



Ohio Legislative Service Commission

Bill Analysis

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H.B. 352

129th General Assembly
(As Introduced)

Reps. Phillips, Antonio, Ashford, Garland, Letson, Murray, O'Brien, Ramos, Szollosi, Fedor, Goyal

BILL SUMMARY

- Prohibits the future acquisition of a dangerous exotic animal on and after the bill's effective date.
 - Requires a person owning a dangerous exotic animal on the bill's effective date to register it with the Division of Wildlife, and establishes eligibility criteria for those persons who may register a dangerous exotic animal.
 - Requires the Chief of the Division of Wildlife to adopt rules, including requirements governing the disposition of dangerous exotic animals owned by persons who are not eligible for registration.
 - Exempts specified individuals, institutions, and facilities, including zoos and certain wildlife sanctuaries, from the bill.
 - Declares an emergency.
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CONTENT AND OPERATION

The bill prohibits any person, on and after the bill's effective date, from acquiring by any means a dangerous exotic animal. Additionally, a person who owns a dangerous exotic animal on the bill's effective date must register the animal with the Division of Wildlife within 60 days after that date.¹ Although most of the bill's

¹ R.C. 1531.40(A) and (B).

provisions go into immediate effect due to a declaration of an emergency, the registration provisions go into effect 91 days after the bill's effective date.²

Under the bill, a dangerous exotic animal is any of the following: (1) a large cat other than a house cat, (2) a nonhuman primate, except a nonhuman primate that provides support or assistance for a mobility impaired person, (3) an alligator, (4) a crocodile, (5) a constricting snake, (6) a venomous snake, or (7) any other animal designated by the Chief of the Division of Wildlife in rules adopted under the bill (see below).³

Under the bill, a registration may be issued if both of the following apply:

(1) The person has not been convicted of an offense involving the abuse or neglect of any animal pursuant to any local, state, or federal law; and

(2) The person has not had a license or permit regarding the care, possession, exhibition, breeding, or sale of animals revoked or suspended by any local, state, or federal agency.

The care and disposition of dangerous exotic animals owned by a person who is not eligible for a registration must be conducted in accordance with rules adopted under the bill (see below).⁴

The Chief must adopt rules in accordance with the Administrative Procedure Act that establish both of the following:

(1) A requirement that the owner of a dangerous exotic animal who registered the animal under the bill have the animal microchipped, and requirements and procedures governing that microchipping; and

(2) Any other requirements and procedures that are necessary to administer the bill, including requirements governing the disposition of dangerous exotic animals owned by persons who are not eligible for registration.⁵

The bill exempts all of the following from its provisions:

(1) The Division of Wildlife;

² Sections 3 and 4.

³ R.C. 1531.40(E)(1).

⁴ R.C. 1531.40(B).

⁵ R.C. 1531.40(C).

(2) A facility that is an accredited member of the Association of Zoos and Aquariums or that is under mentorship of the Association;

(3) An accredited member of the Association of Zoos and Aquariums or an entity that is under mentorship of the Association that is conducting educational or other activities with dangerous exotic animals outside of the facility that is operated by the member;

(4) A humane society;

(5) A veterinary hospital or clinic;

(6) A wildlife sanctuary;

(7) A research facility as defined in the federal Animal Welfare Act;

(8) A vocational school, college, university, or other educational institution;

(9) A traveling public show or circus that uses dangerous exotic animals as an integral part of the show or circus performance and that keeps the animals in Ohio only during the time period when the traveling public show or circus is performing in Ohio;

(10) An individual who is not an Ohio resident and is traveling through Ohio with a dangerous exotic animal, who has the animal confined in a cage at all times, and who is in Ohio not more than 96 hours;

(11) A law enforcement agency; and

(12) Any other entity designated by the Chief in rules adopted under the bill.⁶

A wildlife sanctuary is a nonprofit organization as described in the federal Internal Revenue Code that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous exotic animals are provided care for their lifetime or released back to their natural habitat and, with respect to an animal possessed by the organization, that does not do any of the following:

(1) Use the animal for any type of entertainment;

(2) Sell, trade, or barter the animal or the animal's body parts; or

⁶ R.C. 1531.40(D).

(3) Breed the animal.⁷

The bill specifies that whoever violates its provisions is guilty of a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.⁸

HISTORY

ACTION	DATE
Introduced	10-21-11

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⁷ R.C. 1531.40(E)(3).

⁸ R.C. 1531.99(E).

