof 151
of rabies vaccination within a satisfactory period shall be 152
demonstrated to the county auditor before any registration is 153
issued under section 955.01 of the Revised Code for any dog that 154
is required to be vaccinated. 155

The director shall determine appropriate methods of rabies 156
vaccination and satisfactory periods for purposes of quarantines 157
under this section. 158

When a quarantine of dogs has been declared in any health 159
district or part of a health district, the county dog warden and 160
all other persons having the authority of police officers shall 161
assist the health authorities in enforcing the quarantine order. 162
When rabies vaccination has been declared compulsory in any health 163
district or part of a health district, the dog warden shall assist 164
the health authorities in enforcing the vaccination order. 165

Notwithstanding ~~the provisions of~~ this section, a city or 166
general health district board of health may make orders pursuant 167
to sections 3709.20 and 3709.21 of the Revised Code requiring the 168
vaccination of dogs. 169

<u>Sec. 956.01. As used in this chapter:</u>	170
<u>(A) "Adult dog" means a dog that is twelve months of age or older.</u>	171 172
<u>(B) "Animal rescue for dogs" means an individual or organization recognized by the director of agriculture 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, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.</u>	173 174 175 176 177 178 179 180 181 182 183 184 185 186
<u>(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, 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.</u>	187 188 189 190 191 192 193
<u>(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.</u>	194 195 196 197
<u>(E) "Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's primary residence.</u>	198 199 200

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

(G) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code.

(H) "Dog retailer" means a person who buys, sells, or offers to sell dogs at wholesale for resale to another or who sells or gives one or more dogs to a pet store annually. "Dog retailer" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian.

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

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

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

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

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

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

Sec. 956.02. Medical kennels for dogs, research kennels for dogs, animal shelters for dogs that are operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, and veterinarians are not required to obtain a license under

this chapter or comply with any other requirements of this chapter 231
and rules adopted under it. 232

Sec. 956.03. The director of agriculture shall adopt rules in 233
accordance with Chapter 119. of the Revised Code establishing all 234
of the following: 235

(A) Requirements and procedures governing high volume 236
breeders, including the licensing and inspection of and record 237
keeping by high volume breeders, in addition to the requirements 238
and procedures established in this chapter; 239

(B) Requirements and procedures for conducting background 240
investigations of each applicant for a license issued under 241
section 956.04 of the Revised Code in order to determine if the 242
applicant has been convicted of or pleaded guilty to any of the 243
violations specified in division (A)(2) of section 956.15 of the 244
Revised Code; 245

(C) Requirements and procedures governing dog retailers, 246
including the licensing of and record keeping by dog retailers, in 247
addition to the requirements and procedures established in this 248
chapter; 249

(D) The form of applications for licenses issued under this 250
chapter and the information that is required to be submitted in 251
the applications and the form for registering as an animal rescue 252
for dogs under this chapter and the information that is required 253
to be provided with a registration, including the name and address 254
of each foster home that an animal rescue for dogs utilizes; 255

(E) A requirement that each high volume breeder submit to the 256
director, with an application for a high volume breeder license, 257
evidence of insurance or, in the alternative, evidence of a surety 258
bond payable to the state to ensure compliance with this chapter 259
and rules adopted under it. The face value of the insurance 260

<u>coverage or bond shall be in the following amounts:</u>	261
<u>(1) Five thousand dollars for high volume breeders keeping,</u>	262
<u>housing, and maintaining not more than twenty-five adult dogs;</u>	263
<u>(2) Ten thousand dollars for high volume breeders keeping,</u>	264
<u>housing, and maintaining at least twenty-six adult dogs, but not</u>	265
<u>more than fifty adult dogs;</u>	266
<u>(3) Fifty thousand dollars for high volume breeders keeping,</u>	267
<u>housing, and maintaining more than fifty adult dogs.</u>	268
<u>The rules shall require that the insurance be payable to the</u>	269
<u>state or that the surety bond be subject to redemption by the</u>	270
<u>state, as applicable, upon a suspension or revocation of a high</u>	271
<u>volume breeder license for the purpose of paying for the</u>	272
<u>maintenance and care of dogs that are seized or otherwise</u>	273
<u>impounded from the high volume breeder in accordance with this</u>	274
<u>chapter.</u>	275
<u>(F)(1) For high volume breeders, standards of care governing</u>	276
<u>all of the following:</u>	277
<u>(a) Housing;</u>	278
<u>(b) Nutrition;</u>	279
<u>(c) Exercise;</u>	280
<u>(d) Grooming;</u>	281
<u>(e) Biosecurity and disease control;</u>	282
<u>(f) Waste management;</u>	283
<u>(g) Whelping;</u>	284
<u>(h) Any other general standards of care for dogs.</u>	285
<u>(2) In adopting rules under division (F)(1) of this section,</u>	286
<u>the director shall consider the following factors, without</u>	287
<u>limitation:</u>	288

<u>(a) Best management practices for the care and well-being of dogs;</u>	289
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<u>(b) Biosecurity;</u>	291
<u>(c) The prevention of disease;</u>	292
<u>(d) Morbidity and mortality data;</u>	293
<u>(e) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;</u>	294
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<u>(f) Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.</u>	297
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<u>(G) Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;</u>	300
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<u>(H)(1) A requirement that an in-state retailer of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all high volume breeders, dog retailers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;</u>	304
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<u>(2) A requirement that an out-of-state retailer of a puppy or adult dog that is conducting business in this state provide to the purchaser a valid health certificate from the state of origin pertaining to the puppy or adult dog and the complete name, address, and telephone number of all breeders, retailers, and private owners that kept, housed, or maintained the puppy or adult</u>	313
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dog prior to its coming into the possession of the retailer or 319
proof that the puppy or adult dog was acquired through an animal 320
rescue for dogs, animal shelter for dogs, or humane society in 321
this state or another state. 322

(I) A requirement that a high volume breeder or a dog 323
retailer who advertises the sale of a puppy or adult dog include 324
with the advertisement the vendor number assigned by the tax 325
commissioner to the high volume breeder or to the dog retailer if 326
the sale of the puppy or dog is subject to the tax levied under 327
Chapter 5739. of the Revised Code; 328

(J) A requirement that a licensed high volume breeder and a 329
licensed dog retailer comply with Chapter 5739. of the Revised 330
Code. The rules shall authorize the director to suspend or revoke 331
a license for failure to comply with that chapter. The director 332
shall work in conjunction with the tax commissioner for the 333
purposes of rules adopted under this division. 334

(K) Any other requirements and procedures that are determined 335
by the director to be necessary for the administration and 336
enforcement of this chapter and rules adopted under it. However, 337
rules adopted under this division shall not establish additional 338
requirements and procedures governing animal rescues for dogs 339
other than those adopted under division (D) of this section. 340

Sec. 956.04. (A)(1) No person shall operate a high volume 341
breeder in this state without a high volume breeder license issued 342
by the director of agriculture in accordance with this section and 343
rules adopted under section 956.03 of the Revised Code. 344

(2) The director shall not issue a license under this section 345
unless the director determines that the applicant will operate or 346
will continue to operate the high volume breeder in accordance 347
with this chapter and rules adopted under it. 348

(B) In determining whether an establishment is a high volume breeder requiring a license under this chapter, the director shall determine if, in any given year, the establishment is a high volume breeder as defined in section 956.01 of the Revised Code. All facilities that are located at an individual postal address shall be licensed as one high volume breeder. Not more than one license shall be issued under this section for any given postal address. 349 350 351 352 353 354 355 356

(C) A person who is proposing to operate a new high volume breeder shall submit an application for a license to the director at least ninety days before commencing operation of the high volume breeder. The application shall be submitted in the form and with the information required by rules adopted under section 956.03 of the Revised Code and shall include with it at least all of the following: 357 358 359 360 361 362 363

(1) An affidavit signed under oath or solemn affirmation of the number of adult dogs that are kept, housed, and maintained by the applicant at the location that is the subject of the application; 364 365 366 367

(2) An estimate of the number of puppies to be kept, housed, and maintained and of the number of litters of puppies or total number of puppies to be produced during the term of the license; 368 369 370

(3) Photographic evidence documenting the facilities where dogs will be kept, housed, and maintained by the applicant. The director may conduct an inspection of the facilities that are the subject of an application in addition to reviewing photographic evidence submitted by an applicant for a license. 371 372 373 374 375

(4) A signed release permitting the performance of a background investigation regarding the applicant in accordance with rules adopted under section 956.03 of the Revised Code; 376 377 378

(5) Proof that the applicant has established a 379

veterinary-client-patient relationship as described in section 380
4741.04 of the Revised Code. 381

(D) During the month of December, but before the first day of 382
January of the next year, a person who is proposing to continue 383
the operation of a high volume breeder shall obtain a license for 384
the high volume breeder from the director for the following year. 385
The person shall apply for the license in the same manner as for 386
an initial license. 387

(E) The owner or operator of a high volume breeder that is in 388
operation on the effective date of this section shall submit to 389
the director an application for a high volume breeder license not 390
later than three months after the effective date of this section. 391
The director shall issue or deny the application for a license 392
within ninety days after the receipt of the completed application. 393

(F) A person who has received a license under this section, 394
upon sale or other disposition of the high volume breeder, may 395
have the license transferred to another person with the consent of 396
the director, provided that the transferee otherwise qualifies to 397
be licensed as a high volume breeder under this chapter and rules 398
adopted under it and does not have a certified unpaid debt to the 399
state. 400

(G) An applicant for a license issued under this section 401
shall demonstrate that the high volume breeder that is the subject 402
of the application complies with standards established in rules 403
adopted under section 956.03 of the Revised Code. 404

Sec. 956.05. (A)(1) No person shall act as or perform the 405
functions of a dog retailer in this state without a dog retailer 406
license issued by the director of agriculture in accordance with 407
this section and rules adopted under section 956.03 of the Revised 408
Code. 409

(2) The director shall not issue a license under this section unless the director determines that the applicant will act as or perform the functions of a dog retailer in accordance with this chapter and rules adopted under it. 410
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(B) A person who is proposing to act as or perform the functions of a dog retailer shall submit an application for a license to the director. During the month of December, but before the first day of January of the next year, a person who is proposing to continue to act as or perform the functions of a dog retailer shall obtain a license from the director for the following year. 414
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(C) A person who is acting as or performing the functions of a dog retailer on the effective date of this section shall submit to the director an application for a dog retailer license not later than three months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application. 421
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Sec. 956.06. No person shall operate an animal rescue for dogs without first registering with the director of agriculture in accordance with rules adopted under section 956.03 of the Revised Code. No registration fee shall be charged to an animal rescue for dogs. The director shall maintain a database of all persons that are registered to operate an animal rescue for dogs in this state. 427
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Sec. 956.07. (A) A person who is applying for a license to operate a high volume breeder or to act as or perform the functions of a dog retailer under section 956.04 or 956.05 of the Revised Code, as applicable, shall include with the application for a license a nonrefundable license application fee. For the purpose of calculating the application fee for a high volume breeder, the sale of one dog from a litter constitutes the sale of 433
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<u>a litter. The application fees are as follows:</u>	440
<u>(1) For a high volume breeder:</u>	441
<u>(a) One hundred fifty dollars if the high volume breeder</u>	442
<u>annually sells at least nine, but not more than fifteen litters;</u>	443
<u>(b) Two hundred fifty dollars if the high volume breeder</u>	444
<u>annually sells at least sixteen, but not more than twenty-five</u>	445
<u>litters;</u>	446
<u>(c) Three hundred fifty dollars if the high volume breeder</u>	447
<u>annually sells at least twenty-six, but not more than thirty-five</u>	448
<u>litters;</u>	449
<u>(d) Five hundred dollars if the high volume breeder annually</u>	450
<u>sells at least thirty-six, but not more than forty-five litters;</u>	451
<u>(e) Seven hundred fifty dollars if the high volume breeder</u>	452
<u>annually sells forty-six or more litters.</u>	453
<u>(2) For a dog retailer, five hundred dollars.</u>	454
<u>(B) Money collected by the director from each application fee</u>	455
<u>submitted under this section shall be transmitted by the director</u>	456
<u>to the treasurer of state to be credited to the high volume</u>	457
<u>breeder kennel control license fund created in section 956.18 of</u>	458
<u>the Revised Code. The treasurer of state shall transfer to the</u>	459
<u>county auditor of the county in which a high volume breeder is</u>	460
<u>located or will be located fifty dollars of the application fee</u>	461
<u>submitted by the breeder under this section or an amount equal to</u>	462
<u>the fee charged in that county for the registration of a kennel</u>	463
<u>under section 955.14 of the Revised Code, whichever is greater.</u>	464
<u>The county auditor shall deposit the transferred money into that</u>	465
<u>county's dog and kennel fund created under section 955.20 of the</u>	466
<u>Revised Code.</u>	467
<u>Sec. 956.08. No person operating a high volume breeder or</u>	468
<u>acting as or performing the functions of a dog retailer shall fail</u>	469

to comply with applicable standards established by the director of 470
agriculture in rules adopted under section 956.03 of the Revised 471
Code. 472

Sec. 956.09. The director of agriculture shall enforce the 473
requirements and standards established in this chapter and rules 474
adopted under it. 475

Sec. 956.10. (A)(1) At least once annually, the director of 476
agriculture or the director's authorized representative shall 477
inspect a high volume breeder that is subject to licensure under 478
this chapter and rules adopted under section 956.03 of the Revised 479
Code to ensure compliance with this chapter and rules adopted 480
under it, including the standards of care established in rules 481
adopted under that section. 482

(2) The director or the director's authorized representative 483
shall inspect a boarding kennel when the director or the 484
director's authorized representative has received information that 485
the boarding kennel is breeding dogs and may be subject to 486
licensure under this chapter and rules adopted under section 487
956.03 of the Revised Code. 488

(B) The director or the director's authorized representative 489
may do any of the following: 490

(1) Upon receiving a complaint, inspect a high volume breeder 491
that is subject to licensure under this chapter and rules adopted 492
under section 956.03 of the Revised Code to ensure compliance with 493
this chapter and rules adopted under it; 494

(2) Upon the request of a member of the public, a public 495
official, or an animal shelter for dogs, inspect any facility at 496
which a person is acting as or performing the functions of a dog 497
retailer to ensure such compliance; 498

(3) Upon receiving a complaint, inspect an animal rescue for 499

dogs to ensure compliance with section 956.06 of the Revised Code 500
and applicable rules adopted under section 956.03 of the Revised 501
Code; 502

(4) Conduct an inspection under this section during regular 503
business hours without providing notice in advance. 504

(C) Inspections shall be conducted in accordance with rules 505
adopted under section 956.03 of the Revised Code. A record of each 506
inspection shall be made by the director or the director's 507
authorized representative who is responsible for the inspection in 508
accordance with those rules. 509

(D) The director or the director's authorized representative, 510
upon proper identification and upon stating the purpose and 511
necessity of an inspection, may enter at reasonable times on any 512
public or private property, real or personal, to inspect or 513
investigate and to examine or copy records in order to determine 514
compliance with this chapter and rules adopted under it. The 515
director, the director's authorized representative, or the 516
attorney general upon the request of the director may apply to the 517
appropriate court in the county in which inspection will occur for 518
an appropriate court order or search warrant as necessary to 519
achieve the purposes of this chapter and rules adopted under it. 520

(E) No owner or operator of a high volume breeder, person 521
acting as or performing the functions of a dog retailer, owner or 522
operator of a boarding kennel, or owner or operator of an animal 523
rescue for dogs shall interfere with an inspection or refuse to 524
allow the director or the director's authorized representative 525
full access to all areas where dogs are kept or cared for. If 526
entry is refused or inspection or investigation is refused, 527
hindered, or thwarted by a high volume breeder or dog retailer, 528
the director may suspend or revoke the breeder's or retailer's 529
license in accordance with this chapter. 530

(F)(1) The director may enter into a contract or agreement with a veterinarian to conduct inspections under this section. The veterinarian shall be considered the director's authorized representative for the purposes of this section. 531
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(2) A veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section may inspect a high volume breeder with whom the veterinarian has established a veterinary-client-patient relationship as described in section 4741.04 of the Revised Code only every other year. 535
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(3) If the director determines that a veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section has falsified any information submitted to the director pursuant to an inspection, the director shall inform the veterinary medical licensing board created by Chapter 4741. of the Revised Code of the falsification. 540
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(G) If entry that is authorized by division (D) of this section is refused or if an inspection or investigation is refused, hindered, or thwarted by intimidation or otherwise and if the director, an authorized representative of the director, or the attorney general applies for and obtains a court order or a search warrant under division (D) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted, if found guilty of violating this chapter or rules adopted under it, is liable to the director for the reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the court order or search warrant was issued until the court order or search warrant is executed; for the salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or 546
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search warrant; and for expenses necessarily incurred for the 563
assistance of local law enforcement officers in executing the 564
court order or search warrant. In the application for a court 565
order or a search warrant, the director, the director's authorized 566
representative, or the attorney general may request and the court, 567
in its order granting the court order or search warrant, may order 568
the owner or operator of the premises, if found guilty of 569
violating this chapter or rules adopted under it, to reimburse the 570
director for any of those costs that the court finds reasonable. 571
From money recovered under this division, the director shall 572
reimburse the attorney general for the costs incurred by the 573
attorney general in connection with proceedings for obtaining the 574
court order or search warrant, shall reimburse the political 575
subdivision in which the premises is located for the assistance of 576
its law enforcement officers in executing the court order or 577
search warrant, and shall deposit the remainder in the state 578
treasury to the credit of the high volume breeder kennel control 579
license fund created in section 956.18 of the Revised Code. 580

(H) A dog warden appointed under Chapter 955. of the Revised 581
Code or an agent of a humane society entering on public or private 582
property to make investigations and inspections in accordance with 583
Chapter 955. or 1717. of the Revised Code, as applicable, shall 584
report any violations of this chapter and rules adopted under it 585
to the director or the director's authorized representative. 586

Sec. 956.11. (A) The director of agriculture may enter into 587
contracts or agreements with an animal rescue for dogs, an animal 588
shelter for dogs, a boarding kennel, a veterinarian, a board of 589
county commissioners, or a humane society for the purposes of this 590
section. 591

(B)(1) If the director or the director's authorized 592
representative determines that a dog is being kept by a high 593

volume breeder or dog retailer in a manner that materially 594
violates this chapter or rules adopted under it, the director may 595
impound the dog and order it to be seized by an animal rescue for 596
dogs, an animal shelter for dogs, a boarding kennel, a 597
veterinarian, a board of county commissioners, or a humane society 598
with which the director has entered into a contract or agreement 599
under division (A) of this section. Upon receiving the order from 600
the director, the animal rescue for dogs, animal shelter for dogs, 601
boarding kennel, veterinarian, board of county commissioners, or 602
humane society shall seize the dog and keep, house, and maintain 603
it. 604

(2) The director or the director's authorized representative 605
shall give written notice of the impoundment by posting a notice 606
on the door of the premises from which the dog was taken or by 607
otherwise posting the notice in a conspicuous place at the 608
premises from which the dog was taken. The notice shall provide a 609
date for an adjudication hearing, which shall take place not later 610
than five business days after the dog is taken and at which the 611
director shall determine if the dog should be permanently 612
relinquished to the custody of the director. 613

(C) The owner or operator of the applicable high volume 614
breeder or the person acting as or performing the functions of a 615
dog retailer may appeal the determination made at the adjudication 616
hearing in accordance with section 119.12 of the Revised Code, 617
except that the appeal may be made only to the environmental 618
division of the Franklin county municipal court. 619

(D) If, after the final disposition of an adjudication 620
hearing and any appeals from that adjudication hearing, it is 621
determined that a dog shall be permanently relinquished to the 622
custody of the director, the dog may be adopted directly from the 623
animal rescue for dogs, animal shelter for dogs, boarding kennel, 624
veterinarian, county dog pound, or humane society where it is 625

being kept, housed, and maintained, provided that the dog has been 626
spayed or neutered unless there are medical reasons against 627
spaying or neutering as determined by a veterinarian. The animal 628
rescue for dogs, animal shelter for dogs, boarding kennel, 629
veterinarian, county dog pound, or humane society may charge a 630
reasonable adoption fee. The fee shall be at least sufficient to 631
cover the costs of spaying or neutering the dog unless it is 632
medically contraindicated. Impounded dogs shall be returned to 633
persons acquitted of any alleged violations. 634

Sec. 956.12. If the director of agriculture or the director's 635
authorized representative determines that a person has violated or 636
is violating this chapter or rules adopted under it, the director 637
may issue and cause to be served by certified mail or personal 638
service a citation of violation and an order requiring the person 639
to cease the acts or practices that constitute a violation of this 640
chapter or rules adopted under it or requiring the person to take 641
corrective actions to eliminate the conditions that constitute a 642
violation of this chapter and rules adopted under it. The order 643
shall state specifically the provision or provisions of this 644
chapter or the rule or rules adopted under this chapter that have 645
been violated and the facts constituting the violation, the 646
actions that the person must take to correct the deficiencies, and 647
the time period within which the person must correct the 648
violations. 649

Sec. 956.13. (A) The director of agriculture may assess a 650
civil penalty against a person violating this chapter or rules 651
adopted under it if all of the following occur: 652

(1) The person has received an order and been notified of the 653
violation by certified mail or personal service as required in 654
section 956.12 of the Revised Code. 655

(2) After the time period for correcting the violation specified in the order has elapsed, the director or the director's authorized representative has inspected the premises where the violation has occurred and determined that the violation has not been corrected, and the director has issued a notice of an adjudication hearing pursuant to division (A)(3) of this section. 656
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(3) The director affords the person an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the director's determination that the person is not in compliance with this chapter or rules adopted under it, the imposition of the civil penalty, or both. A person may waive the opportunity for an adjudication hearing. 662
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(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation of this chapter or a rule adopted under it has occurred or is occurring, the director may assess a civil penalty. The civil penalty may be appealed in accordance with section 119.12 of the Revised Code, except that the civil penalty may be appealed only to the environmental division of the Franklin county municipal court. 668
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(C) Civil penalties shall be assessed in the following amounts: 676
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(1) A person who has violated division (A)(1) of section 956.04 or division (A)(1) of section 956.05 of the Revised Code shall pay a civil penalty in an amount that is established in rules adopted under section 956.03 of the Revised Code. 678
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(2) A person who has violated any other provision of this chapter or rules adopted under it shall pay a civil penalty of one hundred dollars. 682
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Each day that a violation continues constitutes a separate violation. 685
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Sec. 956.14. The attorney general, upon the request of the 687
director of agriculture, may bring an action for injunction 688
against a person who has violated or is violating this chapter, 689
rules adopted under it, or an order issued under section 956.12 of 690
the Revised Code. An action for injunction shall be filed in the 691
appropriate court in the county in which the violation is alleged 692
to have occurred. The court shall grant such injunctive relief 693
upon a showing that the person against whom the action is brought 694
has violated or is violating this chapter, rules adopted under it, 695
or an order issued under it. The court shall give precedence to 696
such an action over all other cases. 697

Sec. 956.15. (A) The director of agriculture shall deny an 698
application for a license that is submitted under section 956.04 699
or 956.05 of the Revised Code for either of the following reasons: 700

(1) The applicant for the license has violated any provision 701
of this chapter or a rule adopted under it if the violation 702
materially threatens the health or welfare of a dog. 703

(2) The applicant, in the past twenty years, has been 704
convicted of or pleaded guilty to violating section 959.01, 705
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 706
Code or an equivalent municipal ordinance, law of another state, 707
or law of the federal government or, in the past twenty years, has 708
been convicted of or pleaded guilty to violating more than once 709
section 2919.25 of the Revised Code or an equivalent municipal 710
ordinance, law of another state, or law of the federal government. 711

(B) The director may suspend or revoke a license issued under 712
this chapter for violation of any provision of this chapter or a 713
rule adopted or order issued under it if the violation materially 714
threatens the health and welfare of a dog. 715

(C) An application or a license shall not be denied, 716

suspended, or revoked under this section without a written order 717
of the director stating the findings on which the denial, 718
suspension, or revocation is based. A copy of the order shall be 719
sent to the applicant or license holder by certified mail or may 720
be provided to the applicant or license holder by personal 721
service. In addition, the person to whom a denial, suspension, or 722
revocation applies may request an adjudication hearing under 723
Chapter 119. of the Revised Code. The director shall comply with 724
such a request. The determination of the director at an 725
adjudication hearing may be appealed in accordance with section 726
119.12 of the Revised Code, except that the determination may be 727
appealed only to the environmental division of the Franklin county 728
municipal court. 729

Sec. 956.16. The director of agriculture, the director's 730
authorized representative, or the attorney general may require the 731
attendance of witnesses and the production of books, records, 732
papers, and dogs that are needed either by the director or the 733
attorney general or by any party to a hearing before the director 734
and for that purpose may issue a subpoena for any witness or a 735
subpoena duces tecum to compel the production of any books, 736
records, papers, or dogs. The subpoena shall be served by personal 737
service or by certified mail. If the subpoena is returned because 738
of inability to deliver, or if no return is received within thirty 739
days after the date of mailing, the subpoena may be served by 740
ordinary mail. If no return of ordinary mail is received within 741
thirty days after the date of mailing, service shall be deemed to 742
have been made. If the subpoena is returned because of inability 743
to deliver, the director or the attorney general may designate a 744
person or persons to effect either personal or residence service 745
on the witness. The person designated to effect personal or 746
residence service under this section may be the sheriff of the 747
county in which the witness resides or may be found or any other 748

duly designated person. The fees and mileage of the person serving 749
the subpoena shall be the same as those allowed by the courts of 750
common pleas in criminal cases and shall be paid from the funds of 751
the department of agriculture. Fees and mileage for the witness 752
shall be the same as those allowed for witnesses by the courts of 753
common pleas in criminal cases and, upon request of the witness 754
following the hearing, shall be paid from the money in the high 755
volume breeder kennel control license fund created in section 756
956.18 of the Revised Code. 757

Sec. 956.17. (A) There is hereby created the commercial dog 758
breeding advisory board consisting of all of the following 759
members: 760

(1) The state veterinarian in the department of agriculture; 761

(2) The following six members appointed by the governor, with 762
the advice and consent of the senate: 763

(a) One member representing a humane society; 764

(b) One member who is a county dog warden; 765

(c) One member who is a veterinarian; 766

(d) One member representing animal rescues for dogs in this 767
state; 768

(e) One member who is a member of a professional dog breeding 769
association in this state; 770

(f) One member representing the public. 771

Initial appointments to the board shall be made not later 772
than sixty days after the effective date of this section. Of the 773
initial appointments, two shall be for one-year terms, two shall 774
be for two-year terms, and two shall be for three-year terms. 775
Thereafter, terms of office of appointed members shall be three 776
years, with each term ending on the same day of the same month as 777

did the term that it succeeds. Each member shall hold office from 778
the date of appointment until the end of the term for which the 779
member was appointed. Members may be reappointed. Vacancies shall 780
be filled in the manner provided for the original appointments. 781
Any member appointed to fill a vacancy occurring before the 782
expiration date of the term for which the member's predecessor was 783
appointed shall hold office for the remainder of the term. A 784
member shall continue in office subsequent to the expiration date 785
of the member's term until the member's successor takes office or 786
until a period of sixty days has elapsed, whichever occurs first. 787

(B) The director of agriculture shall select a chairperson 788
from among the board's members. A majority of the members of the 789
board constitutes a quorum. The board shall meet at least four 790
times a year in Columbus or at other locations selected by the 791
chairperson. The chairperson shall determine the agenda for each 792
meeting of the board. 793

Members of the board shall serve without compensation for 794
attending board meetings. Members of the board shall be reimbursed 795
for their actual and necessary expenses incurred in the 796
performance of official duties as members of the board. 797

(C) The board shall do both of the following: 798

(1) Review rules that have been or are proposed to be adopted 799
under section 956.03 of the Revised Code; 800

(2) Advise the director on the administration of this chapter 801
and rules adopted under it. 802

Sec. 956.18. (A) All money collected by the director of 803
agriculture from license fees under section 956.08 and civil 804
penalties assessed under section 956.13 of the Revised Code shall 805
be deposited in the state treasury to the credit of the high 806
volume breeder kennel control license fund, which is hereby 807

created. The fund shall also consist of money appropriated to it. 808

(B) No money may be released from the fund without 809
controlling board approval. The director shall request the 810
controlling board to release money in an amount not to exceed two 811
million five hundred thousand dollars per biennium. 812

(C) The director shall use the money in the fund for the 813
purpose of administering this chapter and rules adopted under it. 814

Sec. 1901.183. In addition to jurisdiction otherwise granted 815
in this chapter, the environmental division of a municipal court 816
shall have jurisdiction within its territory in all of the 817
following actions or proceedings and to perform all of the 818
following functions: 819

(A) Notwithstanding any monetary limitations in section 820
1901.17 of the Revised Code, in all actions and proceedings for 821
the sale of real or personal property under lien of a judgment of 822
the environmental division of the municipal court, or a lien for 823
machinery, material, fuel furnished, or labor performed, 824
irrespective of amount, and, in those cases, the environmental 825
division may proceed to foreclose and marshal all liens and all 826
vested or contingent rights, to appoint a receiver, and to render 827
personal judgment irrespective of amount in favor of any party; 828

(B) When in aid of execution of a judgment of the 829
environmental division of the municipal court, in all actions for 830
the foreclosure of a mortgage on real property given to secure the 831
payment of money, or the enforcement of a specific lien for money 832
or other encumbrance or charge on real property, when the real 833
property is situated within the territory, and, in those cases, 834
the environmental division may proceed to foreclose all liens and 835
all vested and contingent rights and proceed to render judgments, 836
and make findings and orders, between the parties, in the same 837
manner and to the same extent as in similar cases in the court of 838

common pleas; 839

(C) When in aid of execution of a judgment of the 840
environmental division of the municipal court, in all actions for 841
the recovery of real property situated within the territory to the 842
same extent as courts of common pleas have jurisdiction; 843

(D) In all actions for injunction to prevent or terminate 844
violations of the ordinances and regulations of any municipal 845
corporation within its territory enacted or promulgated under the 846
police power of that municipal corporation pursuant to Section 3 847
of Article XVIII, Ohio Constitution, over which the court of 848
common pleas has or may have jurisdiction, and, in those cases, 849
the environmental division of the municipal court may proceed to 850
render judgments, and make findings and orders, in the same manner 851
and to the same extent as in similar cases in the court of common 852
pleas; 853

(E) In all actions for injunction to prevent or terminate 854
violations of the resolutions and regulations of any political 855
subdivision within its territory enacted or promulgated under the 856
power of that political subdivision pursuant to Article X of the 857
Ohio Constitution, over which the court of common pleas has or may 858
have jurisdiction, and, in those cases, the environmental division 859
of the municipal court may proceed to render judgments, and make 860
findings and orders, in the same manner and to the same extent as 861
in similar cases in the court of common pleas; 862

(F) In any civil action to enforce any provision of Chapter 863
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 864
over which the court of common pleas has or may have jurisdiction, 865
and, in those actions, the environmental division of the municipal 866
court may proceed to render judgments, and make findings and 867
orders, in the same manner and to the same extent as in similar 868
actions in the court of common pleas; 869

(G) In all actions and proceedings in the nature of 870
creditors' bills, and in aid of execution to subject the interests 871
of a judgment debtor in real or personal property to the payment 872
of a judgment of the division, and, in those actions and 873
proceedings, the environmental division may proceed to marshal and 874
foreclose all liens on the property irrespective of the amount of 875
the lien, and all vested or contingent rights in the property; 876

(H) Concurrent jurisdiction with the court of common pleas of 877
all criminal actions or proceedings related to the pollution of 878
the air, ground, or water within the territory of the 879
environmental division of the municipal court, for which a 880
sentence of death cannot be imposed under Chapter 2903. of the 881
Revised Code; 882

(I) In any review or appeal of any final order of any 883
administrative officer, agency, board, department, tribunal, 884
commission, or other instrumentality that relates to a local 885
building, housing, air pollution, sanitation, health, fire, 886
zoning, or safety code, ordinance, or regulation, in the same 887
manner and to the same extent as in similar appeals in the court 888
of common pleas; 889

(J) With respect to the environmental division of the 890
Franklin county municipal court, to hear appeals from adjudication 891
hearings conducted under Chapter 956. of the Revised Code. 892

Section 2. That existing sections 955.02, 955.10, 955.12, 893
955.20, 955.26, and 1901.183 of the Revised Code are hereby 894
repealed. 895

Section 3. It is the intent of the General Assembly to 896
appropriate money to the High Volume Breeder Kennel Control 897
License Fund created in section 956.18 of the Revised Code to 898
enable the Director of Agriculture to begin administering Chapter 899
956. of the Revised Code and rules adopted under it. 900