
As Introduced

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H. B. No. 223

Representatives Hughes, Hagan, R.
Cosponsors: Representatives Stewart, D., Flowers, Skindell,
Combs, Williams, B., Seitz, Okey, Fende, Setzer, Bacon, Beatty,
Brady, Otterman, Peterson, Brown, Yuko, Stewart, J., Luckie,
Wolpert, McGregor, J., Webster, Evans, Ujvagi, Blessing,
Hagan, J., Distel, Heard, Dyer, Celeste, Foley, Chandler,
Hottinger, Strahorn, Schneider, Bolon, Miller

A BILL

amend sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 and to enact sections 956.01 to 956.19, 956.98, and 956.99 of the Revised Code to establish licensing requirements and standards of care for certain dog breeding kennels and dog intermediaries.

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, 956.02, 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, 956.98, and 956.99 of the Revised Code be enacted to read as follows:

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, in any given year, keeps, houses, and maintains eight or fewer 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 received through a sale, auction, exchange, or lease and that is not a regulated dog breeding kennel licensed under Chapter 956. of the Revised Code.

Sec. 955.10. No owner of a dog, except a dog constantly confined to a registered dog kennel registered under this chapter or a regulated dog breeding kennel licensed under Chapter 956. of the Revised Code, shall fail to require the

dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure at any time to wear a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

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

The warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties. The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except any dog that wears a valid registration tag and is: on the premises of its owner, keeper, or harborer, under the reasonable control of its owner or some other person, hunting with its owner or its handler at a field trial, kept constantly confined in a registered dog kennel registered under this chapter or a regulated dog breeding kennel licensed under Chapter 956. of the Revised Code, or acquired by, and confined on the premises of, an institution or organization of the type described in section 955.16 of the Revised Code. A dog that wears a valid registration tag may be seized on the premises of its owner, keeper, or harborer and impounded only in the event of a natural disaster. If a dog warden has reason to believe that a dog is being treated inhumanely on the premises of its owner, keeper, or harborer, the warden shall apply to the court of common pleas for the county in which the premises are located for an order to enter the premises, and if necessary, seize the dog. If the court finds probable cause to believe that the dog is being treated inhumanely, it shall issue such an order. The warden and deputies shall also investigate all claims for damages to animals, fowl, or poultry reported to them under section 955.29 of the Revised Code and assist claimants to fill out the claim form therefor. They shall make weekly reports, in writing, to the board in their respective counties of all dogs seized, impounded, redeemed, and destroyed and of all claims for damage to animals, fowl, or poultry inflicted by dogs. ~~The~~

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

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

Sec. 955.20. The registration fees provided for in sections 955.01 to 955.14 of the Revised Code and money transferred to the county under section 956.06 of the Revised Code constitute a special fund known as "the dog and kennel fund." The fees shall be deposited by the county auditor in the county treasury daily as collected ~~and~~. Money in the fund shall be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets, and other equipment, for the purpose of paying the compensation of county dog wardens, deputies, poundkeepers, and other employees necessary to carry out and enforce sections 955.01 to 955.261 of the Revised Code, and for the payment of animal claims as provided in sections 955.29 to 955.38 of the Revised Code, and in accordance with section 955.27 of the Revised Code. The board of county commissioners, by resolution, shall appropriate sufficient funds out of the dog and kennel fund, not more than fifteen per cent of which shall be expended by the auditor for registration tags, blanks, records, and clerk hire, for the purpose of defraying the necessary expenses of registering, seizing, impounding, and destroying dogs in accordance with sections 955.01 to 955.27 of the Revised Code, and for the purpose of covering any additional expenses incurred by the county auditor as authorized by division (F)(3) of section 955.14 of the Revised Code.

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

dog warden in administering those sections.

Money received by a county under section 956.06 of the Revised Code is subject to audit by the auditor of state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) In any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation,

health, fire, zoning, or safety code, ordinance, or regulation, in the same manner and to the same extent as in similar appeals in the court of common pleas;

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

Sec. 956.01. As used in this chapter:

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

(B) "Animal rescue for dogs" means an individual or organization recognized by the department of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs following the seizure or removal of dogs by a dog warden appointed under Chapter 955. of the Revised Code, by a humane society established under Chapter 1717. of the Revised Code, or by the department of agriculture under this chapter, provided that the individual or organization does not operate for profit and does not sell dogs. "Animal rescue for dogs" includes an individual or organization that offers dogs for adoption and charges reasonable adoption fees established by the director of agriculture under this chapter to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.

(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs and 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.

(D) "Breeding dog" means a dog that is maintained primarily for the purpose of reproduction, providing stud services, or whelping and that has produced at least one litter of puppies per calendar year if it is a female dog or has provided stud services to produce at least one litter of puppies per calendar year if it is a male dog.

(E) "Regulated dog breeding kennel" means an establishment that, in any given year, keeps, houses, and maintains nine or more adult dogs for the purpose of breeding the dogs in return for a fee or other consideration received through a sale, auction, exchange, or lease.

(F) "Regulated dog intermediary" means a person who sells, offers to sell, exchanges, auctions, or offers for adoption more than twenty-five dogs annually in this state. For purposes of the definition of "regulated dog intermediary" and in calculating the twenty-five dog annual threshold, any puppies sold, offered for sale, exchanged, auctioned, or offered for adoption by the person that are born as a result of breeding a dog that is kept, housed, or maintained by the person for breeding purposes shall be excluded if the person keeps, houses, or maintains eight or fewer dogs for such breeding purposes. "Regulated dog intermediary" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society established under Chapter 1717. of the Revised Code, a medical kennel for dogs, a research kennel for dogs, or a veterinarian.

(G) "Enclosure, crate, or cage" does not include an enclosure, crate, or

cage that is used during the transportation of a dog.

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

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

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

(K) "Puppy" means a dog that is under eight months of age.

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

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

Sec. 956.02. (A) There is hereby created in the department of agriculture the dog breeding kennel control authority for the purpose of administering this chapter and rules adopted under it, as prescribed by the director of agriculture and in accordance with this chapter, and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The director shall designate a director as the head of the authority.

(B) Medical kennels for dogs, research kennels for dogs, and veterinarians are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it.

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

(A) Requirements and procedures governing regulated dog breeding kennels, including the licensing and inspection of and record keeping by regulated dog breeding kennels, in addition to the requirements and procedures established in this chapter. The rules shall require that a regulated dog breeding kennel be assigned a license number and that a regulated dog breeding kennel provide the license number and the applicable vendor number assigned by the department of taxation whenever it solicits business or it is solicited for business. In addition, the rules shall require any other person to provide such a vendor number when soliciting to sell an adult dog or a puppy or when solicited for such a sale.

(B) Requirements and procedures for conducting background investigations of each applicant for a license issued under section 956.04 of the Revised Code in order to determine if the applicant has been convicted of or pleaded guilty to any of the violations specified in division (H) of that section. The rules shall provide that background investigations shall be conducted solely by the attorney general on behalf of the department of agriculture. The rules shall establish procedures for annually updating background investigation information regarding an applicant after an initial background investigation has been conducted with respect to an initial application for a license submitted under that section.

(C) Requirements and procedures governing regulated dog intermediaries, including the licensing of and record keeping by regulated dog

intermediaries, in addition to the requirements and procedures established in this chapter. The rules shall require that a regulated dog intermediary be assigned a license number and that a regulated dog intermediary provide the license number and the applicable vendor number assigned by the department of taxation whenever it solicits business or it is solicited for business.

(D) The form of applications for licenses issued under this chapter and the information that is required to be submitted in the applications;

(E) A requirement that each regulated dog breeding kennel submit to the director, with an application for a regulated dog breeding kennel license, evidence of insurance or, in the alternative, evidence of a surety bond payable to the department of agriculture to ensure compliance with this chapter and rules adopted under it. The rules adopted under this division shall apply only to a regulated dog breeding kennel that keeps, houses, and maintains more than fifteen adult dogs. The face value of the insurance coverage or bond shall be in the following amounts:

(1) Five thousand dollars for regulated dog breeding kennels keeping, housing, and maintaining at least sixteen adult dogs, but not more than twenty-five adult dogs;

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

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

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

(F) Procedures for inspections conducted under section 956.09 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;

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

(H) A requirement that a retailer or direct seller of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all regulated dog breeding kennels, regulated dog intermediaries, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or direct seller, or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society established under Chapter 1717. of the Revised Code, or an interstate health certificate pertaining to the puppy or adult dog;

(I) Requirements and procedures governing the registration of litters under section 956.19 of the Revised Code;

(J) Any other requirements and procedures that are determined by the

director to be necessary for the administration and enforcement of this chapter and rules adopted under it.

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

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

(B) In determining whether an establishment is a regulated dog breeding kennel requiring a license under this chapter, the director shall determine if, in any given year, the establishment keeps, houses, and maintains nine or more adult dogs for the purpose of breeding the dogs for a fee or other consideration through a sale, auction, exchange, or lease. Any dogs that are kept, housed, or maintained for the purpose of the companionship of the owner, to be shown by the owner, or for the purpose of hunting or sledding and not for breeding for a fee or other consideration shall not be counted. The burden shall be on the owner or operator of the establishment to prove the purpose for which dogs are kept, housed, and maintained and that the dogs should not be counted for the purpose of determining that the establishment is a regulated dog breeding kennel.

(C) A person who is proposing to operate a new regulated dog breeding kennel, at least ninety days prior to the operation of the regulated dog breeding kennel, shall submit an application for a license to the director. 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:

(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;

(2) An estimate of the number of puppies to be kept, housed, and maintained during the annual term of the license;

(3) Photographic evidence documenting the facilities where dogs will be kept, housed, and maintained by the applicant;

(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;

(5) A copy of the applicant's fingerprints for purposes of conducting the background investigation required by rules adopted under section 956.03 of the Revised Code;

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

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

from the director for the following year. The person shall submit the application to the director on or before the last day of October of the year preceding the year for which the license is sought.

(E) The owner or operator of a regulated dog breeding kennel that is in operation on the effective date of this section shall submit to the director an application for a regulated dog breeding kennel license not later than six 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.

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

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

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

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

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

(B) A person who is proposing to act as or perform the functions of a regulated dog intermediary 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 regulated dog intermediary shall obtain a license from the director for the following year. The person shall submit the application to the director on or before the last day of October of the year preceding the year for which the license is sought.

(C) A person who is acting as or performing the functions of a regulated dog intermediary on the effective date of this section shall submit to the director an application for a regulated dog intermediary license not later than six 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.

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

Sec. 956.06. (A) A person who is applying for a license to operate a regulated dog breeding kennel or to act as or perform the functions of a regulated dog intermediary 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 as follows:

(1) For a regulated dog breeding kennel:

(a) One hundred fifty dollars if the regulated dog breeding kennel keeps, houses, and maintains at least nine, but not more than fifteen adult dogs;

(b) Three hundred fifty dollars if the regulated dog breeding kennel keeps, houses, and maintains at least sixteen, but not more than twenty-five adult dogs;

(c) Five hundred dollars if the regulated dog breeding kennel keeps, houses, and maintains at least twenty-six, but not more than thirty adult dogs;

(d) Seven hundred fifty dollars if the regulated dog breeding kennel keeps, houses, and maintains more than thirty adult dogs.

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

(B) Money collected by the director of agriculture from application fees submitted under this section shall be transmitted by the director to the treasurer of state to be credited to the regulated dog breeding kennel control license fund created in section 956.16 of the Revised Code. However, the treasurer shall transfer to the county in which a regulated dog breeding kennel is or will be located fifty dollars of the application fee received from the person who is applying for a license to operate the regulated dog breeding kennel or an amount equal to the fee charged on January 1, 2006, by the county for the registration of a kennel under section 955.04 of the Revised Code, whichever is greater. The county auditor shall deposit the money in the county's dog and kennel fund created in accordance with section 955.20 of the Revised Code.

Sec. 956.07. No person operating a regulated dog breeding kennel or acting as or performing the functions of a regulated dog intermediary shall do any of the following:

(A) Keep or confine a dog in an enclosure, crate, or cage of insufficient size so that the dog cannot stand, turn around, or lay down without touching the enclosure on the sides or the top, as applicable, without touching other dogs kept or confined in the enclosure, crate, or cage, and without touching or dislodging a food dish or water bowl placed within the enclosure;

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

(C) Keep or confine a dog in an enclosure, crate, or cage outdoors unless

the dog has access at all times to a dry insulated indoor shelter or dog house or is provided with clean straw or other nontoxic insulating material in an amount that is sufficient to permit the dog to burrow under the straw or material while at the same time using the straw or material as bedding;

(D) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected to accumulate in a normal twelve-hour period;

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

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

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

(H) Keep or confine a dog in an enclosure, crate, or cage without providing a resting board or pan that is free from moisture and feces and that is sufficient for the size of the dog and, if applicable, the dog's litter. Such a resting board or pan may include soft bedding.

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

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

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

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

(M) Keep or confine a dog in an outdoor run or kennel where shade is not provided during the months of May through September. The shade so provided shall provide a reduction of temperature of at least five degrees from nonshaded areas when the temperature in the nonshaded areas is ninety degrees fahrenheit or higher.

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

(O) Fail to provide a breeding dog with a clean whelping box when needed;

(P) Fail to trim an adult dog's nails so that there is curling or an impairment of the dog's gait;

(Q) Fail to provide regular grooming to a dog to prevent matting of fur from fecal matter or bodily fluids;

(R) Fail to provide a dog with appropriate protection from fleas, ticks, biting insects, and stinging insects or treatment for worms if the dog is so

afflicted;

(S) Fail to provide an adult dog with appropriate vaccinations as determined by the dog's veterinarian;

(T) Fail to provide each puppy aged three months or older with appropriate phase-in booster vaccines if determined necessary by the puppy's veterinarian;

(U) Fail to provide heartworm preventative to a breeding dog as determined by the dog's veterinarian;

(V) Fail to ensure that a dog in the person's possession or control requiring euthanization is euthanized by a veterinarian or a person under the direct supervision of a veterinarian;

(W) Fail to ensure that a dog that is being euthanized is not left unattended between the commencement of the process and death;

(X) Beat or brutalize a dog within the person's custody or control.

Divisions (A), (B), (C), (E), (F), (H), and (L) of this section do not apply during the temporary transportation of a dog from one location to another location.

Sec. 956.08. The director of agriculture shall appoint kennel control enforcement inspectors for the purpose of enforcing the requirements and standards established by this chapter and rules adopted under it and to act as authorized agents of the director. Inspectors shall serve at the pleasure of the director and shall be employees of the dog breeding kennel control authority created in section 956.02 of the Revised Code. Inspectors may issue citations and orders that are necessary to enforce this chapter and rules adopted under it. The director shall provide each kennel control enforcement inspector with an identifying badge and an official uniform.

Sec. 956.09. (A) At least once biennially, the director of agriculture or the director's authorized representative shall inspect a regulated dog breeding kennel that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it, including, but not limited to, the standards of care established in section 956.07 of the Revised Code. Inspections shall be conducted without prior notification to the licensee or persons associated with the licensee. In addition, upon the request of a member of the public, a public official, an animal rescue for dogs, or an animal shelter for dogs, the director or the director's authorized representative shall inspect any facility at which a person is acting as or performing the functions of a regulated dog intermediary to ensure such compliance.

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

(B) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the

director's authorized representative, or the attorney general upon the request of the director may apply to the environmental division of the Franklin county municipal court for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. A judge of that court may issue such a warrant.

(C) No owner or operator of a regulated dog breeding kennel or person acting as or performing the functions of a regulated dog intermediary shall interfere with an inspection or refuse to allow an inspector full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a regulated dog breeding kennel or regulated dog intermediary, the director may suspend or revoke the kennel's or intermediary's license in accordance with this chapter.

(D) If entry that is authorized by division (B) 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 (B) 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 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 entry, inspection, or investigation was refused, hindered, or thwarted 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 search warrant; and for expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant. In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the environmental division of the Franklin county municipal court, in its order granting the court order or search warrant, may order the owner or operator of the premises to reimburse the director for any of those costs that the court finds reasonable. From money recovered under this division, the director shall reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant, and shall deposit the remainder in the state treasury to the credit of the regulated dog breeding kennel control license fund created in section 956.16 of the Revised Code.

(E) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society established under Chapter 1717. of the Revised Code entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or a kennel control enforcement inspector and may examine and

copy any records that are required to be maintained under rules adopted under this chapter.

Sec. 956.10. (A) The director of agriculture or the director's authorized representative may impound a dog if the director or the director's authorized representative has probable cause to believe that the dog is being kept by a regulated dog breeding kennel or regulated dog intermediary in a manner that materially violates this chapter or rules adopted under it and if the dog's health or safety appears to be in imminent danger.

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

(C) The owner or operator of the applicable regulated dog breeding kennel or the person acting as or performing the functions of a regulated dog intermediary may appeal the determination made at the adjudication hearing in accordance with section 119.12 of the Revised Code, except that the appeal may only be made to the environmental division of the Franklin county municipal court. If a dog has been impounded and the owner or operator of the applicable regulated dog breeding kennel or the person acting as or performing the functions of a regulated dog intermediary appeals the determination made at an adjudication hearing, that person shall file an appeal bond that is sufficient to cover the costs of keeping, housing, and maintaining the dog in a manner and amount to be determined by the environmental division of the Franklin county municipal court.

(D) The director may enter into contracts or agreements with an animal rescue for dogs, an animal shelter for dogs, a veterinarian, a dog warden appointed under Chapter 955. of the Revised Code, or a humane society established under Chapter 1717. of the Revised Code for the purpose of keeping, housing, and maintaining dogs that are impounded under this section. If, after the final disposition of an adjudication hearing and any appeals from that adjudication hearing, it is determined that a dog shall be permanently relinquished to the custody of the department, the dog may be adopted directly from the animal rescue for dogs, animal shelter for dogs, veterinarian, dog warden, or humane society where it is being kept, housed, and maintained. The animal rescue for dogs, animal shelter for dogs, veterinarian, dog warden, or humane society may charge a reasonable adoption fee. The fee shall be at least sufficient to cover the costs of spaying or neutering the dog unless it is medically contraindicated.

Sec. 956.11. If the director of agriculture or the director's authorized representative determines that a person has violated, is violating, or is threatening to violate this chapter or rules adopted under it, the director may issue and cause to be served by certified mail or personal service a citation of

violation and an order requiring the person to cease the acts or practices appearing to the director or the director's authorized representative to constitute a violation of this chapter or rules adopted under it or requiring the person to take corrective actions to eliminate the conditions appearing to the director or the director's authorized representative to constitute a violation of this chapter and rules adopted under it. The order shall state specifically the provision or provisions of this chapter or the rule or rules adopted under this chapter that appear to the director or the director's authorized representative to have been violated or threatened to be violated and the facts constituting the violation or threatened violation, the actions that the person must take to correct the deficiencies, and the time period within which the person must correct the violations.

Sec. 956.12. (A) The director of agriculture may assess a civil penalty against a person violating this chapter or rules adopted under it if all of the following occur:

(1) The person has received an order and been notified of the violation by certified mail as required in section 956.11 of the Revised Code.

(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.

(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.

(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 only be appealed to the environmental division of the Franklin county municipal court.

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

(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 equal to two times the amount of the license fee that should have been paid by the person under section 956.06 of the Revised Code.

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

(3) A person who has violated any other provision of this chapter or rules adopted under it, including, but not limited to, the standards of care established in section 956.07 of the Revised Code, shall pay a civil penalty of twenty-five dollars.

Each day that a violation continues constitutes a separate violation.

Sec. 956.13. The attorney general, upon the request of the director of agriculture, may bring an action for injunction against a person who has violated, is violating, or is threatening to violate this chapter, rules adopted under it, or an order issued under section 956.11 of the Revised Code. An action for injunction shall be filed in the environmental division of the Franklin county municipal court, which shall have exclusive jurisdiction to grant preliminary and permanent injunctive relief under this chapter. The environmental division of the Franklin county municipal court shall grant such injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate this chapter, rules adopted under it, or an order issued under it. The court shall give precedence to such an action over all other cases.

Sec. 956.14. (A) The director of agriculture shall deny an application for a license that is submitted under section 956.04 or 956.05 of the Revised Code for any of the following reasons:

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

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

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

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

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

Sec. 956.15. The director of agriculture, the director's authorized representative, or the attorney general may require the attendance of witnesses and the production of books, records, papers, and dogs that are needed either by the director or the attorney general or by any party to a hearing before the director and for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or

dogs. The subpoena shall be served by personal service or by certified mail. If the subpoena is returned because of inability to deliver, or if no return is received within thirty days after the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to have been made. If the subpoena is returned because of inability to deliver, the director or the attorney general may designate a person or persons to effect either personal or residence service on the witness. The person designated to effect personal or residence service under this section may be the sheriff of the county in which the witness resides or may be found or any other duly designated person. The fees and mileage of the person serving the subpoena shall be the same as those allowed by the courts of common pleas in criminal cases and shall be paid from the funds of the department of agriculture. Fees and mileage for the witness shall be the same as those allowed for witnesses by the courts of common pleas in criminal cases and shall be paid from the funds of the department upon request of the witness following the hearing.

Sec. 956.16. All money collected by the director of agriculture from license fees under section 956.06 of the Revised Code and all money collected from civil penalties assessed under section 956.12 of the Revised Code shall be deposited in the state treasury to the credit of the regulated dog breeding kennel control license fund, which is hereby created. The director shall use money in the fund for the purpose of administering this chapter and rules adopted under it.

Sec. 956.17. (A) There is hereby created the regulated dog breeding kennel oversight commission consisting of one member of the senate appointed by the president of the senate, one member of the house of representatives appointed by the speaker of the house of representatives, and the following eight members appointed by the governor:

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

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

(3) One member who is a veterinarian;

(4) One member representing pet stores in this state;

(5) One member representing regulated dog breeding kennels in this state;

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

(7) One member representing the public.

Initial appointments to the commission shall be made not later than sixty days after the effective date of this section. Terms of office of the members appointed by the president of the senate and the speaker of the house of representatives shall coincide with their terms of office as members of the senate and the house of representatives, as applicable. Of the initial appointments made by the governor, two shall be for one-year terms, three shall be for two-year terms, and three shall be for three-year terms. Thereafter, terms of office of members appointed by the governor shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term

for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for the original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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

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

(C) The commission shall provide oversight and evaluation of the administration of this chapter and rules adopted under it, including the operation of the dog breeding kennel control authority created in section 956.02 of the Revised Code. The oversight and evaluation may include, but not be limited to, a determination of whether this chapter and rules adopted under it and the operation of the authority have resulted in the prevention of cruelty to and abuse of dogs and an evaluation of the sanctions imposed on violators of this chapter and rules adopted under it. In addition, the commission may make recommendations to the director of agriculture for changes to the administration of this chapter and rules adopted under it and to the general assembly for changes to this chapter that the commission considers necessary for the effective enforcement of this chapter and rules adopted under it. The commission has the right to inspect records kept by the dog breeding kennel control authority and to interview kennel control enforcement inspectors. The commission, by the thirty-first day of December each year, shall issue a report of its findings and submit it to the director of agriculture, the president of the senate, and the speaker of the house of representatives.

Sec. 956.18. (A) In accordance with rules adopted under section 956.03 of the Revised Code, at the time of the sale of a dog, a pet store shall provide the buyer of the dog with either of the following:

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

(2) A money-back guarantee that is valid for not less than twenty-one days

after the date of purchase of the dog. The guarantee shall authorize the purchaser of the dog to receive the purchase price of the dog from the pet store within that twenty-one-day period if the purchaser presents a statement to the pet store from a veterinarian who has examined the dog within fourteen days of the purchase of the dog that the dog has a significant disease, illness, or injury that was in existence at the time of the purchase of the dog.

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

(C) At a time prior to the sale of a dog, a pet store shall provide the name, complete address, and telephone number of the breeder that bred the dog, the regulated dog breeding kennel where the dog was kept, housed, and maintained, and the regulated dog intermediary from whom the pet store acquired the dog, as applicable. The pet store also shall provide the telephone number and the address of the department of agriculture.

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

(E) A pet store that fails to comply with division (A)(1) of this section with respect to the sale of a dog or a pet store that fails to refund the purchase price of a dog in accordance with division (A)(2) of this section is liable to the purchaser of the dog for an amount that is equal to three times the purchase price of the dog plus any veterinary expenses of not more than five hundred dollars that are incurred by the purchaser within one year after the date of the purchase of the dog. The pet store also is liable for any attorney fees and costs incurred by the purchaser. In addition, the buyer of the dog may keep the dog.

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

Sec. 956.19. No regulated dog breeding kennel shall sell or otherwise transfer a puppy that is less than ninety days old without registering the litter in which the puppy was born with the dog breeding kennel control authority in accordance with rules adopted under section 956.03 of the Revised Code. This section does not apply to an animal rescue for dogs or an animal shelter for dogs.

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

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

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



House Bill Status Report of Legislation
127th General Assembly

[HB 223](#)

Primary Sponsor(s): Hughes & Hagan R

Subject: Dog breeding kennels/dog intermediaries-licensing/standards of care

Abbreviations used in the Status Report

A - Amended **P** - Postponed **S** - Substitute * - Note
F - Failed to Pass **R** - Rereferred **V** - Vetoed

Action by Chamber	House	Senate
Introduced	05/17/07	
Committee Assigned	ANR	
Committee Report		
Passed 3rd		
Consideration		
Further Action		
To Conference		
Committee		
Concurrence		
Sent to Governor		
End of 10-day period		
Governor's Action		
Effective Date		
Notes		

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