

**As Passed by the Senate**

**129th General Assembly  
Regular Session  
2011-2012**

**Sub. S. B. No. 130**

**Senators Hughes, Cates**

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

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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 956.06 and 956.08 to 956.21 of the Revised Code 3  
to regulate certain dog breeding kennels, dog 4  
retailers, and animal rescues for dogs. 5

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

**Section 1.** That sections 955.02, 955.10, 955.12, 955.20, 6  
955.26, and 1901.183 be amended and sections 956.01, 956.02, 7  
956.03, 956.04, 956.05, 956.06, 956.08, 956.09, 956.10, 956.11, 8  
956.12, 956.13, 956.14, 956.15, 956.16, 956.17, 956.18, 956.19, 9  
956.20, and 956.21 of the Revised Code be enacted to read as 10  
follows: 11

**Sec. 955.02.** A As used in this chapter, "dog kennel" or 12  
"kennel owner is a person, partnership, firm, company, or 13  
corporation professionally engaged in the business" means an 14  
establishment that keeps, houses, and maintains adult dogs, as 15  
defined in section 956.01 of the Revised Code, for the purpose of 16  
breeding the dogs for hunting or for a fee or other consideration 17

received through a sale, exchange, or lease and that is not a high 18  
volume breeder licensed under Chapter 956. of the Revised Code. 19

**Sec. 955.10.** No owner of a dog, except a dog constantly 20  
confined to a ~~registered dog~~ dog kennel registered under this chapter 21  
or one licensed under Chapter 956. of the Revised Code, shall fail 22  
to require the dog to wear, at all times, a valid tag issued in 23  
connection with a certificate of registration. A ~~dog's failure~~ dog 24  
found not wearing at any time ~~to wear~~ a valid tag shall be 25  
prima-facie evidence of lack of registration and shall subject any 26  
dog found not wearing such a tag to impounding, sale, or 27  
destruction. 28

**Sec. 955.12.** The board of county commissioners shall appoint 29  
or employ a county dog warden and deputies in such number, for 30  
such periods of time, and at such compensation as the board 31  
considers necessary to enforce sections 955.01 to 955.27, 955.29 32  
to 955.38, and 955.50 to 955.53 of the Revised Code. 33

The warden and deputies shall give bond in a sum not less 34  
than five hundred dollars and not more than two thousand dollars, 35  
as set by the board, conditioned for the faithful performance of 36  
their duties. The bond or bonds may, in the discretion of the 37  
board, be individual or blanket bonds. The bonds shall be filed 38  
with the county auditor of their respective counties. 39

The warden and deputies shall make a record of all dogs 40  
owned, kept, and harbored in their respective counties. They shall 41  
patrol their respective counties and seize and impound on sight 42  
all dogs found running at large and all dogs more than three 43  
months of age found not wearing a valid registration tag, except 44  
any dog that wears a valid registration tag and is: on the 45  
premises of its owner, keeper, or harbinger, under the reasonable 46  
control of its owner or some other person, hunting with its owner 47

or its handler at a field trial, kept constantly confined in a 48  
registered dog kennel registered under this chapter or one 49  
licensed under Chapter 956. of the Revised Code, or acquired by, 50  
and confined on the premises of, an institution or organization of 51  
the type described in section 955.16 of the Revised Code. A dog 52  
that wears a valid registration tag may be seized on the premises 53  
of its owner, keeper, or harbinger and impounded only in the event 54  
of a natural disaster. 55

If a dog warden has reason to believe that a dog is being 56  
treated inhumanely on the premises of its owner, keeper, or 57  
harbinger, the warden shall apply to the court of common pleas for 58  
the county in which the premises are located for an order to enter 59  
the premises, and if necessary, seize the dog. If the court finds 60  
probable cause to believe that the dog is being treated 61  
inhumanely, it shall issue such an order. 62

The warden and deputies shall also investigate all claims for 63  
damages to animals reported to them under section 955.29 of the 64  
Revised Code and assist claimants to fill out the claim form 65  
therefor. They shall make weekly reports, in writing, to the board 66  
in their respective counties of all dogs seized, impounded, 67  
redeemed, and destroyed and of all claims for damage to animals 68  
inflicted by dogs. 69

The wardens and deputies shall have the same police powers as 70  
are conferred upon sheriffs and police officers in the performance 71  
of their duties as prescribed by sections 955.01 to 955.27, 955.29 72  
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 73  
also have power to summon the assistance of bystanders in 74  
performing their duties and may serve writs and other legal 75  
processes issued by any court in their respective counties with 76  
reference to enforcing those sections. County auditors may 77  
deputize the wardens or deputies to issue dog licenses as provided 78  
in sections 955.01 and 955.14 of the Revised Code. 79

Whenever any person files an affidavit in a court of 80  
competent jurisdiction that there is a dog running at large that 81  
is not kept constantly confined either in a ~~registered~~ dog kennel 82  
registered under this chapter or one licensed under Chapter 956. 83  
of the Revised Code or on the premises of an institution or 84  
organization of the type described in section 955.16 of the 85  
Revised Code or that a dog is kept or harbored in the warden's 86  
jurisdiction without being registered as required by law, the 87  
court shall immediately order the warden to seize and impound the 88  
dog. Thereupon the warden shall immediately seize and impound the 89  
dog complained of. The warden shall give immediate notice by 90  
certified mail to the owner, keeper, or harborer of the dog seized 91  
and impounded by the warden, if the owner, keeper, or harborer can 92  
be determined from the current year's registration list maintained 93  
by the warden and the county auditor of the county where the dog 94  
is registered, that the dog has been impounded and that, unless 95  
the dog is redeemed within fourteen days of the date of the 96  
notice, it may thereafter be sold or destroyed according to law. 97  
If the owner, keeper, or harborer cannot be determined from the 98  
current year's registration list maintained by the warden and the 99  
county auditor of the county where the dog is registered, the 100  
officer shall post a notice in the pound or animal shelter both 101  
describing the dog and place where seized and advising the unknown 102  
owner that, unless the dog is redeemed within three days, it may 103  
thereafter be sold or destroyed according to law. 104

As used in this section, "animal" has the same meaning as in 105  
section 955.51 of the Revised Code. 106

**Sec. 955.20.** The registration fees provided for in sections 107  
955.01 to 955.14 of the Revised Code and money transferred to the 108  
county under section 956.18 of the Revised Code constitute a 109  
special fund known as "the dog and kennel fund." The fees shall be 110  
deposited by the county auditor in the county treasury daily as 111

collected ~~and~~. Money in the fund shall be used for the purpose of 112  
defraying the cost of furnishing all blanks, records, tags, nets, 113  
and other equipment, for the purpose of paying the compensation of 114  
county dog wardens, deputies, poundkeepers, and other employees 115  
necessary to carry out and enforce sections 955.01 to 955.261 of 116  
the Revised Code, and for the payment of animal claims as provided 117  
in sections 955.29 to 955.38 of the Revised Code, and in 118  
accordance with section 955.27 of the Revised Code. The board of 119  
county commissioners, by resolution, shall appropriate sufficient 120  
funds out of the dog and kennel fund, not more than fifteen per 121  
cent of which shall be expended by the auditor for registration 122  
tags, blanks, records, and clerk hire, for the purpose of 123  
defraying the necessary expenses of registering, seizing, 124  
impounding, and destroying dogs in accordance with sections 955.01 125  
to 955.27 of the Revised Code, and for the purpose of covering any 126  
additional expenses incurred by the county auditor as authorized 127  
by division (F)(3) of section 955.14 of the Revised Code. 128

If the funds so appropriated in any calendar year are found 129  
by the board to be insufficient to defray the necessary cost and 130  
expense of the county dog warden in enforcing sections 955.01 to 131  
955.27 of the Revised Code, the board, by resolution so provided, 132  
after setting aside a sum equal to the total amount of animal 133  
claims ~~paid or~~ filed in that calendar year, or an amount equal to 134  
the total amount of animal claims paid or allowed the preceding 135  
year, whichever amount is larger, may appropriate further funds 136  
for the use and purpose of the county dog warden in administering 137  
those sections. 138

**Sec. 955.26.** Whenever, in the judgment of the director of 139  
health, any city or general health district board of health, or 140  
persons performing the duties of a board of health, rabies is 141  
prevalent, the director of health, the board, or those persons 142  
shall declare a quarantine of all dogs in the health district or 143

in a part of it. During the quarantine, the owner, keeper, or 144  
harborer of any dog shall keep it confined on the premises of the 145  
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, kennel, or 146  
other suitable place, at the expense of the owner, keeper, or 147  
harborer, except that a dog may be permitted to leave the premises 148  
of its owner, keeper, or harborer if it is under leash or under 149  
the control of a responsible person. The quarantine order shall be 150  
considered an emergency and need not be published. 151

When the quarantine has been declared, the director of 152  
health, the board, or those persons may require vaccination for 153  
rabies of all dogs within the health district or part of it. Proof 154  
of rabies vaccination within a satisfactory period shall be 155  
demonstrated to the county auditor before any registration is 156  
issued under section 955.01 of the Revised Code for any dog that 157  
is required to be vaccinated. 158

The public health council shall determine appropriate methods 159  
of rabies vaccination and satisfactory periods for purposes of 160  
quarantines under this section. 161

When a quarantine of dogs has been declared in any health 162  
district or part of a health district, the county dog warden and 163  
all other persons having the authority of police officers shall 164  
assist the health authorities in enforcing the quarantine order. 165  
When rabies vaccination has been declared compulsory in any health 166  
district or part of a health district, the dog warden shall assist 167  
the health authorities in enforcing the vaccination order. 168

Notwithstanding ~~the provisions of~~ this section, a city or 169  
general health district board of health may make orders pursuant 170  
to sections 3709.20 and 3709.21 of the Revised Code requiring the 171  
vaccination of dogs. 172

Sec. 956.01. As used in this chapter: 173

(A) "Adult dog" means a dog that is twelve months of age or older. 174  
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(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 established under Chapter 1717. of the Revised Code, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees approved by the director under this chapter to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs. 176  
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(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society established under Chapter 1717. of the Revised Code, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 191  
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(D) "Boarding kennel" means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration. 199  
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(E) "Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's primary residence. 203  
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(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. 206  
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(G) "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 established under Chapter 1717. of the Revised Code, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian. 211  
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(H) "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. 218  
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(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. 221  
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(J) "Pet store" means a retail store that sells dogs to the public. 224  
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(K) "Puppy" means a dog that is under twelve months of age. 226

(L) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 227  
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(M) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code. 229  
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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  
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and rules adopted under it. 236

Sec. 956.03. The director of agriculture shall adopt rules in 237  
accordance with Chapter 119. of the Revised Code establishing all 238  
of the following: 239

(A) Requirements and procedures governing high volume 240  
breeders, including the licensing and inspection of and record 241  
keeping by high volume breeders, in addition to the requirements 242  
and procedures established in this chapter. The rules shall 243  
require that a high volume breeder be assigned a license number 244  
and that a high volume breeder provide the license number and the 245  
applicable vendor number assigned by the department of taxation 246  
whenever it solicits business or it is solicited for business. 247

(B) Requirements and procedures for conducting background 248  
investigations of each applicant for a license issued under 249  
section 956.04 of the Revised Code in order to determine if the 250  
applicant has been convicted of or pleaded guilty to any of the 251  
violations specified in division (A)(2) of section 956.15 of the 252  
Revised Code. The rules shall provide that background 253  
investigations shall be conducted solely by the attorney general 254  
on behalf of the director. The rules shall establish procedures 255  
for annually updating background investigation information 256  
regarding an applicant after an initial background investigation 257  
has been conducted with respect to an initial application for a 258  
license submitted under that section. 259

(C) Requirements and procedures governing dog retailers, 260  
including the licensing of and record keeping by dog retailers, in 261  
addition to the requirements and procedures established in this 262  
chapter. The rules shall require that a dog retailer be assigned a 263  
license number and that a dog retailer provide the license number 264  
and the applicable vendor number assigned by the department of 265  
taxation whenever it solicits business or it is solicited for 266

business. 267

(D) The form of applications for licenses issued under this 268  
chapter and the information that is required to be submitted in 269  
the applications. The rules shall require an animal rescue for 270  
dogs to provide in an application for a license the name and 271  
address of each foster home that it utilizes. 272

(E) A requirement that each high volume breeder submit to the 273  
director, with an application for a high volume breeder license, 274  
evidence of insurance or, in the alternative, evidence of a surety 275  
bond payable to the state to ensure compliance with this chapter 276  
and rules adopted under it. The face value of the insurance 277  
coverage or bond shall be in the following amounts: 278

(1) Five thousand dollars for high volume breeders keeping, 279  
housing, and maintaining not more than twenty-five adult dogs; 280

(2) Ten thousand dollars for high volume breeders keeping, 281  
housing, and maintaining at least twenty-six adult dogs, but not 282  
more than fifty adult dogs; 283

(3) Fifty thousand dollars for high volume breeders keeping, 284  
housing, and maintaining more than fifty adult dogs. 285

The rules shall require that the insurance be payable to the 286  
state or that the surety bond be subject to redemption by the 287  
state, as applicable, upon a suspension or revocation of a high 288  
volume breeder license for the purpose of paying for the 289  
maintenance and care of dogs that are seized or otherwise 290  
impounded from the high volume breeder in accordance with this 291  
chapter. 292

(F) Procedures for inspections conducted under section 956.10 293  
of the Revised Code in addition to the procedures established in 294  
that section, and procedures for making records of the 295  
inspections; 296

(G) Requirements and procedures that are necessary to 297  
implement and enforce the requirements pertaining to pet stores 298  
that are established in section 956.20 of the Revised Code; 299

(H)(1) A requirement that an in-state retailer of a puppy or 300  
adult dog provide to the purchaser the complete name, address, and 301  
telephone number of all high volume breeders, dog retailers, and 302  
private owners that kept, housed, or maintained the puppy or adult 303  
dog prior to its coming into the possession of the retailer or 304  
proof that the puppy or adult dog was acquired through an animal 305  
rescue for dogs, animal shelter for dogs, or humane society 306  
established under Chapter 1717. of the Revised Code, or a valid 307  
health certificate from the state of origin pertaining to the 308  
puppy or adult dog; 309

(2) A requirement that an out-of-state retailer of a puppy or 310  
adult dog that is conducting business in this state provide to the 311  
purchaser a valid health certificate from the state of origin 312  
pertaining to the puppy or adult dog and the complete name, 313  
address, and telephone number of all breeders, retailers, and 314  
private owners that kept, housed, or maintained the puppy or adult 315  
dog prior to its coming into the possession of the retailer or 316  
proof that the puppy or adult dog was acquired through an animal 317  
rescue for dogs, animal shelter for dogs, or humane society in 318  
this state or another state. 319

(I) A requirement that a high volume breeder or a dog 320  
retailer who advertises the sale of a puppy or adult dog include 321  
with the advertisement the vendor number assigned by the tax 322  
commissioner to the high volume breeder or to the dog retailer if 323  
the sale of the puppy or dog is subject to the tax levied under 324  
Chapter 5739. of the Revised Code; 325

(J) Requirements and procedures governing the registration of 326  
litters under section 956.21 of the Revised Code; 327

(K) A requirement that a licensed high volume breeder and a licensed dog retailer comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of rules adopted under this division. 328  
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(L) 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. However, rules adopted under this division shall not establish additional requirements and procedures governing animal rescues for dogs other than those adopted under division (D) of this section. 334  
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**Sec. 956.04.** (A)(1) No person shall operate a high volume breeder in this state without a high volume breeder license issued by the director of agriculture in accordance with this section and rules adopted under section 956.03 of the Revised Code. 340  
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(2) No license application fee shall be charged to an applicant for a license under this section. 344  
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(3) 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 high volume breeder in accordance with this chapter and rules adopted under it. 346  
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(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. 350  
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(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: 358  
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(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; 365  
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(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; 369  
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(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. 372  
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(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; 377  
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(5) 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. 380  
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An applicant shall specify whether the applicant is applying for a license that is valid for a period of one year, three years, or five years. 384  
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(D) During the month of December of the last year in which a license is valid, but before the first day of January of the next 387  
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year, a person who is proposing to continue the operation of a 389  
high volume breeder shall obtain a license for the high volume 390  
breeder from the director for a period of one year, three years, 391  
or five years. The person shall submit the application to the 392  
director on or before the last day of November of the last year in 393  
which a license is valid. 394

(E) The owner or operator of a high volume breeder that is in 395  
operation on the effective date of this section shall submit to 396  
the director an application for a high volume breeder license not 397  
later than three months after the effective date of this section. 398  
The director shall issue or deny the application for a license 399  
within ninety days after the receipt of the completed application. 400

(F) A person who has received a license under this section, 401  
upon sale or other disposition of the high volume breeder, may 402  
have the license transferred to another person with the consent of 403  
the director, provided that the transferee otherwise qualifies to 404  
be licensed as a high volume breeder under this chapter and rules 405  
adopted under it and does not have a certified unpaid debt to the 406  
state. 407

(G) An applicant for a license issued under this section 408  
shall demonstrate that the high volume breeder that is the subject 409  
of the application complies with the standards of care and other 410  
standards established under this chapter. 411

**Sec. 956.05.** (A)(1) No person shall act as or perform the 412  
functions of a dog retailer in this state without a dog retailer 413  
license issued by the director of agriculture in accordance with 414  
this section and rules adopted under section 956.03 of the Revised 415  
Code. 416

(2) No license application fee shall be charged to an 417  
applicant for a license under this section. 418

(3) 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. 419  
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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. The person shall submit the application to the director on or before the last day of November of the year preceding the year for which the license is sought. 423  
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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. 432  
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**Sec. 956.06.** No person shall operate an animal rescue for dogs without a license to do so issued by the director of agriculture in accordance with rules adopted under section 956.03 of the Revised Code. No license application fee shall be charged to an animal rescue for dogs. The director shall maintain a database of all persons that are licensed to operate an animal rescue for dogs in this state. 438  
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**Sec. 956.08.** No person operating a high volume breeder or acting as or performing the functions of a dog retailer shall fail to comply with the standards established by the commercial dog breeding oversight board under section 956.19 of the Revised Code. 445  
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Sec. 956.09. The director of agriculture shall appoint 449  
inspectors for the purpose of enforcing the requirements and 450  
standards established under this chapter and rules adopted under 451  
it and to act as authorized representatives of the director. 452  
Inspectors shall serve at the pleasure of the director and shall 453  
be employees of the department of agriculture. Inspectors may 454  
issue citations and orders that are necessary to enforce this 455  
chapter and rules adopted under it. The director shall provide 456  
each inspector with an identifying badge and an official uniform. 457  
An inspector shall have training in animal husbandry, kennel 458  
management, record keeping, and first aid. 459

Sec. 956.10. (A) At least once biennially, the director of 460  
agriculture or the director's authorized representative shall 461  
inspect a high volume breeder that is subject to licensure under 462  
this chapter and rules adopted under section 956.03 of the Revised 463  
Code to ensure compliance with this chapter and rules adopted 464  
under it, including the standards of care established under 465  
section 956.19 of the Revised Code. In addition, upon a complaint, 466  
the director may inspect an animal rescue for dogs to ensure 467  
compliance with this chapter. Inspections shall be conducted 468  
without prior notification to the licensee or persons associated 469  
with the licensee. In addition, upon the request of a member of 470  
the public, a public official, an animal rescue for dogs, or an 471  
animal shelter for dogs, the director or the director's authorized 472  
representative shall inspect any facility at which a person is 473  
acting as or performing the functions of a dog retailer to ensure 474  
such compliance. 475

The director or the director's authorized representative 476  
shall inspect a boarding kennel when the director or the 477  
director's authorized representative has received information that 478  
the boarding kennel is breeding dogs and may be subject to 479

licensure under this chapter and rules adopted under section 480  
956.03 of the Revised Code. 481

Inspections shall be conducted in accordance with rules 482  
adopted under section 956.03 of the Revised Code. A record of each 483  
inspection shall be made by the director or the director's 484  
authorized representative who is responsible for the inspection in 485  
accordance with those rules. 486

Upon completion of an inspection of a high volume breeder, 487  
the director or the director's authorized representative shall 488  
rate the high volume breeder in accordance with the rating system 489  
established under section 956.19 of the Revised Code. The director 490  
or the director's authorized representative shall notify the high 491  
volume breeder of the rating assigned to it. 492

(B) The director or the director's authorized representative, 493  
upon proper identification and upon stating the purpose and 494  
necessity of an inspection, may enter at reasonable times on any 495  
public or private property, real or personal, to inspect or 496  
investigate and to examine or copy records in order to determine 497  
compliance with this chapter and rules adopted under it. The 498  
director, the director's authorized representative, or the 499  
attorney general upon the request of the director may apply to the 500  
appropriate court in the county in which inspection will occur for 501  
an appropriate court order or search warrant as necessary to 502  
achieve the purposes of this chapter and rules adopted under it. 503

(C) No owner or operator of a high volume breeder, person 504  
acting as or performing the functions of a dog retailer, owner or 505  
operator of an animal rescue for dogs, or owner or operator of a 506  
boarding kennel shall interfere with an inspection or refuse to 507  
allow the director or the director's authorized representative 508  
full access to all areas where dogs are kept or cared for. If 509  
entry is refused or inspection or investigation is refused, 510  
hindered, or thwarted by a high volume breeder, dog retailer, or 511

animal rescue for dogs, the director may suspend or revoke the 512  
breeder's, retailer's, or rescue's license in accordance with this 513  
chapter. 514

(D) If entry that is authorized by division (B) of this 515  
section is refused or if an inspection or investigation is 516  
refused, hindered, or thwarted by intimidation or otherwise and if 517  
the director, an authorized representative of the director, or the 518  
attorney general applies for and obtains a court order or a search 519  
warrant under division (B) of this section to conduct the 520  
inspection or investigation, the owner or operator of the premises 521  
where entry was refused or inspection or investigation was 522  
refused, hindered, or thwarted is liable to the director for the 523  
reasonable costs incurred by the director for the regular salaries 524  
and fringe benefit costs of personnel assigned to conduct the 525  
inspection or investigation from the time the court order or 526  
search warrant was issued until the court order or search warrant 527  
is executed; for the salary, fringe benefits, and travel expenses 528  
of the director, an authorized representative of the director, or 529  
the attorney general incurred in obtaining the court order or 530  
search warrant; and for expenses necessarily incurred for the 531  
assistance of local law enforcement officers in executing the 532  
court order or search warrant. In the application for a court 533  
order or a search warrant, the director, the director's authorized 534  
representative, or the attorney general may request and the court, 535  
in its order granting the court order or search warrant, may order 536  
the owner or operator of the premises to reimburse the director 537  
for any of those costs that the court finds reasonable. From money 538  
recovered under this division, the director shall reimburse the 539  
attorney general for the costs incurred by the attorney general in 540  
connection with proceedings for obtaining the court order or 541  
search warrant, shall reimburse the political subdivision in which 542  
the premises is located for the assistance of its law enforcement 543  
officers in executing the court order or search warrant, and shall 544

deposit the remainder in the state treasury to the credit of the 545  
high volume breeder kennel control license fund created in section 546  
956.18 of the Revised Code. 547

(E) A dog warden appointed under Chapter 955. of the Revised 548  
Code or an agent of a humane society established under Chapter 549  
1717. of the Revised Code entering on public or private property 550  
to make investigations and inspections in accordance with Chapter 551  
955. or 1717. of the Revised Code, as applicable, shall report any 552  
violations of this chapter and rules adopted under it to the 553  
director or the director's authorized representative and may 554  
examine and copy any records that are required to be maintained 555  
under rules adopted under this chapter. 556

**Sec. 956.11.** (A) The director of agriculture or the 557  
director's authorized representative may impound a dog if the 558  
director or the director's authorized representative has probable 559  
cause to believe that the dog is being kept by a high volume 560  
breeder or dog retailer in a manner that materially violates this 561  
chapter or rules adopted under it and if the dog's health or 562  
safety appears to be in imminent danger. In addition, the director 563  
or the director's authorized representative may impound a dog that 564  
is being kept by an animal rescue for dogs if the dog's health or 565  
safety appears to be in imminent danger. 566

(B) The director or the director's authorized representative 567  
shall give written notice of the impoundment by posting a notice 568  
on the door of the premises from which the dog was taken or by 569  
otherwise posting the notice in a conspicuous place at the 570  
premises from which the dog was taken. The notice shall provide a 571  
date for an adjudication hearing, which shall take place not later 572  
than five business days after the dog is taken and at which the 573  
director shall determine if the dog should be permanently 574  
relinquished to the custody of the director. 575

(C) The owner or operator of the applicable high volume breeder, the person acting as or performing the functions of a dog retailer, or the owner or operator of the applicable animal rescue for dogs may appeal the determination made at the adjudication hearing in accordance with section 119.12 of the Revised Code, except that the appeal may be made only to the environmental division of the Franklin county municipal court. 576  
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(D) The director may enter into contracts or agreements with an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, 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 director, the dog may be adopted directly from the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society where it is being kept, housed, and maintained, provided that the dog has been spayed or neutered unless there are medical reasons against spaying or neutering as determined by a veterinarian. The animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, 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. Impounded dogs shall be returned to persons acquitted of any alleged violations. 583  
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**Sec. 956.12.** If the director of agriculture or the director's authorized representative determines that a person has violated or is violating 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 603  
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to cease the acts or practices that constitute a violation of this 608  
chapter or rules adopted under it or requiring the person to take 609  
corrective actions to eliminate the conditions that constitute a 610  
violation of this chapter and rules adopted under it. The order 611  
shall state specifically the provision or provisions of this 612  
chapter or the rule or rules adopted under this chapter that have 613  
been violated and the facts constituting the violation, the 614  
actions that the person must take to correct the deficiencies, and 615  
the time period within which the person must correct the 616  
violations. 617

Sec. 956.13. (A) The director of agriculture may assess a 618  
civil penalty against a person violating this chapter or rules 619  
adopted under it if all of the following occur: 620

(1) The person has received an order and been notified of the 621  
violation by certified mail or personal service as required in 622  
section 956.12 of the Revised Code. 623

(2) After the time period for correcting the violation 624  
specified in the order has elapsed, the director or the director's 625  
authorized representative has inspected the premises where the 626  
violation has occurred and determined that the violation has not 627  
been corrected, and the director has issued a notice of an 628  
adjudication hearing pursuant to division (A)(3) of this section. 629

(3) The director affords the person an opportunity for an 630  
adjudication hearing under Chapter 119. of the Revised Code to 631  
challenge the director's determination that the person is not in 632  
compliance with this chapter or rules adopted under it, the 633  
imposition of the civil penalty, or both. A person may waive the 634  
opportunity for an adjudication hearing. 635

(B) If the opportunity for an adjudication hearing is waived 636  
or if, after an adjudication hearing, the director determines that 637  
a violation of this chapter or a rule adopted under it has 638

occurred or is occurring, the director may assess a civil penalty. 639  
The civil penalty may be appealed in accordance with section 640  
119.12 of the Revised Code, except that the civil penalty may be 641  
appealed only to the environmental division of the Franklin county 642  
municipal court. 643

(C) Civil penalties shall be assessed in the following 644  
amounts: 645

(1) A person who has violated division (A)(1) of section 646  
956.04 or division (A)(1) of section 956.05 of the Revised Code 647  
shall pay a civil penalty in an amount that is established in 648  
rules adopted under section 956.03 of the Revised Code. 649

(2) A person who has violated any other provision of this 650  
chapter or rules adopted under it, including the standards of care 651  
established under section 956.19 of the Revised Code, shall pay a 652  
civil penalty of twenty-five dollars. 653

Each day that a violation continues constitutes a separate 654  
violation. 655

**Sec. 956.14.** The attorney general, upon the request of the 656  
director of agriculture, may bring an action for injunction 657  
against a person who has violated or is violating this chapter, 658  
rules adopted under it, or an order issued under section 956.12 of 659  
the Revised Code. An action for injunction shall be filed in the 660  
appropriate court in the county in which the violation is alleged 661  
to have occurred. The court shall grant such injunctive relief 662  
upon a showing that the person against whom the action is brought 663  
has violated or is violating this chapter, rules adopted under it, 664  
or an order issued under it. The court shall give precedence to 665  
such an action over all other cases. 666

**Sec. 956.15.** (A) The director of agriculture may deny an 667  
application for a license that is submitted under section 956.04, 668

956.05, or 956.06 of the Revised Code for either of the following 669  
reasons: 670

(1) The applicant for the license has violated any provision 671  
of this chapter or a rule adopted under it if the violation 672  
materially threatens the health or welfare of a dog. 673

(2) The applicant, in the past twenty years, has been 674  
convicted of or pleaded guilty to violating section 959.01, 675  
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 676  
Code or an equivalent municipal ordinance, law of another state, 677  
or law of the federal government or, in the past twenty years, has 678  
been convicted of or pleaded guilty to violating more than once 679  
section 2919.25 of the Revised Code or an equivalent municipal 680  
ordinance, law of another state, or law of the federal government. 681

(B) The director may suspend or revoke a license issued under 682  
this chapter for violation of any provision of this chapter or a 683  
rule adopted or order issued under it if the violation materially 684  
threatens the health and welfare of a dog. 685

(C) An application or a license shall not be denied, 686  
suspended, or revoked under this section without a written order 687  
of the director stating the findings on which the denial, 688  
suspension, or revocation is based. A copy of the order shall be 689  
sent to the applicant or license holder by certified mail or may 690  
be provided to the applicant or license holder by personal 691  
service. In addition, the person to whom a denial, suspension, or 692  
revocation applies may request an adjudication hearing under 693  
Chapter 119. of the Revised Code. The director shall comply with 694  
such a request. The determination of the director at an 695  
adjudication hearing may be appealed in accordance with section 696  
119.12 of the Revised Code, except that the determination may be 697  
appealed only to the environmental division of the Franklin county 698  
municipal court. 699

Sec. 956.16. 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 authority. 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, upon request of the witness following the hearing, shall be paid from the money in the high volume breeder kennel control license fund created in section 956.18 of the Revised Code.

Sec. 956.17. The director of agriculture may contract with any political subdivision of the state to assist the director and the director's authorized representatives in administering and

enforcing this chapter and rules adopted under it. 731

Sec. 956.18. (A) All money collected by the director of 732  
agriculture from civil penalties assessed under section 956.13 of 733  
the Revised Code shall be deposited in the state treasury to the 734  
credit of the high volume breeder kennel control license fund, 735  
which is hereby created. The fund shall also consist of money 736  
appropriated to it. 737

(B) No money may be released from the fund without 738  
controlling board approval. The commercial dog breeding oversight 739  
board created in section 956.19 of the Revised Code shall request 740  
the controlling board to release money in an amount not to exceed 741  
two million five hundred thousand dollars per biennium. 742

(C) The director shall do both of the following: 743

(1) Request the director of budget and management to, and the 744  
director of budget and management shall, transfer money to each 745  
county's dog and kennel fund established in section 955.20 of the 746  
Revised Code in accordance with a formula established by the 747  
director of agriculture in rules adopted in accordance with 748  
Chapter 119. of the Revised Code; 749

(2) Use the remainder of the money in the fund for the 750  
purpose of administering this chapter and rules adopted under it. 751

Sec. 956.19. (A) There is hereby created in the department of 752  
agriculture the commercial dog breeding oversight board consisting 753  
of all of the following members: 754

(1) The state veterinarian in the department of agriculture; 755

(2) The following six members appointed by the director of 756  
agriculture, with the advice and consent of the senate: 757

(a) One member representing a county humane society 758  
established under Chapter 1717. of the Revised Code; 759

<u>(b) One member who is a county dog warden;</u>	760
<u>(c) One member who is a veterinarian;</u>	761
<u>(d) One member representing animal rescues for dogs in this state;</u>	762 763
<u>(e) One member who is a member of a professional dog breeding association in this state;</u>	764 765
<u>(f) One member representing the public.</u>	766
<u>Initial appointments to the board shall be made not later than sixty days after the effective date of this section. Of the initial appointments, two shall be for one-year terms, two shall be for two-year terms, and two shall be for three-year terms. Thereafter, terms of office of appointed members 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 before 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.</u>	767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782
<u>(B) The director shall select a chairperson from among the board's members. A majority of the members of the board constitutes a quorum. The board 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 board.</u>	783 784 785 786 787 788
<u>Members of the board shall serve without compensation for attending board meetings. Members of the board shall be reimbursed</u>	789 790

for their actual and necessary expenses incurred in the 791  
performance of official duties as members of the board. 792

(C) The board shall provide oversight and evaluation of the 793  
administration of this chapter and rules adopted under it. The 794  
oversight and evaluation may include, but not be limited to, a 795  
determination of whether this chapter and rules adopted under it 796  
and the administration and enforcement of this chapter and rules 797  
adopted under it by the director have resulted in the prevention 798  
of cruelty to and abuse of dogs and an evaluation of the sanctions 799  
imposed on violators of this chapter and rules adopted under it. 800  
In addition, the board may make recommendations to the director 801  
for changes to the administration of this chapter and rules 802  
adopted under it and to the general assembly for changes to this 803  
chapter that the board considers necessary for the effective 804  
enforcement of this chapter and rules adopted under it. The board 805  
may inspect records kept by the director for the purposes of this 806  
chapter and may interview inspectors employed by the director to 807  
enforce this chapter and rules adopted under it. The board, by the 808  
thirty-first day of December each year, shall issue a report of 809  
its findings and submit it to the director, the president of the 810  
senate, and the speaker of the house of representatives. 811

(D) For purposes of section 956.08 of the Revised Code, the 812  
board shall establish standards governing all of the following: 813

(1) Housing; 814

(2) Nutrition; 815

(3) Exercise; 816

(4) Grooming; 817

(5) Biosecurity and disease control; 818

(6) Waste management; 819

(7) Whelping; 820

<u>(8) Any other general standards of care for dogs.</u>	821
<u>(E) In establishing the standards under division (D) of this section, the board shall consider the following factors:</u>	822
<u>(1) Best management practices for the care and well-being of dogs;</u>	823
<u>(2) Biosecurity;</u>	824
<u>(3) The prevention of disease;</u>	825
<u>(4) Morbidity and mortality data;</u>	826
<u>(5) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association.</u>	827
<u>(F) The board shall establish a system for rating high volume breeders licensed under this chapter. Ratings shall be based on compliance with this chapter and rules adopted and standards established under it. The board shall determine criteria to be used in establishing ratings.</u>	828
<u>Sec. 956.20. (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:</u>	829
<u>(1) A record of veterinary examination that states that the dog presents no evidence of disease or physical deformity at the time of the examination;</u>	830
<u>(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</u>	831
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fourteen days of the purchase of the dog that the dog has a 850  
significant disease, illness, or injury that was in existence at 851  
the time of the purchase of the dog. 852

(B) A pet store shall post written notice of the pet store's 853  
responsibility under this section in a conspicuous location near 854  
the pet store's cash register. The written notice shall be posted 855  
in accordance with rules and shall be in prominent and easily read 856  
type that is not less than eighteen-point type. 857

(C) At a time prior to the sale of a dog, a pet store shall 858  
provide the name, complete address, and telephone number of the 859  
breeder that bred the dog, the high volume breeder where the dog 860  
was kept, housed, and maintained, and the dog retailer from whom 861  
the pet store acquired the dog, as applicable. The pet store also 862  
shall provide the telephone number and the address of the 863  
department of agriculture. 864

(D) No pet store shall fail to comply with this section. 865

(E) A pet store that fails to comply with division (A)(1) of 866  
this section with respect to the sale of a dog or a pet store that 867  
fails to refund the purchase price of a dog in accordance with 868  
division (A)(2) of this section is liable to the purchaser of the 869  
dog for an amount that is equal to the actual damages incurred by 870  
the purchaser within one year after the date of the purchase of 871  
the dog, except that veterinary expenses are to be limited to not 872  
more than five hundred dollars. The pet store also is liable for 873  
reasonable attorney's fees and costs incurred by the purchaser. In 874  
addition, the buyer of the dog may keep the dog. 875

(F) The director of agriculture or the director's authorized 876  
representative shall enforce divisions (A) to (D) of this section. 877  
Inspectors employed by the director for the purposes of this 878  
chapter may make inspections of pet stores for the purpose of 879  
enforcing those divisions. 880

(G) A purchaser shall commence any action necessary to 881  
recover damages specified in division (E) of this section within 882  
two years from the date of purchase of a dog. 883

Sec. 956.21. No high volume breeder shall sell or otherwise 884  
transfer a puppy that is less than ninety days old without 885  
registering the litter in which the puppy was born with the 886  
director of agriculture in accordance with rules adopted under 887  
section 956.03 of the Revised Code. This section does not apply to 888  
an animal rescue for dogs or an animal shelter for dogs. 889

**Sec. 1901.183.** In addition to jurisdiction otherwise granted 890  
in this chapter, the environmental division of a municipal court 891  
shall have jurisdiction within its territory in all of the 892  
following actions or proceedings and to perform all of the 893  
following functions: 894

(A) Notwithstanding any monetary limitations in section 895  
1901.17 of the Revised Code, in all actions and proceedings for 896  
the sale of real or personal property under lien of a judgment of 897  
the environmental division of the municipal court, or a lien for 898  
machinery, material, fuel furnished, or labor performed, 899  
irrespective of amount, and, in those cases, the environmental 900  
division may proceed to foreclose and marshal all liens and all 901  
vested or contingent rights, to appoint a receiver, and to render 902  
personal judgment irrespective of amount in favor of any party; 903

(B) When in aid of execution of a judgment of the 904  
environmental division of the municipal court, in all actions for 905  
the foreclosure of a mortgage on real property given to secure the 906  
payment of money, or the enforcement of a specific lien for money 907  
or other encumbrance or charge on real property, when the real 908  
property is situated within the territory, and, in those cases, 909  
the environmental division may proceed to foreclose all liens and 910

all vested and contingent rights and proceed to render judgments, 911  
and make findings and orders, between the parties, in the same 912  
manner and to the same extent as in similar cases in the court of 913  
common pleas; 914

(C) When in aid of execution of a judgment of the 915  
environmental division of the municipal court, in all actions for 916  
the recovery of real property situated within the territory to the 917  
same extent as courts of common pleas have jurisdiction; 918

(D) In all actions for injunction to prevent or terminate 919  
violations of the ordinances and regulations of any municipal 920  
corporation within its territory enacted or promulgated under the 921  
police power of that municipal corporation pursuant to Section 3 922  
of Article XVIII, Ohio Constitution, over which the court of 923  
common pleas has or may have jurisdiction, and, in those cases, 924  
the environmental division of the municipal court may proceed to 925  
render judgments, and make findings and orders, in the same manner 926  
and to the same extent as in similar cases in the court of common 927  
pleas; 928

(E) In all actions for injunction to prevent or terminate 929  
violations of the resolutions and regulations of any political 930  
subdivision within its territory enacted or promulgated under the 931  
power of that political subdivision pursuant to Article X of the 932  
Ohio Constitution, over which the court of common pleas has or may 933  
have jurisdiction, and, in those cases, the environmental division 934  
of the municipal court may proceed to render judgments, and make 935  
findings and orders, in the same manner and to the same extent as 936  
in similar cases in the court of common pleas; 937

(F) In any civil action to enforce any provision of Chapter 938  
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 939  
over which the court of common pleas has or may have jurisdiction, 940  
and, in those actions, the environmental division of the municipal 941  
court may proceed to render judgments, and make findings and 942

orders, in the same manner and to the same extent as in similar 943  
actions in the court of common pleas; 944

(G) In all actions and proceedings in the nature of 945  
creditors' bills, and in aid of execution to subject the interests 946  
of a judgment debtor in real or personal property to the payment 947  
of a judgment of the division, and, in those actions and 948  
proceedings, the environmental division may proceed to marshal and 949  
foreclose all liens on the property irrespective of the amount of 950  
the lien, and all vested or contingent rights in the property; 951

(H) Concurrent jurisdiction with the court of common pleas of 952  
all criminal actions or proceedings related to the pollution of 953  
the air, ground, or water within the territory of the 954  
environmental division of the municipal court, for which a 955  
sentence of death cannot be imposed under Chapter 2903. of the 956  
Revised Code; 957

(I) In any review or appeal of any final order of any 958  
administrative officer, agency, board, department, tribunal, 959  
commission, or other instrumentality that relates to a local 960  
building, housing, air pollution, sanitation, health, fire, 961  
zoning, or safety code, ordinance, or regulation, in the same 962  
manner and to the same extent as in similar appeals in the court 963  
of common pleas; 964

(J) With respect to the environmental division of the 965  
Franklin county municipal court, to hear appeals from adjudication 966  
hearings conducted under Chapter 956. of the Revised Code. 967

**Section 2.** That existing sections 955.02, 955.10, 955.12, 968  
955.20, 955.26, and 1901.183 of the Revised Code are hereby 969  
repealed. 970

**Section 3.** It is the intent of the General Assembly to 971  
appropriate money to the High Volume Breeder Kennel Control 972

License Fund created in section 956.18 of the Revised Code to	973
enable the Director of Agriculture to begin administering Chapter	974
956. of the Revised Code and rules adopted under it.	975