

LSC 126 2242-2

**126th General Assembly
Regular Session
2005-2006**

Sub. H. B. No. 606

A B I L L

To amend sections 121.08, 955.02, 955.10, 955.12, 1
955.20, 955.26, and 1901.183 and to enact sections 2
4780.01 to 4780.18, 4780.98, and 4780.99 of the 3
Revised Code to establish licensing requirements 4
and standards of care for certain dog breeding 5
kennels and dog intermediaries. 6

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

Section 1. That sections 121.08, 955.02, 955.10, 955.12, 7
955.20, 955.26, and 1901.183 be amended and sections 4780.01, 8
4780.02, 4780.03, 4780.04, 4780.05, 4780.06, 4780.07, 4780.08, 9
4780.09, 4780.10, 4780.11, 4780.12, 4780.13, 4780.14, 4780.15, 10
4780.16, 4780.17, 4780.18, 4780.98, and 4780.99 of the Revised 11
Code be enacted to read as follows: 12

Sec. 121.08. (A) There is hereby created in the department of 13
commerce the position of deputy director of administration. This 14
officer shall be appointed by the director of commerce, serve 15
under the director's direction, supervision, and control, perform 16
the duties the director prescribes, and hold office during the 17
director's pleasure. The director of commerce may designate an 18
assistant director of commerce to serve as the deputy director of 19
administration. The deputy director of administration shall 20
perform the duties prescribed by the director of commerce in 21

supervising the activities of the division of administration of 22
the department of commerce. 23

(B) Except as provided in section 121.07 of the Revised Code, 24
the department of commerce shall have all powers and perform all 25
duties vested in the deputy director of administration, the state 26
fire marshal, the superintendent of financial institutions, the 27
superintendent of real estate and professional licensing, the 28
superintendent of liquor control, the superintendent of the 29
division of industrial compliance, the superintendent of labor and 30
worker safety, ~~and~~ the commissioner of securities, and the 31
superintendent of the dog breeding kennel control authority and 32
shall have all powers and perform all duties vested by law in all 33
officers, deputies, and employees of those offices. Except as 34
provided in section 121.07 of the Revised Code, wherever powers 35
are conferred or duties imposed upon any of those officers, the 36
powers and duties shall be construed as vested in the department 37
of commerce. 38

(C)(1) There is hereby created in the department of commerce 39
a division of financial institutions, which shall have all powers 40
and perform all duties vested by law in the superintendent of 41
financial institutions. Wherever powers are conferred or duties 42
imposed upon the superintendent of financial institutions, those 43
powers and duties shall be construed as vested in the division of 44
financial institutions. The division of financial institutions 45
shall be administered by a superintendent of financial 46
institutions. 47

(2) All provisions of law governing the superintendent of 48
financial institutions shall apply to and govern the 49
superintendent of financial institutions provided for in this 50
section; all authority vested by law in the superintendent of 51
financial institutions with respect to the management of the 52
division of financial institutions shall be construed as vested in 53

the superintendent of financial institutions created by this 54
section with respect to the division of financial institutions 55
provided for in this section; and all rights, privileges, and 56
emoluments conferred by law upon the superintendent of financial 57
institutions shall be construed as conferred upon the 58
superintendent of financial institutions as head of the division 59
of financial institutions. The director of commerce shall not 60
transfer from the division of financial institutions any of the 61
functions specified in division (C)(2) of this section. 62

(D) There is hereby created in the department of commerce a 63
division of liquor control, which shall have all powers and 64
perform all duties vested by law in the superintendent of liquor 65
control. Wherever powers are conferred or duties are imposed upon 66
the superintendent of liquor control, those powers and duties 67
shall be construed as vested in the division of liquor control. 68
The division of liquor control shall be administered by a 69
superintendent of liquor control. 70

(E) The director of commerce shall not be interested, 71
directly or indirectly, in any firm or corporation ~~which~~ that is a 72
dealer in securities as defined in sections 1707.01 and 1707.14 of 73
the Revised Code, or in any firm or corporation licensed under 74
sections 1321.01 to 1321.19 of the Revised Code. 75

(F) The director of commerce shall not have any official 76
connection with a savings and loan association, a savings bank, a 77
bank, a bank holding company, a savings and loan association 78
holding company, a consumer finance company, or a credit union 79
that is under the supervision of the division of financial 80
institutions, or a subsidiary of any of the preceding entities, or 81
be interested in the business thereof. 82

(G) There is hereby created in the state treasury the 83
division of administration fund. The fund shall receive 84

assessments on the operating funds of the department of commerce 85
in accordance with procedures prescribed by the director of 86
commerce and approved by the director of budget and management. 87
All operating expenses of the division of administration shall be 88
paid from the division of administration fund. 89

(H) There is hereby created in the department of commerce a 90
division of real estate and professional licensing, which shall be 91
under the control and supervision of the director of commerce. The 92
division of real estate and professional licensing shall be 93
administered by a superintendent of real estate and professional 94
licensing. The superintendent of real estate and professional 95
licensing shall exercise the powers and perform the functions and 96
duties delegated to the superintendent under Chapters 4735., 97
4763., and 4767. of the Revised Code. 98

(I) There is hereby created in the department of commerce a 99
division of labor and worker safety, which shall have all powers 100
and perform all duties vested by law in the superintendent of 101
labor and worker safety. Wherever powers are conferred or duties 102
imposed upon the superintendent of labor and worker safety, those 103
powers and duties shall be construed as vested in the division of 104
labor and worker safety. The division of labor and worker safety 105
shall be under the control and supervision of the director of 106
commerce and be administered by a superintendent of labor and 107
worker safety. The superintendent of labor and worker safety shall 108
exercise the powers and perform the duties delegated to the 109
superintendent by the director under Chapters 4109., 4111., and 110
4115. of the Revised Code. 111

(J) The department of commerce or a division of the 112
department created by the Revised Code that is acting with 113
authorization on the department's behalf may request from the 114
bureau of criminal identification and investigation pursuant to 115
section 109.572 of the Revised Code, or coordinate with 116

appropriate federal, state, and local government agencies to 117
accomplish, criminal records checks for the persons whose 118
identities are required to be disclosed by an applicant for the 119
issuance or transfer of a permit, license, or certification issued 120
or transferred by the department or division. At or before the 121
time of making a request for a criminal records check, the 122
department or division may require any person whose identity is 123
required to be disclosed by an applicant for the issuance or 124
transfer of such a license, permit, or certification to submit to 125
the department or division valid fingerprint impressions in a 126
format and by any media or means acceptable to the bureau of 127
criminal identification and investigation and, when applicable, 128
the federal bureau of investigation. The department or division 129
may cause the bureau of criminal identification and investigation 130
to conduct a criminal records check through the federal bureau of 131
investigation only if the person for whom the criminal records 132
check would be conducted resides or works outside of this state or 133
has resided or worked outside of this state during the preceding 134
five years, or if a criminal records check conducted by the bureau 135
of criminal identification and investigation within this state 136
indicates that the person may have a criminal record outside of 137
this state. 138

In the case of a criminal records check under section 109.572 139
of the Revised Code, the department or division shall forward to 140
the bureau of criminal identification and investigation the 141
requisite form, fingerprint impressions, and fee described in 142
division (C) of that section. When requested by the department or 143
division in accordance with this section, the bureau of criminal 144
identification and investigation shall request from the federal 145
bureau of investigation any information it has with respect to the 146
person who is the subject of the requested criminal records check 147
and shall forward the requisite fingerprint impressions and 148

information to the federal bureau of investigation for that 149
criminal records check. After conducting a criminal records check 150
or receiving the results of a criminal records check from the 151
federal bureau of investigation, the bureau of criminal 152
identification and investigation shall provide the results to the 153
department or division. 154

The department or division may require any person about whom 155
a criminal records check is requested to pay to the department or 156
division the amount necessary to cover the fee charged to the 157
department or division by the bureau of criminal identification 158
and investigation under division (C)(3) of section 109.572 of the 159
Revised Code, including, when applicable, any fee for a criminal 160
records check conducted by the federal bureau of investigation. 161

Sec. 955.02. A As used in this chapter, "dog kennel" or 162
"kennel owner is a person, partnership, firm, company, or 163
corporation professionally engaged in the business " means an 164
establishment that, in any given year, keeps, houses, and 165
maintains eight or fewer adult dogs, as defined in section 4780.01 166
of the Revised Code, for the purpose of breeding the dogs for 167
hunting or for a fee or other consideration received through a 168
sale, auction, exchange, or lease and that is not a regulated dog 169
breeding kennel licensed under Chapter 4780. of the Revised Code. 170

Sec. 955.10. No owner of a dog, except a dog constantly 171
confined to a ~~registered~~ dog kennel registered under this chapter 172
or a regulated dog breeding kennel licensed under Chapter 4780. of 173
the Revised Code, shall fail to require the dog to wear, at all 174
times, a valid tag issued in connection with a certificate of 175
registration. A dog's failure at any time to wear a valid tag 176
shall be prima-facie evidence of lack of registration and shall 177
subject any dog found not wearing such a tag to impounding, sale, 178

or destruction. 179

The owner or operator of a dog kennel or a regulated dog 180
breeding kennel shall obtain a valid tag issued in connection with 181
a certificate of registration within thirty days of the birth or 182
acquisition of a dog. However, the tag need not be worn by the dog 183
while it is kept or confined at the dog kennel. 184

Sec. 955.12. The board of county commissioners shall appoint 185
or employ a county dog warden and deputies in such number, for 186
such periods of time, and at such compensation as the board 187
considers necessary to enforce sections 955.01 to 955.27, 955.29 188
to 955.38, and 955.50 to 955.53 of the Revised Code. 189

The warden and deputies shall give bond in a sum not less 190
than five hundred dollars and not more than two thousand dollars, 191
as set by the board, conditioned for the faithful performance of 192
their duties. The bond or bonds may, in the discretion of the 193
board, be individual or blanket bonds. The bonds shall be filed 194
with the county auditor of their respective counties. The warden 195
and deputies shall make a record of all dogs owned, kept, and 196
harbored in their respective counties. They shall patrol their 197
respective counties and seize and impound on sight all dogs found 198
running at large and all dogs more than three months of age found 199
not wearing a valid registration tag, except any dog that wears a 200
valid registration tag and is: on the premises of its owner, 201
keeper, or harborer, under the reasonable control of its owner or 202
some other person, hunting with its owner or its handler at a 203
field trial, kept constantly confined in a ~~registered~~ dog kennel 204
registered under this chapter or a regulated dog breeding kennel 205
licensed under Chapter 4780. of the Revised Code, or acquired by, 206
and confined on the premises of, an institution or organization of 207
the type described in section 955.16 of the Revised Code. A dog 208
that wears a valid registration tag may be seized on the premises 209

of its owner, keeper, or harborer and impounded only in the event 210
of a natural disaster. If a dog warden has reason to believe that 211
a dog is being treated inhumanely on the premises of its owner, 212
keeper, or harborer, the warden shall apply to the court of common 213
pleas for the county in which the premises are located for an 214
order to enter the premises, and if necessary, seize the dog. If 215
the court finds probable cause to believe that the dog is being 216
treated inhumanely, it shall issue such an order. The warden and 217
deputies shall also investigate all claims for damages to animals, 218
fowl, or poultry reported to them under section 955.29 of the 219
Revised Code and assist claimants to fill out the claim form 220
therefor. They shall make weekly reports, in writing, to the board 221
in their respective counties of all dogs seized, impounded, 222
redeemed, and destroyed and of all claims for damage to animals, 223
fowl, or poultry inflicted by dogs. ~~The~~ 224

The wardens and deputies shall have the same police powers as 225
are conferred upon sheriffs and police officers in the performance 226
of their duties as prescribed by sections 955.01 to 955.27, 955.29 227
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 228
also have power to summon the assistance of bystanders in 229
performing their duties and may serve writs and other legal 230
processes issued by any court in their respective counties with 231
reference to enforcing ~~such those~~ sections. County auditors may 232
deputize the wardens or deputies to issue dog licenses as provided 233
in sections 955.01 and 955.14 of the Revised Code. ~~Whenever~~ 234

Whenever any person files an affidavit in a court of 235
competent jurisdiction that there is a dog running at large that 236
is not kept constantly confined either in a ~~registered~~ dog kennel 237
registered under this chapter or a regulated dog breeding kennel 238
licensed under Chapter 4780. of the Revised Code or on the 239
premises of an institution or organization of the type described 240
in section 955.16 of the Revised Code or that a dog is kept or 241

harbored in ~~his~~ the warden's jurisdiction without being registered 242
as required by law, the court shall immediately order the warden 243
to seize and impound the animal. Thereupon the warden shall 244
immediately seize and impound the dog complained of. The warden 245
shall give immediate notice by certified mail to the owner, 246
keeper, or harbinger of the dog seized and impounded by ~~him~~ the 247
warden, if the owner, keeper, or harbinger can be determined from 248
the current year's registration list maintained by the warden and 249
the county auditor of the county where the dog is registered, that 250
the dog has been impounded and that, unless the dog is redeemed 251
within fourteen days of the date of the notice, it may thereafter 252
be sold or destroyed according to law. If the owner, keeper, or 253
harbinger cannot be determined from the current year's registration 254
list maintained by the warden and the county auditor of the county 255
where the dog is registered, the officer shall post a notice in 256
the pound or animal shelter both describing the dog and place 257
where seized and advising the unknown owner that, unless the dog 258
is redeemed within three days, it may thereafter be sold or 259
destroyed according to law. 260

Sec. 955.20. The registration fees provided for in sections 261
955.01 to 955.14 of the Revised Code and money transferred to the 262
county under section 4780.06 of the Revised Code constitute a 263
special fund known as "the dog and kennel fund." The fees shall be 264
deposited by the county auditor in the county treasury daily as 265
collected ~~and~~. Money in the fund shall be used for the purpose of 266
defraying the cost of furnishing all blanks, records, tags, nets, 267
and other equipment, for the purpose of paying the compensation of 268
county dog wardens, deputies, poundkeepers, and other employees 269
necessary to carry out and enforce sections 955.01 to 955.261 of 270
the Revised Code, and for the payment of animal claims as provided 271
in sections 955.29 to 955.38 of the Revised Code, and in 272
accordance with section 955.27 of the Revised Code. The board of 273

county commissioners, by resolution, shall appropriate sufficient 274
funds out of the dog and kennel fund, not more than fifteen per 275
cent of which shall be expended by the auditor for registration 276
tags, blanks, records, and clerk hire, for the purpose of 277
defraying the necessary expenses of registering, seizing, 278
impounding, and destroying dogs in accordance with sections 955.01 279
to 955.27 of the Revised Code, and for the purpose of covering any 280
additional expenses incurred by the county auditor as authorized 281
by division (F)(3) of section 955.14 of the Revised Code. 282

If the funds so appropriated in any calendar year are found 283
by the board to be insufficient to defray the necessary cost and 284
expense of the county dog warden in enforcing sections 955.01 to 285
955.27 of the Revised Code, the board, by resolution so provided, 286
after setting aside a sum equal to the total amount of animal 287
claims ~~paid or~~ filed in that calendar year, or an amount equal to 288
the total amount of animal claims paid or allowed the preceding 289
year, whichever amount is larger, may appropriate further funds 290
for the use and purpose of the county dog warden in administering 291
those sections. 292

Money received by a county under section 4780.06 of the 293
Revised Code is subject to audit by the auditor of state. 294

Sec. 955.26. Whenever, in the judgment of the director of 295
health, any city or general health district board of health, or 296
persons performing the duties of a board of health, rabies is 297
prevalent, the director of health, the board, or those persons 298
shall declare a quarantine of all dogs in the health district or 299
in a part of it. During the quarantine, the owner, keeper, or 300
harborer of any dog shall keep it confined on the premises of the 301
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, or 302
other suitable place, at the expense of the owner, keeper, or 303
harborer, except that a dog may be permitted to leave the premises 304

of its owner, keeper, or harborer if it is under leash or under 305
the control of a responsible person. The quarantine order shall be 306
considered an emergency and need not be published. 307

When the quarantine has been declared, the director of 308
health, the board, or those persons may require vaccination for 309
rabies of all dogs within the health district or part of it. Proof 310
of rabies vaccination within a satisfactory period shall be 311
demonstrated to the county auditor before any registration is 312
issued under section 955.01 of the Revised Code for any dog that 313
is required to be vaccinated. 314

The public health council shall determine appropriate methods 315
of rabies vaccination and satisfactory periods for purposes of 316
quarantines under this section. 317

When a quarantine of dogs has been declared in any health 318
district or part of a health district, the county dog warden and 319
all other persons having the authority of police officers shall 320
assist the health authorities in enforcing the quarantine order. 321
When rabies vaccination has been declared compulsory in any health 322
district or part of a health district, the dog warden shall assist 323
the health authorities in enforcing the vaccination order. 324

Notwithstanding ~~the provisions of~~ this section, a city or 325
general health district board of health may make orders pursuant 326
to sections 3709.20 and 3709.21 of the Revised Code requiring the 327
vaccination of dogs. 328

Sec. 1901.183. In addition to jurisdiction otherwise granted 329
in this chapter, the environmental division of a municipal court 330
shall have jurisdiction within its territory in all of the 331
following actions or proceedings and to perform all of the 332
following functions: 333

(A) Notwithstanding any monetary limitations in section 334

1901.17 of the Revised Code, in all actions and proceedings for 335
the sale of real or personal property under lien of a judgment of 336
the environmental division of the municipal court, or a lien for 337
machinery, material, fuel furnished, or labor performed, 338
irrespective of amount, and, in those cases, the environmental 339
division may proceed to foreclose and marshal all liens and all 340
vested or contingent rights, to appoint a receiver, and to render 341
personal judgment irrespective of amount in favor of any party; 342

(B) When in aid of execution of a judgment of the 343
environmental division of the municipal court, in all actions for 344
the foreclosure of a mortgage on real property given to secure the 345
payment of money, or the enforcement of a specific lien for money 346
or other encumbrance or charge on real property, when the real 347
property is situated within the territory, and, in those cases, 348
the environmental division may proceed to foreclose all liens and 349
all vested and contingent rights and proceed to render judgments, 350
and make findings and orders, between the parties, in the same 351
manner and to the same extent as in similar cases in the court of 352
common pleas; 353

(C) When in aid of execution of a judgment of the 354
environmental division of the municipal court, in all actions for 355
the recovery of real property situated within the territory to the 356
same extent as courts of common pleas have jurisdiction; 357

(D) In all actions for injunction to prevent or terminate 358
violations of the ordinances and regulations of any municipal 359
corporation within its territory enacted or promulgated under the 360
police power of that municipal corporation pursuant to Section 3 361
of Article XVIII, Ohio Constitution, over which the court of 362
common pleas has or may have jurisdiction, and, in those cases, 363
the environmental division of the municipal court may proceed to 364
render judgments, and make findings and orders, in the same manner 365
and to the same extent as in similar cases in the court of common 366

pleas; 367

(E) In all actions for injunction to prevent or terminate 368
violations of the resolutions and regulations of any political 369
subdivision within its territory enacted or promulgated under the 370
power of that political subdivision pursuant to Article X of the 371
Ohio Constitution, over which the court of common pleas has or may 372
have jurisdiction, and, in those cases, the environmental division 373
of the municipal court may proceed to render judgments, and make 374
findings and orders, in the same manner and to the same extent as 375
in similar cases in the court of common pleas; 376

(F) In any civil action to enforce any provision of Chapter 377
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 378
over which the court of common pleas has or may have jurisdiction, 379
and, in those actions, the environmental division of the municipal 380
court may proceed to render judgments, and make findings and 381
orders, in the same manner and to the same extent as in similar 382
actions in the court of common pleas; 383

(G) In all actions and proceedings in the nature of 384
creditors' bills, and in aid of execution to subject the interests 385
of a judgment debtor in real or personal property to the payment 386
of a judgment of the division, and, in those actions and 387
proceedings, the environmental division may proceed to marshal and 388
foreclose all liens on the property irrespective of the amount of 389
the lien, and all vested or contingent rights in the property; 390

(H) Concurrent jurisdiction with the court of common pleas of 391
all criminal actions or proceedings related to the pollution of 392
the air, ground, or water within the territory of the 393
environmental division of the municipal court, for which a 394
sentence of death cannot be imposed under Chapter 2903. of the 395
Revised Code; 396

(I) In any review or appeal of any final order of any 397

administrative officer, agency, board, department, tribunal, 398
commission, or other instrumentality that relates to a local 399
building, housing, air pollution, sanitation, health, fire, 400
zoning, or safety code, ordinance, or regulation, in the same 401
manner and to the same extent as in similar appeals in the court 402
of common pleas; 403

(J) With respect to the environmental division of the 404
Franklin county municipal court, in any civil action to enforce a 405
provision of Chapter 4780. of the Revised Code and to hear appeals 406
from an adjudication hearing conducted under that chapter. 407

Sec. 4780.01. As used in this chapter: 408

(A) "Adult dog" means a dog that is eight months of age or 409
older. 410

(B) "Animal rescue for dogs" means an individual or 411
organization recognized by the department of commerce that keeps, 412
houses, and maintains dogs and that is dedicated to the welfare, 413
health, safety, and protection of dogs following the seizure or 414
removal of dogs by a dog warden appointed under Chapter 955. of 415
the Revised Code, by a humane society established under Chapter 416
1717. of the Revised Code, or by the department of commerce under 417
this chapter, provided that the individual or organization does 418
not operate for profit and does not sell dogs. "Animal rescue for 419
dogs" includes an individual or organization that offers dogs for 420
adoption and charges reasonable adoption fees established by the 421
director of commerce under this chapter to cover the costs of the 422
individual or organization, including, but not limited to, costs 423
related to spaying or neutering dogs. 424

(C) "Animal shelter for dogs" means a facility that keeps, 425
houses, and maintains dogs and that is operated by a humane 426
society established under Chapter 1717. of the Revised Code, 427

animal welfare society, society for the prevention of cruelty to 428
animals, or other nonprofit organization that is devoted to the 429
welfare, protection, and humane treatment of dogs and other 430
animals. 431

(D) "Breeding dog" means a dog that is maintained primarily 432
for the purpose of reproduction, providing stud services, or 433
whelping and that has produced at least one litter of puppies per 434
calendar year if it is a female dog or has provided stud services 435
to produce at least one litter of puppies per calendar year if it 436
is a male dog. 437

(E) "Regulated dog breeding kennel" means an establishment 438
that, in any given year, keeps, houses, and maintains nine or more 439
adult dogs for the purpose of breeding the dogs in return for a 440
fee or other consideration received through a sale, auction, 441
exchange, or lease. 442

(F) "Regulated dog intermediary" means a person who sells, 443
offers to sell, exchanges, auctions, or offers for adoption more 444
than twenty-four dogs annually in this state. "Regulated dog 445
intermediary" does not include an animal rescue for dogs, an 446
animal shelter for dogs, a humane society established under 447
Chapter 1717. of the Revised Code, a medical kennel for dogs, a 448
research kennel for dogs, or a veterinarian. 449

(G) "Enclosure, crate, or cage" does not include an 450
enclosure, crate, or cage that is used during the transportation 451
of a dog. 452

(H) "Environmental division of the Franklin county municipal 453
court" means the environmental division of the Franklin county 454
municipal court created under section 1901.011 of the Revised 455
Code. 456

(I) "Medical kennel for dogs" means a facility that is 457
maintained by a veterinarian and operated primarily for the 458

treatment of sick or injured dogs. 459

(J) "Pet store" means a retail store that sells dogs to the public. 460
461

(K) "Puppy" means a dog that is under eight months of age. 462

(L) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 463
464

(M) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code. 465
466

Sec. 4780.02. There is hereby created in the department of commerce the dog breeding kennel control authority for the purpose of administering this chapter and rules adopted under it, as prescribed by the director of commerce 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 superintendent as the head of the authority. 467
468
469
470
471
472
473
474

Sec. 4780.03. The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 475
476
477

(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 478
479
480
481
482
483
484
485
486
487

when soliciting to sell an adult dog or a puppy or when solicited 488
for such a sale. 489

(B) Requirements and procedures for conducting background 490
investigations of each applicant for a license issued under 491
section 4780.04 of the Revised Code in order to determine if the 492
applicant has been convicted of or pleaded guilty to any of the 493
violations specified in division (H) of that section. The rules 494
shall provide that background investigations shall be conducted 495
solely by the attorney general on behalf of the department of 496
commerce. The rules shall establish procedures for annually 497
updating background investigation information regarding an 498
applicant after an initial background investigation has been 499
conducted with respect to an initial application for a license 500
submitted under that section. 501

(C) Requirements and procedures governing regulated dog 502
intermediaries, including the licensing of and record keeping by 503
regulated dog intermediaries, in addition to the requirements and 504
procedures established in this chapter. The rules shall require 505
that a regulated dog intermediary be assigned a license number and 506
that a regulated dog intermediary provide the license number and 507
the applicable vendor number assigned by the department of 508
taxation whenever it solicits business or it is solicited for 509
business. 510

(D) The form of applications for licenses issued under this 511
chapter and the information that is required to be submitted in 512
the applications; 513

(E) A requirement that each regulated dog breeding kennel 514
submit to the director, with an application for a regulated dog 515
breeding kennel license, evidence of insurance or, in the 516
alternative, evidence of a surety bond payable to the department 517
of commerce to ensure compliance with this chapter and rules 518

adopted under it. The rules adopted under this division shall 519
apply only to a regulated dog breeding kennel that keeps, houses, 520
and maintains more than fifteen adult dogs. The face value of the 521
insurance coverage or bond shall be in the following amounts: 522

(1) Five thousand dollars for regulated dog breeding kennels 523
keeping, housing, and maintaining at least sixteen adult dogs, but 524
not more than twenty-five adult dogs; 525

(2) Ten thousand dollars for regulated dog breeding kennels 526
keeping, housing, and maintaining at least twenty-six adult dogs, 527
but not more than fifty adult dogs; 528

(3) Fifty thousand dollars for regulated dog breeding kennels 529
keeping, housing, and maintaining more than fifty adult dogs. 530

The rules shall require that the insurance be payable to the 531
state or that the surety bond be subject to redemption by the 532
state, as applicable, upon a suspension or revocation of a 533
regulated dog breeding kennel license for the purpose of paying 534
for the maintenance and care of dogs that are seized or otherwise 535
impounded from the regulated dog breeding kennel in accordance 536
with this chapter. 537

(F) Procedures for inspections conducted under section 538
4780.09 of the Revised Code in addition to the procedures 539
established in that section, and procedures for making records of 540
the inspections; 541

(G) Requirements and procedures that are necessary to 542
implement and enforce the requirements pertaining to pet stores 543
that are established in section 4780.19 of the Revised Code; 544

(H) A requirement that a retailer or direct seller of a puppy 545
or adult dog provide to the purchaser the complete name, address, 546
and telephone number of all regulated dog breeding kennels, 547
regulated dog intermediaries, and private owners that kept, 548

housed, or maintained the puppy or adult dog prior to its coming 549
into the possession of the retailer or direct seller, or proof 550
that the puppy or adult dog was acquired through an animal rescue 551
for dogs, animal shelter for dogs, or humane society established 552
under Chapter 1717. of the Revised Code, or an interstate health 553
certificate pertaining to the puppy or adult dog; 554

(I) Any other requirements and procedures that are determined 555
by the director to be necessary for the administration and 556
enforcement of this chapter and rules adopted under it. 557

Sec. 4780.04. (A)(1) No person shall operate a regulated dog 558
breeding kennel in this state without a regulated dog breeding 559
kennel license issued by the director of commerce in accordance 560
with this section and rules adopted under section 4780.03 of the 561
Revised Code. 562

(2) The director shall not issue a license under this section 563
unless the director determines that the applicant will operate or 564
will continue to operate the regulated dog breeding kennel in 565
accordance with this chapter and rules adopted under it. 566

(B) In determining whether an establishment is a regulated 567
dog breeding kennel requiring a license under this chapter, the 568
director shall determine if, in any given year, the establishment 569
keeps, houses, and maintains nine or more adult dogs for the 570
purpose of breeding the dogs for a fee or other consideration 571
through a sale, auction, exchange, or lease. Any dogs that are 572
kept, housed, or maintained for the purpose of the companionship 573
of the owner, to be shown by the owner, or for the purpose of 574
hunting or sledding and not for breeding for a fee or other 575
consideration shall not be counted. The burden shall be on the 576
owner or operator of the establishment to prove the purpose for 577
which dogs are kept, housed, and maintained and that the dogs 578
should not be counted for the purpose of determining that the 579

establishment is a regulated dog breeding kennel.

580

(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 4780.03 of the Revised Code and shall include with it at least all of the following:

581

582

583

584

585

586

587

(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;

588

589

590

591

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

592

593

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

594

595

(4) A signed release permitting the performance of a background investigation regarding the applicant in accordance with rules adopted under section 4780.03 of the Revised Code;

596

597

598

(5) A copy of the applicant's fingerprints for purposes of conducting the background investigation required by rules adopted under section 4780.03 of the Revised Code;

599

600

601

(6) The names and addresses and any other identifying information required by rules adopted under section 4780.03 of the Revised Code of all persons who will have custody of or control over dogs kept by the applicant.

602

603

604

605

(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

606

607

608

609

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.

610
611
612

(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.

613
614
615
616
617
618
619

(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.

620
621
622
623
624
625
626

(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.

627
628
629
630

(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.

631
632
633
634
635
636
637
638

(I) Medical kennels for dogs, research kennels for dogs, and
veterinarians are not required to obtain a license under this

639
640

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

641
642

Sec. 4780.05. (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
commerce in accordance with this section and rules adopted under
section 4780.03 of the Revised Code.

643
644
645
646
647

(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.

648
649
650
651

(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.

652
653
654
655
656
657
658
659
660
661

(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.

662
663
664
665
666
667
668

(D) No person shall act as or perform the functions of a
regulated dog intermediary who has been convicted of or pleaded

669
670

guilty to violating section 959.01, 959.02, 959.03, 959.13, 671
959.131, 959.15, or 959.16 of the Revised Code or an equivalent 672
municipal ordinance, law of another state, or law of the federal 673
government or has been convicted of or pleaded guilty to violating 674
more than once section 2919.25 of the Revised Code or an 675
equivalent municipal ordinance, law of another state, or law of 676
the federal government. 677

Sec. 4780.06. (A) A person who is applying for a license to 678
operate a regulated dog breeding kennel or to act as or perform 679
the functions of a regulated dog intermediary under section 680
4780.04 or 4780.05 of the Revised Code, as applicable, shall 681
include with the application for a license a nonrefundable license 682
application fee as follows: 683

(1) For a regulated dog breeding kennel: 684

(a) One hundred fifty dollars if the regulated dog breeding 685
kennel keeps, houses, and maintains at least nine, but not more 686
than fifteen adult dogs; 687

(b) Three hundred fifty dollars if the regulated dog breeding 688
kennel keeps, houses, and maintains at least sixteen, but not more 689
than twenty-five adult dogs; 690

(C) Five hundred dollars if the regulated dog breeding kennel 691
keeps, houses, and maintains at least twenty-six, but not more 692
than thirty adult dogs; 693

(d) Seven hundred fifty dollars if the regulated dog breeding 694
kennel keeps, houses, and maintains more than thirty adult dogs. 695

(2) For a regulated dog intermediary, five hundred dollars. 696

(B) Money collected by the director of commerce from 697
application fees submitted under this section shall be transmitted 698
by the director to the treasurer of state to be credited to the 699
regulated dog breeding kennel control license fund created in 700

section 4780.16 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.

701
702
703
704
705
706
707
708
709
710

Sec. 4780.07. 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:

711
712
713

(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;

714
715
716
717
718
719

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

720
721
722

(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;

723
724
725
726
727
728

(D) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected

729
730

to accumulate in a normal twelve-hour period; 731

(E) Keep or confine a dog in an enclosure, crate, or cage 732
without access to clean unfrozen water at all times unless the dog 733
is being used for hunting or sledding, in which case access to 734
clean unfrozen water shall be provided not less than one time per 735
eight-hour period; 736

(F) Keep or confine a dog in an enclosure, crate, or cage 737
without access to adequate and wholesome food on a daily basis so 738
as to ensure a proper and healthy weight unless medically 739
contraindicated; 740

(G) Keep or confine a dog in an enclosure, crate, or cage 741
with flooring material that is incapable of being cleaned or 742
sanitized or that is likely to cause injury to the pads of a dog's 743
feet; 744

(H) Keep or confine a dog in an enclosure, crate, or cage 745
without providing a sanitary nonporous resting board or pan that 746
is sufficient for the size of the dog and, if applicable, the 747
dog's litter; 748

(I) Keep or confine a dog in an enclosure, crate, or cage in 749
unsanitary conditions; 750

(J) Keep or confine a dog in an enclosure, crate, or cage 751
that is in contact with or in the immediate vicinity of any animal 752
with a diagnosed or suspected disease that is contagious to dogs; 753

(K) Keep or confine a dog in an enclosure, crate, or cage 754
without adequate ventilation; 755

(L) Keep or confine a dog in an enclosure, crate, or cage 756
without providing shelter from the elements; 757

(M) Keep or confine a dog in an outdoor run or kennel where 758
shade is not provided during the months of May through September. 759
The shade so provided shall provide a reduction of temperature of 760

<u>at least five degrees from nonshaded areas when the temperature in</u>	761
<u>the nonshaded areas is ninety degrees fahrenheit or higher.</u>	762
<u>(N) Fail to provide a dog with appropriate veterinary care</u>	763
<u>and treatment for any disease, illness, or injury;</u>	764
<u>(O) Fail to provide a breeding dog with a clean whelping box</u>	765
<u>when needed;</u>	766
<u>(P) Fail to trim an adult dog's nails so that there is</u>	767
<u>curling or an impairment of the dog's gait;</u>	768
<u>(Q) Fail to provide regular grooming to a dog to prevent</u>	769
<u>matting of fur from fecal matter or bodily fluids;</u>	770
<u>(R) Fail to provide a dog with appropriate protection from</u>	771
<u>fleas, ticks, biting insects, and stinging insects or treatment</u>	772
<u>for worms if the dog is so afflicted;</u>	773
<u>(S) Fail to provide an adult dog with appropriate</u>	774
<u>vaccinations as determined by the dog's veterinarian;</u>	775
<u>(T) Fail to provide each puppy aged three months or older</u>	776
<u>with appropriate phase-in booster vaccines as determined by the</u>	777
<u>puppy's veterinarian;</u>	778
<u>(U) Fail to provide heartworm preventative to a breeding dog</u>	779
<u>as determined by the dog's veterinarian;</u>	780
<u>(V) Fail to ensure that a dog in the person's possession or</u>	781
<u>control is euthanized by a veterinarian;</u>	782
<u>(W) Fail to ensure that a dog that is being euthanized is not</u>	783
<u>left unattended between the commencement of the process and death;</u>	784
<u>(X) Beat or brutalize a dog within the person's custody or</u>	785
<u>control.</u>	786
<u>Divisions (A), (B), (C), (E), (F), (H), and (L) of this</u>	787
<u>section do not apply during the temporary transportation of a dog</u>	788
<u>from one location to another location.</u>	789

Sec. 4780.08. The director of commerce 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 4780.02 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. 4780.09. (A) At least once biennially, the director of commerce 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 4780.03 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 4780.07 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 4780.03 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, 852
or investigation was refused, hindered, or thwarted until the 853
court order or search warrant is executed; for the salary, fringe 854
benefits, and travel expenses of the director, an authorized 855
representative of the director, or the attorney general incurred 856
in obtaining the court order or search warrant; and for expenses 857
necessarily incurred for the assistance of local law enforcement 858
officers in executing the court order or search warrant. In the 859
application for a court order or a search warrant, the director, 860
the director's authorized representative, or the attorney general 861
may request and the environmental division of the Franklin county 862
municipal court, in its order granting the court order or search 863
warrant, may order the owner or operator of the premises to 864
reimburse the director for any of those costs that the court finds 865
reasonable. From money recovered under this division, the director 866
shall reimburse the attorney general for the costs incurred by the 867
attorney general in connection with proceedings for obtaining the 868
court order or search warrant, shall reimburse the political 869
subdivision in which the premises is located for the assistance of 870
its law enforcement officers in executing the court order or 871
search warrant, and shall deposit the remainder in the state 872
treasury to the credit of the regulated dog breeding kennel 873
control license fund created in section 4780.16 of the Revised 874
Code. 875

(E) A dog warden appointed under Chapter 955. of the Revised 876
Code or an agent of a humane society established under Chapter 877
1717. of the Revised Code entering on public or private property 878
to make investigations and inspections in accordance with Chapter 879
955. or 1717. of the Revised Code, as applicable, shall report any 880
violations of this chapter and rules adopted under it to the 881
director or a kennel control enforcement inspector and may examine 882
and copy any records that are required to be maintained under 883

rules adopted under this chapter.

884

Sec. 4780.10. (A) The director of commerce 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.

885

886

887

888

889

890

891

(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 commerce.

892

893

894

895

896

897

898

899

900

(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.

901

902

903

904

905

906

907

908

909

910

911

912

913

914

(D) The director may enter into contracts or agreements with 915
an animal rescue for dogs, an animal shelter for dogs, a 916
veterinarian, a dog warden appointed under Chapter 955. of the 917
Revised Code, or a humane society established under Chapter 1717. 918
of the Revised Code for the purpose of keeping, housing, and 919
maintaining dogs that are impounded under this section. If, after 920
the final disposition of an adjudication hearing and any appeals 921
from that adjudication hearing, it is determined that a dog shall 922
be permanently relinquished to the custody of the department, the 923
dog may be adopted directly from the animal rescue for dogs, 924
animal shelter for dogs, veterinarian, dog warden, or humane 925
society where it is being kept, housed, and maintained. The animal 926
rescue for dogs, animal shelter for dogs, veterinarian, dog 927
warden, or humane society may charge a reasonable adoption fee. 928
The fee shall be at least sufficient to cover the costs of spaying 929
or neutering the dog unless it is medically contraindicated. 930

Sec. 4780.11. If the director of commerce or the director's 931
authorized representative determines that a person has violated, 932
is violating, or is threatening to violate this chapter or rules 933
adopted under it, the director may issue and cause to be served by 934
certified mail or personal service a citation of violation and an 935
order requiring the person to cease the acts or practices 936
appearing to the director or the director's authorized 937
representative to constitute a violation of this chapter or rules 938
adopted under it or requiring the person to take corrective 939
actions to eliminate the conditions appearing to the director or 940
the director's authorized representative to constitute a violation 941
of this chapter and rules adopted under it. The order shall state 942
specifically the provision or provisions of this chapter or the 943
rule or rules adopted under this chapter that appear to the 944
director or the director's authorized representative to have been 945
violated or threatened to be violated and the facts constituting 946

the violation or threatened violation, the actions that the person 947
must take to correct the deficiencies, and the time period within 948
which the person must correct the violations. 949

Sec. 4780.12. (A) The director of commerce may assess a civil 950
penalty against a person violating this chapter or rules adopted 951
under it if all of the following occur: 952

(1) The person has received an order and been notified of the 953
violation by certified mail as required in section 4780.11 of the 954
Revised Code. 955

(2) After the time period for correcting the violation 956
specified in the order has elapsed, the director or the director's 957
authorized representative has inspected the premises where the 958
violation has occurred and determined that the violation has not 959
been corrected, and the director has issued a notice of an 960
adjudication hearing pursuant to division (A)(3) of this section. 961

(3) The director affords the person an opportunity for an 962
adjudication hearing under Chapter 119. of the Revised Code to 963
challenge the director's determination that the person is not in 964
compliance with this chapter or rules adopted under it, the 965
imposition of the civil penalty, or both. A person may waive the 966
opportunity for an adjudication hearing. 967

(B) If the opportunity for an adjudication hearing is waived 968
or if, after an adjudication hearing, the director determines that 969
a violation of this chapter or a rule adopted under it has 970
occurred or is occurring, the director may assess a civil penalty. 971
The civil penalty may be appealed in accordance with section 972
119.12 of the Revised Code, except that the civil penalty may only 973
be appealed to the environmental division of the Franklin county 974
municipal court. 975

(C) Civil penalties shall be assessed in the following 976

amounts:

977

(1) A person who has violated division (A)(1) of section 4780.04 or division (A)(1) of section 4780.05 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 4780.06 of the Revised Code.

978

979

980

981

982

(2) A person who has violated division (H) of section 4780.04 or division (D) of section 4780.05 of the Revised Code shall pay a civil penalty of not more than fifteen thousand dollars.

983

984

985

(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 4780.07 of the Revised Code, shall pay a civil penalty of twenty-five dollars.

986

987

988

989

Each day that a violation continues constitutes a separate violation.

990

991

Sec. 4780.13. The attorney general, upon the request of the director of commerce, 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 4780.11 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.

992

993

994

995

996

997

998

999

1000

1001

1002

1003

1004

1005

Sec. 4780.14. (A) The director of commerce shall deny an

1006

application for a license that is submitted under section 4780.04 1007
or 4780.05 of the Revised Code for any of the following reasons: 1008

(1) The applicant for the license has violated any provision 1009
of this chapter or a rule adopted under it. 1010

(2) The applicant has been convicted of or pleaded guilty to 1011
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 1012
or 959.16 of the Revised Code or an equivalent municipal 1013
ordinance, law of another state, or law of the federal government 1014
or has been convicted of or pleaded guilty to violating more than 1015
once section 2919.25 of the Revised Code or an equivalent 1016
municipal ordinance, law of another state, or law of the federal 1017
government. 1018

(3) The director determines that the applicant for the 1019
license does not have the expertise or capacity to comply with 1020
this chapter or rules adopted under it. 1021

(B) The director may suspend or revoke a license issued under 1022
this chapter for violation of any provision of this chapter or a 1023
rule adopted or order issued under it. 1024

(C) An application or a license shall not be denied, 1025
suspended, or revoked under this section without a written order 1026
of the director stating the findings on which the denial, 1027
suspension, or revocation is based. A copy of the order shall be 1028
sent to the applicant or license holder by certified mail or may 1029
be provided to the applicant or license holder by personal 1030
service. In addition, the person to whom a denial, suspension, or 1031
revocation applies may request an adjudication hearing under 1032
Chapter 119. of the Revised Code. The director shall comply with 1033
such a request. The determination of the director at an 1034
adjudication hearing may be appealed in accordance with section 1035
119.12 of the Revised Code, except that the determination may only 1036

be appealed to the environmental division of the Franklin county 1037
municipal court. 1038

Sec. 4780.15. The director of commerce, the director's 1039
authorized representative, or the attorney general may require the 1040
attendance of witnesses and the production of books, records, 1041
papers, and dogs that are needed either by the director or the 1042
attorney general or by any party to a hearing before the director 1043
and for that purpose may issue a subpoena for any witness or a 1044
subpoena duces tecum to compel the production of any books, 1045
records, papers, or dogs. The subpoena shall be served by personal 1046
service or by certified mail. If the subpoena is returned because 1047
of inability to deliver, or if no return is received within thirty 1048
days after the date of mailing, the subpoena may be served by 1049
ordinary mail. If no return of ordinary mail is received within 1050
thirty days after the date of mailing, service shall be deemed to 1051
have been made. If the subpoena is returned because of inability 1052
to deliver, the director or the attorney general may designate a 1053
person or persons to effect either personal or residence service 1054
on the witness. The person designated to effect personal or 1055
residence service under this section may be the sheriff of the 1056
county in which the witness resides or may be found or any other 1057
duly designated person. The fees and mileage of the person serving 1058
the subpoena shall be the same as those allowed by the courts of 1059
common pleas in criminal cases and shall be paid from the funds of 1060
the department of commerce. Fees and mileage for the witness shall 1061
be the same as those allowed for witnesses by the courts of common 1062
pleas in criminal cases and shall be paid from the funds of the 1063
department upon request of the witness following the hearing. 1064

Sec. 4780.16. All money collected by the director of commerce 1065
from license fees under section 4780.06 of the Revised Code and 1066
all money collected from civil penalties assessed under section 1067

4780.12 of the Revised Code shall be deposited in the state 1068
treasury to the credit of the regulated dog breeding kennel 1069
control license fund, which is hereby created. The director shall 1070
use money in the fund for the purpose of administering this 1071
chapter and rules adopted under it. 1072

Sec. 4780.17. (A) There is hereby created the regulated dog 1073
breeding kennel oversight commission consisting of one member of 1074
the senate appointed by the president of the senate, one member of 1075
the house of representatives appointed by the speaker of the house 1076
of representatives, and the following eight members appointed by 1077
the governor: 1078

(1) Two members representing animal care and welfare 1079
organizations in this state; 1080

(2) One member who is a county dog warden; 1081

(3) One member who is a veterinarian; 1082

(4) One member representing pet stores in this state; 1083

(5) One member representing regulated dog breeding kennels in 1084
this state; 1085

(6) One member who is a member in good standing of a 1086
nationally recognized kennel club that has members residing in 1087
each state of the continental United States; 1088

(7) One member representing the public. 1089

Initial appointments to the commission shall be made not 1090
later than sixty days after the effective date of this section. 1091
Terms of office of the members appointed by the president of the 1092
senate and the speaker of the house of representatives shall 1093
coincide with their terms of office as members of the senate and 1094
the house of representatives, as applicable. Of the initial 1095
appointments made by the governor, two shall be for one-year 1096

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.

1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110

(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.

1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122

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.

1123
1124
1125
1126

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

1127
1128

including the operation of the dog breeding kennel control 1129
authority created in section 4780.02 of the Revised Code. The 1130
oversight and evaluation may include, but not be limited to, a 1131
determination of whether this chapter and rules adopted under it 1132
and the operation of the authority have resulted in the prevention 1133
of cruelty to and abuse of dogs and an evaluation of the sanctions 1134
imposed on violators of this chapter and rules adopted under it. 1135
In addition, the commission may make recommendations to the 1136
director of commerce for changes to the administration of this 1137
chapter and rules adopted under it and to the general assembly for 1138
changes to this chapter that the commission considers necessary 1139
for the effective enforcement of this chapter and rules adopted 1140
under it. The commission has the right to inspect records kept by 1141
the dog breeding kennel control authority and to interview kennel 1142
control enforcement inspectors. The commission, by the 1143
thirty-first day of December each year, shall issue a report of 1144
its findings and submit it to the director of commerce, the 1145
president of the senate, and the speaker of the house of 1146
representatives. 1147

Sec. 4780.18. (A) In accordance with rules adopted under 1148
section 4780.03 of the Revised Code, at the time of the sale of a 1149
dog, a pet store shall provide the buyer of the dog with either of 1150
the following: 1151

(1) A certificate of medical health that has been completed 1152
and attested to by a veterinarian and that states that the 1153
veterinarian has examined the dog and has not found evidence of 1154
disease, illness, or injury at the time of the examination; 1155

(2) A money-back guarantee that is valid for not less than 1156
twenty-one days after the date of purchase of the dog. The 1157
guarantee shall authorize the purchaser of the dog to receive the 1158
purchase price of the dog from the pet store within that 1159

twenty-one-day period if the purchaser presents a statement to the 1160
pet store from a veterinarian who has examined the dog within 1161
fourteen days of the purchase of the dog that the dog has a 1162
significant disease, illness, or injury that was in existence at 1163
the time of the purchase of the dog. 1164

(B) A pet store shall post written notice of the pet store's 1165
responsibility under this section in a conspicuous location near 1166
the pet store's cash register. The written notice shall be posted 1167
in accordance with rules and shall be in prominent and easily read 1168
type that is not less than eighteen-point type. 1169

(C) At a time prior to the sale of a dog, a pet store shall 1170
provide the name, complete address, and telephone number of the 1171
breeder that bred the dog, the regulated dog breeding kennel where 1172
the dog was kept, housed, and maintained, and the regulated dog 1173
intermediary from whom the pet store acquired the dog, as 1174
applicable. The pet store also shall provide the telephone number 1175
and the address of the department of commerce. 1176

(D) No pet store shall fail to comply with this section. 1177

(E) A pet store that fails to comply with division (A)(1) of 1178
this section with respect to the sale of a dog or a pet store that 1179
fails to refund the purchase price of a dog in accordance with 1180
division (A)(2) of this section is liable to the purchaser of the 1181
dog for an amount that is equal to three times the purchase price 1182
of the dog plus any veterinary expenses of not more than five 1183
hundred dollars that are incurred by the purchaser within one year 1184
after the date of the purchase of the dog. The pet store also is 1185
liable for any attorney fees and costs incurred by the purchaser. 1186
In addition, the buyer of the dog may keep the dog. 1187

(F) The director of commerce or the director's authorized 1188
representative shall enforce this section. Kennel control 1189
enforcement inspectors may make inspections of pet stores for the 1190

<u>purpose of enforcing this section.</u>	1191
<u>Sec. 4780.98. No person shall violate this chapter or a rule</u>	1192
<u>adopted or order issued under it.</u>	1193
<u>Sec. 4780.99. Whoever violates section 4780.98 of the Revised</u>	1194
<u>Code is guilty of a misdemeanor of the first degree.</u>	1195
Section 2. That existing sections 121.08, 955.02, 955.10,	1196
955.12, 955.20, 955.26, and 1901.183 of the Revised Code are	1197
hereby repealed.	1198