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128th General Assembly
Regular Session
2009-2010

Sub. H. B. No. 124

A BILL

To amend sections 955.02, 955.10, 955.12, 955.20, 1
955.26, and 1901.183 and to enact sections 956.01, 2
956.011, 956.02 to 956.08, 956.081, 956.09 to 3
956.20, 956.98, and 956.99 of the Revised Code to 4
establish licensing requirements and standards of 5
care for certain dog breeding kennels, dog 6
intermediaries, and animal rescues for dogs. 7

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

Section 1. That sections 955.02, 955.10, 955.12, 955.20, 8
955.26, and 1901.183 be amended and sections 956.01, 956.011, 9
956.02, 956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.081, 10
956.09, 956.10, 956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 11
956.17, 956.18, 956.19, 956.20, 956.98, and 956.99 of the Revised 12
Code be enacted to read as follows: 13

Sec. 955.02. A As used in this chapter, "dog kennel" or 14
"kennel owner is a person, partnership, firm, company, or 15
corporation professionally engaged in the business " means an 16
establishment that keeps, houses, and maintains adult dogs, as 17
defined in section 956.01 of the Revised Code, for the purpose of 18
breeding the dogs for hunting or for a fee or other consideration 19
received through a sale, exchange, or lease and that is not a 20
regulated dog breeding kennel licensed under Chapter 956. of the 21
Revised Code. 22

Sec. 955.10. No owner of a dog, except a dog constantly 23
confined to a ~~registered dog~~ dog kennel registered under this chapter 24
or a regulated dog breeding kennel licensed under Chapter 956. of 25
the Revised Code, shall fail to require the dog to wear, at all 26
times, a valid tag issued in connection with a certificate of 27
registration. A ~~dog's failure~~ dog found not wearing at any time ~~to~~ 28
~~wear~~ a valid tag shall be prima-facie evidence of lack of 29
registration and shall subject any dog found not wearing such a 30
tag to impounding, sale, or destruction. 31

Sec. 955.12. The board of county commissioners shall appoint 32
or employ a county dog warden and deputies in such number, for 33
such periods of time, and at such compensation as the board 34
considers necessary to enforce sections 955.01 to 955.27, 955.29 35
to 955.38, and 955.50 to 955.53 of the Revised Code. 36

The warden and deputies shall give bond in a sum not less 37
than five hundred dollars and not more than two thousand dollars, 38
as set by the board, conditioned for the faithful performance of 39
their duties. The bond or bonds may, in the discretion of the 40
board, be individual or blanket bonds. The bonds shall be filed 41
with the county auditor of their respective counties. 42

The warden and deputies shall make a record of all dogs 43
owned, kept, and harbored in their respective counties. They shall 44
patrol their respective counties and seize and impound on sight 45
all dogs found running at large and all dogs more than three 46
months of age found not wearing a valid registration tag, except 47
any dog that wears a valid registration tag and is: on the 48
premises of its owner, keeper, or harborer, under the reasonable 49
control of its owner or some other person, hunting with its owner 50
or its handler at a field trial, kept constantly confined in a 51
registered dog kennel registered under this chapter or a regulated 52
dog breeding kennel licensed under Chapter 956. of the Revised 53

Code, or acquired by, and confined on the premises of, an 54
institution or organization of the type described in section 55
955.16 of the Revised Code. A dog that wears a valid registration 56
tag may be seized on the premises of its owner, keeper, or 57
harborer and impounded only in the event of a natural disaster. 58

If a dog warden has reason to believe that a dog is being 59
treated inhumanely on the premises of its owner, keeper, or 60
harborer, the warden shall apply to the court of common pleas for 61
the county in which the premises are located for an order to enter 62
the premises, and if necessary, seize the dog. If the court finds 63
probable cause to believe that the dog is being treated 64
inhumanely, it shall issue such an order. 65

The warden and deputies shall also investigate all claims for 66
damages to animals reported to them under section 955.29 of the 67
Revised Code and assist claimants to fill out the claim form 68
therefor. They shall make weekly reports, in writing, to the board 69
in their respective counties of all dogs seized, impounded, 70
redeemed, and destroyed and of all claims for damage to animals 71
inflicted by dogs. 72

The wardens and deputies shall have the same police powers as 73
are conferred upon sheriffs and police officers in the performance 74
of their duties as prescribed by sections 955.01 to 955.27, 955.29 75
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 76
also have power to summon the assistance of bystanders in 77
performing their duties and may serve writs and other legal 78
processes issued by any court in their respective counties with 79
reference to enforcing those sections. County auditors may 80
deputize the wardens or deputies to issue dog licenses as provided 81
in sections 955.01 and 955.14 of the Revised Code. 82

Whenever any person files an affidavit in a court of 83
competent jurisdiction that there is a dog running at large that 84
is not kept constantly confined either in a ~~registered~~ dog kennel 85

registered under this chapter or a regulated dog breeding kennel 86
licensed under Chapter 956. of the Revised Code or on the premises 87
of an institution or organization of the type described in section 88
955.16 of the Revised Code or that a dog is kept or harbored in 89
the warden's jurisdiction without being registered as required by 90
law, the court shall immediately order the warden to seize and 91
impound the dog. Thereupon the warden shall immediately seize and 92
impound the dog complained of. The warden shall give immediate 93
notice by certified mail to the owner, keeper, or harbinger of the 94
dog seized and impounded by the warden, if the owner, keeper, or 95
harborer can be determined from the current year's registration 96
list maintained by the warden and the county auditor of the county 97
where the dog is registered, that the dog has been impounded and 98
that, unless the dog is redeemed within fourteen days of the date 99
of the notice, it may thereafter be sold or destroyed according to 100
law. If the owner, keeper, or harbinger cannot be determined from 101
the current year's registration list maintained by the warden and 102
the county auditor of the county where the dog is registered, the 103
officer shall post a notice in the pound or animal shelter both 104
describing the dog and place where seized and advising the unknown 105
owner that, unless the dog is redeemed within three days, it may 106
thereafter be sold or destroyed according to law. 107

As used in this section, "animal" has the same meaning as in 109
section 955.51 of the Revised Code. 110

Sec. 955.20. The registration fees provided for in sections 111
955.01 to 955.14 of the Revised Code and money transferred to the 112
county under section 956.07 of the Revised Code constitute a 113
special fund known as "the dog and kennel fund." The fees shall be 114
deposited by the county auditor in the county treasury daily as 115
collected ~~and~~. Money in the fund shall be used for the purpose of 116
defraying the cost of furnishing all blanks, records, tags, nets, 117

and other equipment, for the purpose of paying the compensation of 118
county dog wardens, deputies, poundkeepers, and other employees 119
necessary to carry out and enforce sections 955.01 to 955.261 of 120
the Revised Code, and for the payment of animal claims as provided 121
in sections 955.29 to 955.38 of the Revised Code, and in 122
accordance with section 955.27 of the Revised Code. The board of 123
county commissioners, by resolution, shall appropriate sufficient 124
funds out of the dog and kennel fund, not more than fifteen per 125
cent of which shall be expended by the auditor for registration 126
tags, blanks, records, and clerk hire, for the purpose of 127
defraying the necessary expenses of registering, seizing, 128
impounding, and destroying dogs in accordance with sections 955.01 129
to 955.27 of the Revised Code, and for the purpose of covering any 130
additional expenses incurred by the county auditor as authorized 131
by division (F) (3) of section 955.14 of the Revised Code. 132

If the funds so appropriated in any calendar year are found 133
by the board to be insufficient to defray the necessary cost and 134
expense of the county dog warden in enforcing sections 955.01 to 135
955.27 of the Revised Code, the board, by resolution so provided, 136
after setting aside a sum equal to the total amount of animal 137
claims ~~paid or~~ filed in that calendar year, or an amount equal to 138
the total amount of animal claims paid or allowed the preceding 139
year, whichever amount is larger, may appropriate further funds 140
for the use and purpose of the county dog warden in administering 141
those sections. 142

Money received by a county under section 956.07 of the 143
Revised Code is subject to audit by the auditor of state. 144

Sec. 955.26. Whenever, in the judgment of the director of 145
health, any city or general health district board of health, or 146
persons performing the duties of a board of health, rabies is 147
prevalent, the director of health, the board, or those persons 148

shall declare a quarantine of all dogs in the health district or 149
in a part of it. During the quarantine, the owner, keeper, or 150
harborer of any dog shall keep it confined on the premises of the 151
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~ kennel, or 152
other suitable place, at the expense of the owner, keeper, or 153
harborer, except that a dog may be permitted to leave the premises 154
of its owner, keeper, or harborer if it is under leash or under 155
the control of a responsible person. The quarantine order shall be 156
considered an emergency and need not be published. 157

When the quarantine has been declared, the director of 158
health, the board, or those persons may require vaccination for 159
rabies of all dogs within the health district or part of it. Proof 160
of rabies vaccination within a satisfactory period shall be 161
demonstrated to the county auditor before any registration is 162
issued under section 955.01 of the Revised Code for any dog that 163
is required to be vaccinated. 164

The public health council shall determine appropriate methods 165
of rabies vaccination and satisfactory periods for purposes of 166
quarantines under this section. 167

When a quarantine of dogs has been declared in any health 168
district or part of a health district, the county dog warden and 169
all other persons having the authority of police officers shall 170
assist the health authorities in enforcing the quarantine order. 171
When rabies vaccination has been declared compulsory in any health 172
district or part of a health district, the dog warden shall assist 173
the health authorities in enforcing the vaccination order. 174

Notwithstanding ~~the provisions of~~ this section, a city or 175
general health district board of health may make orders pursuant 176
to sections 3709.20 and 3709.21 of the Revised Code requiring the 177
vaccination of dogs. 178

Sec. 956.01. As used in this chapter: 179

(A) "Adult dog" means a dog that is twelve months of age or older. 180
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(B) "Animal rescue for dogs" means an individual or organization recognized by the director of the kennel control authority 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 dogs for adoption and charges reasonable adoption fees approved by the director of the authority under this chapter to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs. 182
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(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs and that is operated by county animal control or 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. "Animal shelter for dogs" includes a dog pound operated pursuant to Chapter 955. of the Revised Code. 198
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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. 206
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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 210
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<u>residence.</u>	212
<u>(F) "Regulated dog breeding kennel" means an establishment</u>	213
<u>that keeps, houses, and maintains adult breeding dogs that produce</u>	214
<u>either at least nine litters of puppies or at least fifty puppies</u>	215
<u>in any given calendar year and, in return for a fee or other</u>	216
<u>consideration, sells or leases adult dogs or puppies.</u>	217
<u>(G) "Regulated dog intermediary" means a person who buys,</u>	218
<u>sells, offers to sell, donates, gives, or exchanges more than nine</u>	219
<u>dogs annually in this state or who sells or gives one or more dogs</u>	220
<u>to a pet store annually. "Regulated dog intermediary" does not</u>	221
<u>include an animal rescue for dogs, an animal shelter for dogs, a</u>	222
<u>humane society established under Chapter 1717. of the Revised</u>	223
<u>Code, a medical kennel for dogs, a research kennel for dogs, or a</u>	224
<u>veterinary office.</u>	225
<u>(H) "Enclosure, crate, or cage" does not include an</u>	226
<u>enclosure, crate, or cage that is used during the transportation</u>	227
<u>of a dog or used for medical purposes.</u>	228
<u>(I) "Environmental division of the Franklin county municipal</u>	229
<u>court" means the environmental division of the Franklin county</u>	230
<u>municipal court created in section 1901.011 of the Revised Code.</u>	231
<u>(J) "Medical kennel for dogs" means a facility that is</u>	232
<u>maintained by a veterinarian and operated primarily for the</u>	233
<u>treatment of sick or injured dogs.</u>	234
<u>(K) "Pet store" means a retail store that sells dogs to the</u>	235
<u>public.</u>	236
<u>(L) "Puppy" means a dog that is under twelve months of age.</u>	237
<u>(M) "Research kennel for dogs" means a facility housing dogs</u>	238
<u>that is maintained exclusively for research purposes.</u>	239
<u>(N) "Veterinarian" means a veterinarian licensed under</u>	240
<u>Chapter 4741. of the Revised Code.</u>	241

Sec. 956.011. Medical kennels for dogs, research kennels for dogs, and veterinarians are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it. 242
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Sec. 956.02. There is hereby created the kennel control authority for the purpose of administering this chapter and rules adopted under it by the director of the authority and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The kennel control authority board created in section 956.18 of the Revised Code shall designate a suitable individual as director of the authority, who shall serve at the board's pleasure. 246
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The director 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 the rules adopted under it. 255
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Sec. 956.03. The director of the kennel control authority shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 259
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(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 262
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when soliciting to sell an adult dog or a puppy or when solicited 272
for such a sale. 273

(B) Requirements and procedures for conducting background 274
investigations of each applicant for a license issued under 275
section 956.04 of the Revised Code in order to determine if the 276
applicant has been convicted of or pleaded guilty to any of the 277
violations specified in division (H) of that section. The rules 278
shall provide that background investigations shall be conducted 279
solely by the attorney general on behalf of the kennel control 280
authority. The rules shall establish procedures for annually 281
updating background investigation information regarding an 282
applicant after an initial background investigation has been 283
conducted with respect to an initial application for a license 284
submitted under that section. 285

(C) Requirements and procedures governing regulated dog 286
intermediaries, including the licensing of and record keeping by 287
regulated dog intermediaries, in addition to the requirements and 288
procedures established in this chapter. The rules shall require 289
that a regulated dog intermediary be assigned a license number and 290
that a regulated dog intermediary provide the license number and 291
the applicable vendor number assigned by the department of 292
taxation whenever it solicits business or it is solicited for 293
business. 294

(D) Requirements and procedures governing animal rescues for 295
dogs, including the licensing and inspection of and record keeping 296
by animal rescues for dogs, in addition to the requirements and 297
procedures established in this chapter; 298

(E) The form of applications for licenses issued under this 299
chapter and the information that is required to be submitted in 300
the applications. The rules shall require an animal rescue for 301
dogs to provide in an application for a license the name and 302
address of each foster home that it utilizes. 303

(F) A requirement that each regulated dog breeding kennel 304
submit to the director, with an application for a regulated dog 305
breeding kennel license, evidence of insurance or, in the 306
alternative, evidence of a surety bond payable to the authority to 307
ensure compliance with this chapter and rules adopted under it. 308
The face value of the insurance coverage or bond shall be in the 309
following amounts: 310

(1) Five thousand dollars for regulated dog breeding kennels 311
keeping, housing, and maintaining not more than twenty-five adult 312
dogs: 313

(2) Ten thousand dollars for regulated dog breeding kennels 314
keeping, housing, and maintaining at least twenty-six adult dogs, 315
but not more than fifty adult dogs: 316

(3) Fifty thousand dollars for regulated dog breeding kennels 317
keeping, housing, and maintaining more than fifty adult dogs. 318

The rules shall require that the insurance be payable to the 319
state or that the surety bond be subject to redemption by the 320
state, as applicable, upon a suspension or revocation of a 321
regulated dog breeding kennel license for the purpose of paying 322
for the maintenance and care of dogs that are seized or otherwise 323
impounded from the regulated dog breeding kennel in accordance 324
with this chapter. 325

(G) Procedures for inspections conducted under section 956.10 326
of the Revised Code in addition to the procedures established in 327
that section, and procedures for making records of the 328
inspections: 329

(H) Requirements and procedures that are necessary to 330
implement and enforce the requirements pertaining to pet stores 331
that are established in section 956.19 of the Revised Code: 332

(I) (1) A requirement that an in-state retailer or direct 333
seller of a puppy or adult dog provide to the purchaser the 334

complete name, address, and telephone number of all regulated dog 335
breeding kennels, regulated dog intermediaries, and private owners 336
that kept, housed, or maintained the puppy or adult dog prior to 337
its coming into the possession of the retailer or direct seller, 338
or proof that the puppy or adult dog was acquired through an 339
animal rescue for dogs, animal shelter for dogs, or humane society 340
established under Chapter 1717. of the Revised Code, or a valid 341
health certificate from the state of origin pertaining to the 342
puppy or adult dog, and a statement disclosing any congenital 343
disorders or hereditary diseases that the parents of the puppy or 344
of the adult dog are known to have; 345

(2) A requirement that an out-of-state retailer or direct 346
seller of a puppy or adult dog that is conducting business in this 347
state provide to the purchaser a valid health certificate from the 348
state of origin pertaining to the puppy or adult dog, a statement 349
disclosing any congenital disorders or hereditary diseases that 350
the parents of the puppy or of the adult dog are known to have, 351
and the complete name, address, and telephone number of all dog 352
breeding kennels, sellers, and private owners that kept, housed, 353
or maintained the puppy or adult dog prior to its coming into the 354
possession of the retailer or direct seller or proof that the 355
puppy or adult dog was acquired through an animal rescue for dogs, 356
animal shelter for dogs, or humane society in this state or 357
another state. 358

(J) A requirement that a person who advertises the sale of a 359
puppy or adult dog include with the advertisement the person's 360
vendor number assigned by the tax commissioner if the sale of the 361
puppy or dog is subject to the tax levied under Chapter 5739. of 362
the Revised Code; 363

(K) Requirements and procedures governing the registration of 364
litters under section 956.20 of the Revised Code; 365

(L) A requirement that a licensed regulated dog breeding 366

