

LSC 128 0681-6

128th General Assembly
Regular Session
2009-2010

Sub. S. B. No. 95

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, 956.09 to 956.20, 3
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, 956.09, 10
956.10, 956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 956.17, 11
956.18, 956.19, 956.20, 956.98, and 956.99 of the Revised Code be 12
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 high 20
volume breeder licensed under Chapter 956. of the Revised Code. 21~~

Sec. 955.10. No owner of a dog, except a dog constantly 22
confined to a ~~registered dog~~ kennel registered under this chapter 23
or one licensed under Chapter 956. of the Revised Code, shall fail 24
to require the dog to wear, at all times, a valid tag issued in 25
connection with a certificate of registration. A ~~dog's failure~~ dog 26
found not wearing at any time ~~to wear~~ a valid tag shall be 27
prima-facie evidence of lack of registration and shall subject any 28
dog found not wearing such a tag to impounding, sale, or 29
destruction. 30

Sec. 955.12. The board of county commissioners shall appoint 31
or employ a county dog warden and deputies in such number, for 32
such periods of time, and at such compensation as the board 33
considers necessary to enforce sections 955.01 to 955.27, 955.29 34
to 955.38, and 955.50 to 955.53 of the Revised Code. 35

The warden and deputies shall give bond in a sum not less 36
than five hundred dollars and not more than two thousand dollars, 37
as set by the board, conditioned for the faithful performance of 38
their duties. The bond or bonds may, in the discretion of the 39
board, be individual or blanket bonds. The bonds shall be filed 40
with the county auditor of their respective counties. 41

The warden and deputies shall make a record of all dogs 42
owned, kept, and harbored in their respective counties. They shall 43
patrol their respective counties and seize and impound on sight 44
all dogs found running at large and all dogs more than three 45
months of age found not wearing a valid registration tag, except 46
any dog that wears a valid registration tag and is: on the 47
premises of its owner, keeper, or harborer, under the reasonable 48
control of its owner or some other person, hunting with its owner 49
or its handler at a field trial, kept constantly confined in a 50
~~registered dog~~ kennel registered under this chapter or one 51
licensed under Chapter 956. of the Revised Code, or acquired by, 52

and confined on the premises of, an institution or organization of 53
the type described in section 955.16 of the Revised Code. A dog 54
that wears a valid registration tag may be seized on the premises 55
of its owner, keeper, or harbinger and impounded only in the event 56
of a natural disaster. 57

If a dog warden has reason to believe that a dog is being 58
treated inhumanely on the premises of its owner, keeper, or 59
harbinger, the warden shall apply to the court of common pleas for 60
the county in which the premises are located for an order to enter 61
the premises, and if necessary, seize the dog. If the court finds 62
probable cause to believe that the dog is being treated 63
inhumanely, it shall issue such an order. 64

The warden and deputies shall also investigate all claims for 65
damages to animals reported to them under section 955.29 of the 66
Revised Code and assist claimants to fill out the claim form 67
therefor. They shall make weekly reports, in writing, to the board 68
in their respective counties of all dogs seized, impounded, 69
redeemed, and destroyed and of all claims for damage to animals 70
inflicted by dogs. 71

The wardens and deputies shall have the same police powers as 72
are conferred upon sheriffs and police officers in the performance 73
of their duties as prescribed by sections 955.01 to 955.27, 955.29 74
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 75
also have power to summon the assistance of bystanders in 76
performing their duties and may serve writs and other legal 77
processes issued by any court in their respective counties with 78
reference to enforcing those sections. County auditors may 79
deputize the wardens or deputies to issue dog licenses as provided 80
in sections 955.01 and 955.14 of the Revised Code. 81

Whenever any person files an affidavit in a court of 82
competent jurisdiction that there is a dog running at large that 83
is not kept constantly confined either in a ~~registered~~ dog kennel 84

registered under this chapter or one licensed under Chapter 956. 85
of the Revised Code or on the premises of an institution or 86
organization of the type described in section 955.16 of the 87
Revised Code or that a dog is kept or harbored in the warden's 88
jurisdiction without being registered as required by law, the 89
court shall immediately order the warden to seize and impound the 90
dog. Thereupon the warden shall immediately seize and impound the 91
dog complained of. The warden shall give immediate notice by 92
certified mail to the owner, keeper, or harborer of the dog seized 93
and impounded by the warden, if the owner, keeper, or harborer can 94
be determined from the current year's registration list maintained 95
by the warden and the county auditor of the county where the dog 96
is registered, that the dog has been impounded and that, unless 97
the dog is redeemed within fourteen days of the date of the 98
notice, it may thereafter be sold or destroyed according to law. 99
If the owner, keeper, or harborer cannot be determined from the 100
current year's registration list maintained by the warden and the 101
county auditor of the county where the dog is registered, the 102
officer shall post a notice in the pound or animal shelter both 103
describing the dog and place where seized and advising the unknown 104
owner that, unless the dog is redeemed within three days, it may 105
thereafter be sold or destroyed according to law. 106

As used in this section, "animal" has the same meaning as in 107
section 955.51 of the Revised Code. 108

Sec. 955.20. The registration fees provided for in sections 109
955.01 to 955.14 of the Revised Code and money transferred to the 110
county under section 956.07 of the Revised Code constitute a 111
special fund known as "the dog and kennel fund." The fees shall be 112
deposited by the county auditor in the county treasury daily as 113
collected ~~and~~. Money in the fund shall be used for the purpose of 114
defraying the cost of furnishing all blanks, records, tags, nets, 115
and other equipment, for the purpose of paying the compensation of 116

county dog wardens, deputies, poundkeepers, and other employees 117
necessary to carry out and enforce sections 955.01 to 955.261 of 118
the Revised Code, and for the payment of animal claims as provided 119
in sections 955.29 to 955.38 of the Revised Code, and in 120
accordance with section 955.27 of the Revised Code. The board of 121
county commissioners, by resolution, shall appropriate sufficient 122
funds out of the dog and kennel fund, not more than fifteen per 123
cent of which shall be expended by the auditor for registration 124
tags, blanks, records, and clerk hire, for the purpose of 125
defraying the necessary expenses of registering, seizing, 126
impounding, and destroying dogs in accordance with sections 955.01 127
to 955.27 of the Revised Code, and for the purpose of covering any 128
additional expenses incurred by the county auditor as authorized 129
by division (F)(3) of section 955.14 of the Revised Code. 130

If the funds so appropriated in any calendar year are found 131
by the board to be insufficient to defray the necessary cost and 132
expense of the county dog warden in enforcing sections 955.01 to 133
955.27 of the Revised Code, the board, by resolution so provided, 134
after setting aside a sum equal to the total amount of animal 135
claims ~~paid or~~ filed in that calendar year, or an amount equal to 136
the total amount of animal claims paid or allowed the preceding 137
year, whichever amount is larger, may appropriate further funds 138
for the use and purpose of the county dog warden in administering 139
those sections. 140

Sec. 955.26. Whenever, in the judgment of the director of 141
health, any city or general health district board of health, or 142
persons performing the duties of a board of health, rabies is 143
prevalent, the director of health, the board, or those persons 144
shall declare a quarantine of all dogs in the health district or 145
in a part of it. During the quarantine, the owner, keeper, or 146
harborer of any dog shall keep it confined on the premises of the 147
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, kennel, or 148

other suitable place, at the expense of the owner, keeper, or 149
harborer, except that a dog may be permitted to leave the premises 150
of its owner, keeper, or harborer if it is under leash or under 151
the control of a responsible person. The quarantine order shall be 152
considered an emergency and need not be published. 153

When the quarantine has been declared, the director of 154
health, the board, or those persons may require vaccination for 155
rabies of all dogs within the health district or part of it. Proof 156
of rabies vaccination within a satisfactory period shall be 157
demonstrated to the county auditor before any registration is 158
issued under section 955.01 of the Revised Code for any dog that 159
is required to be vaccinated. 160

The public health council shall determine appropriate methods 161
of rabies vaccination and satisfactory periods for purposes of 162
quarantines under this section. 163

When a quarantine of dogs has been declared in any health 164
district or part of a health district, the county dog warden and 165
all other persons having the authority of police officers shall 166
assist the health authorities in enforcing the quarantine order. 167
When rabies vaccination has been declared compulsory in any health 168
district or part of a health district, the dog warden shall assist 169
the health authorities in enforcing the vaccination order. 170

Notwithstanding ~~the provisions of~~ this section, a city or 171
general health district board of health may make orders pursuant 172
to sections 3709.20 and 3709.21 of the Revised Code requiring the 173
vaccination of dogs. 174

Sec. 956.01. As used in this chapter: 175

(A) "Adult dog" means a dog that is twelve months of age or 176
older. 177

(B) "Animal rescue for dogs" means an individual or 178

organization recognized by the director of the kennel control 179
authority that keeps, houses, and maintains dogs and that is 180
dedicated to the welfare, health, safety, and protection of dogs, 181
provided that the individual or organization does not operate for 182
profit, does not sell dogs for a profit, does not breed dogs, and 183
does not purchase more than nine dogs in any given calendar year 184
unless the dogs are purchased from a dog warden appointed under 185
Chapter 955. of the Revised Code, a humane society established 186
under Chapter 1717. of the Revised Code, or another animal rescue 187
for dogs. "Animal rescue for dogs" includes an individual or 188
organization that offers dogs for adoption and charges reasonable 189
adoption fees approved by the director of the authority under this 190
chapter to cover the costs of the individual or organization, 191
including, but not limited to, costs related to spaying or 192
neutering dogs. 193

(C) "Animal shelter for dogs" means a facility that keeps, 194
houses, and maintains dogs such as a dog pound operated by a 195
municipal corporation, or by a county under Chapter 955. of the 196
Revised Code, or that is operated by a humane society established 197
under Chapter 1717. of the Revised Code, animal welfare society, 198
society for the prevention of cruelty to animals, or other 199
nonprofit organization that is devoted to the welfare, protection, 200
and humane treatment of dogs and other animals. 201

(D) "Boarding kennel" means an establishment operating for 202
profit that keeps, houses, and maintains dogs solely for the 203
purpose of providing shelter, care, and feeding of the dogs in 204
return for a fee or other consideration. 205

(E) "Breeding dog" means an unneutered, unspayed dog that is 206
primarily harbored or housed on property that is the dog's primary 207
residence. 208

(F) "High volume breeder" means an establishment that keeps, 209
houses, and maintains adult breeding dogs that produce at least 210

nine litters of puppies in any given calendar year and, in return 211
for a fee or other consideration, sells sixty or more adult dogs 212
or puppies per calendar year. 213

(G) "Dog retailer" means a person who buys, sells, or offers 214
to sell dogs at wholesale for resale to another or who sells or 215
gives one or more dogs to a pet store annually. "Dog retailer" 216
does not include an animal rescue for dogs, an animal shelter for 217
dogs, a humane society established under Chapter 1717. of the 218
Revised Code, a medical kennel for dogs, a research kennel for 219
dogs, a pet store, or a veterinarian. 220

(H) "Enclosure, crate, or cage" does not include an 221
enclosure, crate, or cage that is used during the transportation 222
of a dog or used for medical purposes. 223

(I) "Environmental division of the Franklin county municipal 224
court" means the environmental division of the Franklin county 225
municipal court created in section 1901.011 of the Revised Code. 226

(J) "Medical kennel for dogs" means a facility that is 227
maintained by a veterinarian and operated primarily for the 228
treatment of sick or injured dogs. 229

(K) "Pet store" means a retail store that sells dogs to the 230
public. 231

(L) "Puppy" means a dog that is under twelve months of age. 232

(M) "Research kennel for dogs" means a facility housing dogs 233
that is maintained exclusively for research purposes. 234

(N) "Veterinarian" means a veterinarian licensed under 235
Chapter 4741. of the Revised Code. 236

Sec. 956.011. Medical kennels for dogs, research kennels for 237
dogs, animal shelters for dogs that are operated by a municipal 238
corporation, or by a county under Chapter 955. of the Revised 239
Code, and veterinarians are not required to obtain a license under 240

this chapter or comply with any other requirements of this chapter 241
and rules adopted under it. 242

Sec. 956.02. There is hereby created the kennel control 243
authority for the purpose of administering this chapter and rules 244
adopted under it by the director of the authority and ensuring the 245
welfare and humane treatment of dogs and their offspring in 246
accordance with this chapter and rules adopted under it. The 247
kennel control authority board created in section 956.18 of the 248
Revised Code shall designate a suitable individual as director of 249
the authority, who shall serve at the board's pleasure. 250

The director may contract with any political subdivision of 251
the state to assist the director and the director's authorized 252
representatives in administering and enforcing this chapter and 253
the rules adopted under it. 254

Sec. 956.03. The director of the kennel control authority 255
shall adopt rules in accordance with Chapter 119. of the Revised 256
Code establishing all of the following: 257

(A) Requirements and procedures governing high volume 258
breeders, including the licensing and inspection of and record 259
keeping by high volume breeders, in addition to the requirements 260
and procedures established in this chapter. The rules shall 261
require that a high volume breeder be assigned a license number 262
and that a high volume breeder provide the license number and the 263
applicable vendor number assigned by the department of taxation 264
whenever it solicits business or it is solicited for business. 265

(B) Requirements and procedures for conducting background 266
investigations of each applicant for a license issued under 267
section 956.04 of the Revised Code in order to determine if the 268
applicant has been convicted of or pleaded guilty to any of the 269
violations specified in division (H) of that section. The rules 270

shall provide that background investigations shall be conducted 271
solely by the attorney general on behalf of the kennel control 272
authority. The rules shall establish procedures for annually 273
updating background investigation information regarding an 274
applicant after an initial background investigation has been 275
conducted with respect to an initial application for a license 276
submitted under that section. 277

(C) Requirements and procedures governing regulated dog 278
intermediaries, including the licensing of and record keeping by 279
regulated dog intermediaries, in addition to the requirements and 280
procedures established in this chapter. The rules shall require 281
that a dog retailer be assigned a license number and that a dog 282
retailer provide the license number and the applicable vendor 283
number assigned by the department of taxation whenever it solicits 284
business or it is solicited for business. 285

(D) Requirements and procedures governing animal rescues for 286
dogs, including the licensing and inspection of and record keeping 287
by animal rescues for dogs, in addition to the requirements and 288
procedures established in this chapter; 289

(E) The form of applications for licenses issued under this 290
chapter and the information that is required to be submitted in 291
the applications. The rules shall require an animal rescue for 292
dogs to provide in an application for a license the name and 293
address of each foster home that it utilizes. 294

(F) A requirement that each high volume breeder submit to the 295
director, with an application for a high volume breeder license, 296
evidence of insurance or, in the alternative, evidence of a surety 297
bond payable to the authority to ensure compliance with this 298
chapter and rules adopted under it. The face value of the 299
insurance coverage or bond shall be in the following amounts: 300

(1) Five thousand dollars for high volume breeders keeping, 301

housing, and maintaining not more than twenty-five adult dogs; 302

(2) Ten thousand dollars for high volume breeders keeping, 303
housing, and maintaining at least twenty-six adult dogs but not 304
more than fifty adult dogs; 305

(3) Fifty thousand dollars for high volume breeders keeping, 306
housing, and maintaining more than fifty adult dogs. 307

The rules shall require that the insurance be payable to the 308
state or that the surety bond be subject to redemption by the 309
state, as applicable, upon a suspension or revocation of a high 310
volume breeder license for the purpose of paying for the 311
maintenance and care of dogs that are seized or otherwise 312
impounded from the high volume breeder in accordance with this 313
chapter. 314

(G) Procedures for inspections conducted under section 956.10 315
of the Revised Code in addition to the procedures established in 316
that section, and procedures for making records of the 317
inspections; 318

(H) Requirements and procedures that are necessary to 319
implement and enforce the requirements pertaining to pet stores 320
that are established in section 956.19 of the Revised Code; 321

(I)(1) A requirement that an in-state retailer or direct 322
seller of a puppy or adult dog provide to the purchaser the 323
complete name, address, and telephone number of all high volume 324
breeders, dog retailers, and private owners that kept, housed, or 325
maintained the puppy or adult dog prior to its coming into the 326
possession of the retailer or direct seller or proof that the 327
puppy or adult dog was acquired through an animal rescue for dogs, 328
animal shelter for dogs, or humane society established under 329
Chapter 1717. of the Revised Code, or a valid health certificate 330
from the state of origin pertaining to the puppy or adult dog; 331

(2) A requirement that an out-of-state retailer or direct 332

seller of a puppy or adult dog that is conducting business in this 333
state provide to the purchaser a valid health certificate from the 334
state of origin pertaining to the puppy or adult dog and the 335
complete name, address, and telephone number of all breeders, 336
sellers, and private owners that kept, housed, or maintained the 337
puppy or adult dog prior to its coming into the possession of the 338
retailer or direct seller or proof that the puppy or adult dog was 339
acquired through an animal rescue for dogs, animal shelter for 340
dogs, or humane society in this state or another state. 341

(J) A requirement that a high volume breeder or a dog 342
retailer who advertises the sale of a puppy or adult dog include 343
with the advertisement the vendor number assigned by the tax 344
commissioner to the high volume breeder or to the dog retailer if 345
the sale of the puppy or dog is subject to the tax levied under 346
Chapter 5739. of the Revised Code; 347

(K) Requirements and procedures governing the registration of 348
litters under section 956.20 of the Revised Code; 349

(L) A requirement that a licensed high volume breeder and a 350
licensed dog retailer comply with Chapter 5739. of the Revised 351
Code. The rules shall authorize the director to suspend or revoke 352
a license for failure to comply with that chapter. The director 353
shall work in conjunction with the tax commissioner for the 354
purposes of this division. 355

(M) Any other requirements and procedures that are determined 356
by the commission to be necessary for the administration and 357
enforcement of this chapter and rules adopted under it. 358

Sec. 956.04. (A)(1) No person shall operate a high volume 359
breeder in this state without a high volume breeder license issued 360
by the director of the kennel control authority in accordance with 361
this section and rules adopted under section 956.03 of the Revised 362
Code. 363

(2) The director shall not issue a license under this section unless the director determines that the applicant will operate or will continue to operate the high volume breeder in accordance with this chapter and rules adopted under it. 364
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(B) In determining whether an establishment is a high volume breeder requiring a license under this chapter, the director shall determine if, in any given year, the establishment is a high volume breeder as defined in section 956.01 of the Revised Code. All facilities that are located at an individual postal address shall be licensed as one high volume breeder. Not more than one license shall be issued under this section for any given postal address. 368
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(C) A person who is proposing to operate a new high volume breeder shall submit an application for a license to the director at least ninety days before commencing operation of the high volume breeder. The application shall be submitted in the form and with the information required by rules adopted under section 956.03 of the Revised Code and shall include with it at least all of the following: 376
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(1) An affidavit signed under oath or solemn affirmation of the number of adult dogs that are kept, housed, and maintained by the applicant at the location that is the subject of the application; 383
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(2) An estimate of the number of puppies to be kept, housed, and maintained and of the number of litters of puppies or total number of puppies to be produced during the annual term of the license; 387
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(3) Photographic evidence documenting the facilities where dogs will be kept, housed, and maintained by the applicant. The kennel control authority may conduct an inspection of the facilities that are the subject of an application in addition to 391
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reviewing photographic evidence submitted by an applicant for a 395
license. 396

(4) A signed release permitting the performance of a 397
background investigation regarding the applicant in accordance 398
with rules adopted under section 956.03 of the Revised Code; 399

(5) The names and addresses and any other identifying 400
information required by rules adopted under section 956.03 of the 401
Revised Code of all persons who will have custody of or control 402
over dogs kept by the applicant. 403

(D) During the month of December but before the first day of 404
January of the next year, a person who is proposing to continue 405
the operation of a high volume breeder shall obtain a license for 406
the high volume breeder from the director for the following year. 407
The person shall submit the application to the director on or 408
before the last day of November of the year preceding the year for 409
which the license is sought. 410

(E) The owner or operator of a high volume breeder that is in 411
operation on the effective date of this section shall submit to 412
the director an application for a high volume breeder license not 413
later than three months after the effective date of this section. 414
The director shall issue or deny the application for a license 415
within ninety days after the receipt of the completed application. 416

(F) A person who has received a license under this section, 417
upon sale or other disposition of the high volume breeder, may 418
have the license transferred to another person with the consent of 419
the director, provided that the transferee otherwise qualifies to 420
be licensed as a high volume breeder under this chapter and rules 421
adopted under it and does not have a certified unpaid debt to the 422
state. 423

(G) An applicant for a license issued under this section 424
shall demonstrate that the high volume breeder that is the subject 425

of the application complies with the standards of care and other 426
standards established under this chapter. 427

(H) No person shall be licensed as or operate a high volume 428
breeder who, in the past twenty years, has been convicted of or 429
pleaded guilty to violating section 959.01, 959.02, 959.03, 430
959.13, 959.131, 959.15, or 959.16 of the Revised Code or an 431
equivalent municipal ordinance, law of another state, or law of 432
the federal government or who, in the past twenty years, has been 433
convicted of or pleaded guilty to violating more than once section 434
2919.25 of the Revised Code or an equivalent municipal ordinance, 435
law of another state, or law of the federal government. 436

Sec. 956.05. (A)(1) No person shall act as or perform the 437
functions of a dog retailer in this state without a dog retailer 438
license issued by the director of the kennel control authority in 439
accordance with this section and rules adopted under section 440
956.03 of the Revised Code. 441

(2) The director shall not issue a license under this section 442
unless the director determines that the applicant will act as or 443
perform the functions of a dog retailer in accordance with this 444
chapter and rules adopted under it. 445

(B) A person who is proposing to act as or perform the 446
functions of a dog retailer shall submit an application for a 447
license to the director. During the month of December but before 448
the first day of January of the next year, a person who is 449
proposing to continue to act as or perform the functions of a dog 450
retailer shall obtain a license from the director for the 451
following year. The person shall submit the application to the 452
director on or before the last day of November of the year 453
preceding the year for which the license is sought. 454

(C) A person who is acting as or performing the functions of 455
a dog retailer on the effective date of this section shall submit 456

to the director an application for a dog retailer license not 457
later than three months after the effective date of this section. 458
The director shall issue or deny the application for a license 459
within ninety days after the receipt of the completed application. 460

(D) No person shall be licensed as or act as or perform the 461
functions of a dog retailer who, in the past twenty years, has 462
been convicted of or pleaded guilty to violating section 959.01, 463
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 464
Code or an equivalent municipal ordinance, law of another state, 465
or law of the federal government or who, in the past twenty years, 466
has been convicted of or pleaded guilty to violating more than 467
once section 2919.25 of the Revised Code or an equivalent 468
municipal ordinance, law of another state, or law of the federal 469
government. 470

Sec. 956.06. (A) No person shall operate an animal rescue for 471
dogs without a license to do so issued by the director of the 472
kennel control authority in accordance with rules adopted under 473
section 956.03 of the Revised Code. No license application fee 474
shall be charged to an animal rescue for dogs. The director shall 475
maintain a database of all persons that are licensed to operate an 476
animal rescue for dogs in this state. 477

(B) No person shall be licensed as or operate an animal 478
rescue for dogs who, in the past twenty years, has been convicted 479
of or pleaded guilty to violating section 959.01, 959.02, 959.03, 480
959.13, 959.131, 959.15, or 959.16 of the Revised Code or an 481
equivalent municipal ordinance, law of another state, or law of 482
the federal government or who, in the past twenty years, has been 483
convicted of or pleaded guilty to violating more than once section 484
2919.25 of the Revised Code or an equivalent municipal ordinance, 485
law of another state, or law of the federal government. 486

Sec. 956.07. (A) A person who is applying for a license to 487
operate a high volume breeder or to act as or perform the 488
functions of a dog retailer under section 956.04 or 956.05 of the 489
Revised Code, as applicable, shall include with the application 490
for a license a nonrefundable license application fee as follows: 491

(1) For a high volume breeder: 492

(a) One hundred fifty dollars if breeding dogs at the high 493
volume breeder annually produce at least nine, but not more than 494
fifteen litters or, if fewer than nine litters are produced, at 495
least sixty puppies are produced in a calendar year at the kennel; 496

(b) Two hundred fifty dollars if breeding dogs at the high 497
volume breeder annually produce at least sixteen, but not more 498
than twenty-five litters; 499

(c) Three hundred fifty dollars if breeding dogs at the high 500
volume breeder annually produce at least twenty-six, but not more 501
than thirty-five litters; 502

(d) Five hundred dollars if breeding dogs at the high volume 503
breeder annually produce at least thirty-six, but not more than 504
forty-five litters; 505

(e) Seven hundred fifty dollars if breeding dogs at the high 506
volume breeder annually produce forty-six or more litters. 507

(2) For a dog retailer, five hundred dollars. 508

(B) The owner of a boarding kennel shall register the 509
boarding kennel with the director of the kennel control authority 510
by paying an annual fee of fifty dollars. 511

(C) Money collected by the director from application and 512
registration fees submitted under this section shall be 513
transmitted by the director to the treasurer of state to be 514
credited to the high volume breeder kennel control license fund 515
created in section 956.17 of the Revised Code. However, the 516

treasurer of state shall transfer to the county in which a high 517
volume breeder is or will be located fifty dollars of the 518
application fee received from the person who is applying for a 519
license to operate the high volume breeder or an amount equal to 520
the fee charged by the county for the registration of a kennel 521
under section 955.04 of the Revised Code, whichever is greater. 522
The county auditor shall deposit the money in the county's dog and 523
kennel fund created in accordance with section 955.20 of the 524
Revised Code. 525

Sec. 956.08. No person operating a high volume breeder or 526
acting as or performing the functions of a dog retailer shall do 527
any of the following: 528

(A) Fail to keep or confine a dog in accordance with one of 529
the following: 530

(1) In an indoor enclosure with an attached outdoor enclosure 531
that is accessible to the dog, provided that not more than three 532
dogs are kept or confined in the indoor or outdoor enclosure at 533
any one time. For dogs that weigh less than twenty pounds, the 534
indoor enclosure shall be at least four feet by four feet with an 535
attached outdoor enclosure of at least four feet by eight feet. 536
For dogs that weigh at least twenty pounds, but less than 537
fifty-one pounds, the indoor enclosure shall be at least four feet 538
by six feet with an attached outdoor enclosure of at least four 539
feet by twelve feet. For dogs that weigh fifty-one pounds or more, 540
the indoor enclosure shall be at least four feet by eight feet 541
with an attached outdoor enclosure of at least four feet by 542
sixteen feet. 543

(2) In an indoor enclosure with no attached outdoor 544
enclosure, but with an exercise period in an outdoor enclosure 545
that is provided at least two hours each day, provided that not 546

more than three dogs are kept or confined in the indoor or outdoor enclosure at any one time. For dogs that weigh less than twenty pounds, the indoor enclosure shall be at least four feet by four feet, and outdoor exercise shall take place in an enclosed area that is at least ten feet by ten feet. For dogs that weigh at least twenty pounds, but less than fifty-one pounds, the indoor enclosure shall be at least four feet by six feet, and outdoor exercise shall take place in an enclosed area that is at least twenty feet by twenty feet. For dogs that weigh fifty-one pounds or more, the indoor enclosure shall be at least four feet by eight feet, and outdoor exercise shall take place in an enclosed area that is at least forty feet by forty feet.

For purposes of complying with division (A)(2) of this section, an indoor enclosure may be utilized for exercise when weather does not permit access to an outdoor enclosure. However, the indoor exercise enclosure shall comply with the size requirements that are established in this division for outdoor enclosures that are used for exercise. In addition, exercise is not required for a dog that has an illness and for which exercise would be detrimental to recovering from the illness. In addition, for purposes of complying with division (A)(2) of this section, enclosures may be stacked on top of one another, but there shall be a nonporous barrier separating the floor and ceiling of stacked enclosures.

(B) Keep or confine dogs in an enclosure, crate, or cage with any dog exhibiting vicious or aggressive behavior. Any dog exhibiting vicious or aggressive behavior shall be housed separately to avoid injury to other dogs.

(C) Keep or confine more than three adult dogs in one enclosure, crate, or cage;

(D) Keep or confine a female dog that is nursing in an enclosure, crate, or cage with another adult dog;

(E) Keep or confine a dog in an enclosure, crate, or cage 579
without access to either natural or artificial light during 580
daytime hours; 581

(F) Keep or confine a dog in an enclosure, crate, or cage 582
outdoors unless the dog has access at all times to a dry insulated 583
indoor shelter or dog house with clean straw or other nontoxic 584
insulating material in an amount that is sufficient to permit the 585
dog to burrow under the straw or material while at the same time 586
using the straw or material as bedding; 587

(G) Keep or confine a dog in an enclosure, crate, or cage if 588
urine or feces have accumulated beyond an amount that is expected 589
to accumulate in a normal twenty-four-hour period or, if the dog 590
is a female dog with a litter, in a normal twelve-hour period; 591

(H) Keep or confine a dog in an enclosure, crate, or cage 592
without access to clean unfrozen water at all times unless the dog 593
is being used for hunting or sledding, in which case access to 594
clean unfrozen water shall be provided not less than one time per 595
eight-hour period. Water shall be provided to a dog in an open 596
bowl or container that is not a drip bottle or limited intake 597
mechanism. 598

(I) Keep or confine a dog in an enclosure, crate, or cage 599
without access to adequate and wholesome food on a daily basis so 600
as to ensure a proper and healthy weight unless medically 601
contraindicated; 602

(J) Keep or confine a dog in an enclosure, crate, or cage 603
with flooring material that is incapable of being cleaned or 604
sanitized or that is likely to cause injury to the pads of a dog's 605
feet; 606

(K) Keep or confine a dog in an enclosure, crate, or cage 607
without providing a solid, nonporous surface, free from moisture 608
or feces, that comprises at least fifty per cent of the floor of 609

the enclosure, crate, or cage. The solid surface may include soft 610
bedding. Female dogs with litters and puppies twelve weeks of age 611
or less shall be housed in an enclosure, crate, or cage with a 612
solid, nonporous surface, free from moisture or feces, that 613
comprises one hundred per cent of the floor of the enclosure, 614
crate, or cage. If a nonporous surface that is made of metal is 615
used as flooring in the enclosure, crate, or cage, sufficient 616
straw or soft bedding must be added to offer protection to the 617
dog. 618

(L) Keep or confine a dog in an enclosure, crate, or cage in 619
unsanitary conditions. Hard surfaces used by dogs must be 620
spot-cleaned daily and sanitized at least once every two weeks to 621
prevent the accumulation of dirt, debris, food waste, excreta, and 622
other disease hazards. 623

(M) Keep or confine a dog in an enclosure, crate, or cage 624
that is in contact with or in the immediate vicinity of any animal 625
with a diagnosed or suspected disease that is contagious to dogs; 626

(N) Keep or confine a dog in an enclosure, crate, or cage 627
without adequate ventilation to minimize odors, drafts, ammonia 628
levels, and to prevent the condensation of moisture; 629

(O) Keep or confine a dog in an enclosure, crate, or cage 630
without providing shelter from the elements; 631

(P) Keep or confine a dog in an outdoor run or kennel where 632
shade is not provided during the months of May through September; 633

(Q) Keep or confine a dog in an indoor enclosure, crate, or 634
cage where the temperature is below fifty degrees fahrenheit or 635
over ninety degrees fahrenheit; 636

(R) Fail to keep the area around a kennel in good repair, 637
clean, and free from accumulations of junk, waste products, and 638
discarded materials to protect dogs from injury and to prevent 639
infestation by birds, rodents, or other pests. Weeds, grasses, 640

bushes, and trees shall be controlled at the property on which a 641
kennel is located to allow for effective pest control and to 642
protect the health and safety of the dogs that are housed at the 643
kennel. 644

(S) Fail to provide a dog with sufficient interaction with 645
other dogs. The opportunity for interaction shall allow the dog to 646
move relative to age, breed, sex, and reproductive status and 647
shall take place separately from the primary enclosure in an area 648
that is clean, free of pests and vermin, and that will prevent 649
escape. Dogs in activity groups must be compatible and free of 650
infectious disease. 651

(T) Fail to sanitize food and water receptacles at least 652
every two weeks or more often if necessary to prevent an 653
accumulation of dirt, debris, food waste, excreta, and other 654
disease hazards; 655

(U) Fail to provide a dog with appropriate veterinary care 656
and treatment for any disease, illness, or injury; 657

(V) Fail to provide all bitches with a clean, appropriate 658
whelping box to securely house their puppies during whelping. The 659
whelping box shall be designed so that the bitch can lay fully 660
recumbent, stand, turn around, and have some freedom of movement. 661
No other animals shall inhabit the whelping box besides the bitch 662
and puppies. 663

(W) Fail to trim an adult dog's nails so that there is 664
curling or an impairment of the dog's gait; 665

(X) Fail to provide regular care to a dog to prevent matting 666
of fur from fecal matter or bodily fluids; 667

(Y) Fail to provide a dog with appropriate protection from 668
ectopic parasites or treatment for worms if the dog is so 669
afflicted; 670

(Z) Fail to provide an adult dog with appropriate vaccinations as determined by the dog's veterinarian; 671
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(AA) Fail to provide each puppy that is three months of age or older with appropriate phase-in booster vaccines as recommended by a licensed veterinarian; 673
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(BB) Fail to provide heartworm preventative to a breeding dog as determined by the dog's veterinarian; 676
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(CC) Fail to ensure that a dog in the person's possession or control requiring euthanization is euthanized by a veterinarian or a person under the direct supervision of a veterinarian; 678
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(DD) Beat or brutalize a dog within the person's custody or control; 681
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(EE) Breed a female dog that has not had a physical examination from a licensed veterinarian in the last twelve months before breeding; 683
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(FF) Dock a dog's tail, crop a dog's ear, remove a dog's claws, or debark a dog. Tail docking, ear cropping, the removal of a dog's claws, or debarking shall only be conducted by a licensed veterinarian. 686
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(GG) Fail to prepare and implement a plan for the disposal of waste that is generated by dogs at the kennel; 690
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(HH) Keep a dog in an enclosure, crate, or cage that includes exposed metal caging without a protective plastic or rubber coating. 692
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Divisions (A), (E), (F), (H), (I), (K), and (O) of this section do not apply during the temporary transportation of a dog from one location to another location. 695
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Sec. 956.09. The director of the kennel control authority shall appoint kennel control enforcement inspectors for the 698
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purpose of enforcing the requirements and standards established by 700
this chapter and rules adopted under it and to act as authorized 701
agents of the authority. Inspectors shall serve at the pleasure of 702
the director and shall be employees of the kennel control 703
authority. Inspectors may issue citations and orders that are 704
necessary to enforce this chapter and rules adopted under it. The 705
director shall provide each kennel control enforcement inspector 706
with an identifying badge and an official uniform. A kennel 707
control enforcement inspector shall have training in animal 708
husbandry, kennel management, record keeping, and first aid. 709

Sec. 956.10. (A) At least once biennially, the director of 710
the kennel control authority or the director's authorized 711
representative shall inspect a high volume breeder that is subject 712
to licensure under this chapter and rules adopted under section 713
956.03 of the Revised Code to ensure compliance with this chapter 714
and rules adopted under it, including, but not limited to, the 715
standards of care established in section 956.08 of the Revised 716
Code. In addition, upon a complaint, the director may inspect an 717
animal rescue for dogs to ensure compliance with this chapter and 718
rules adopted under section 956.03 of the Revised Code, including, 719
but not limited to, the standards of care established in section 720
956.08 of the Revised Code. Inspections shall be conducted without 721
prior notification to the licensee or persons associated with the 722
licensee. In addition, upon the request of a member of the public, 723
a public official, an animal rescue for dogs, or an animal shelter 724
for dogs, the director or the director's authorized representative 725
shall inspect any facility at which a person is acting as or 726
performing the functions of a dog retailer to ensure such 727
compliance. 728

The director or the director's authorized representative 729
shall inspect a boarding kennel when the director or the 730
director's authorized representative has received information that 731

the boarding kennel is breeding dogs and is subject to licensure 732
under this chapter and rules adopted under section 956.03 of the 733
Revised Code. 734

Inspections shall be conducted in accordance with rules 735
adopted under section 956.03 of the Revised Code. A record of each 736
inspection shall be made by the inspector who is responsible for 737
the inspection in accordance with those rules. 738

(B) The director or the director's authorized representative, 739
upon proper identification and upon stating the purpose and 740
necessity of an inspection, may enter at reasonable times on any 741
public or private property, real or personal, to inspect or 742
investigate and to examine or copy records in order to determine 743
compliance with this chapter and rules adopted under it. The 744
director, the director's authorized representative, or the 745
attorney general upon the request of the director may apply to the 746
appropriate court in the county in which inspection will occur for 747
an appropriate court order or search warrant as necessary to 748
achieve the purposes of this chapter and rules adopted under it. 749

(C) No owner or operator of a high volume breeder, person 750
acting as or performing the functions of a dog retailer, owner or 751
operator of an animal rescue for dogs, or owner or operator of a 752
boarding kennel shall interfere with an inspection or refuse to 753
allow an inspector full access to all areas where dogs are kept or 754
cared for. If entry is refused or inspection or investigation is 755
refused, hindered, or thwarted by a high volume breeder, dog 756
retailer, or animal rescue for dogs the director may suspend or 757
revoke the breeder's, retailer's, or rescue's license in 758
accordance with this chapter. 759

(D) If entry that is authorized by division (B) of this 760
section is refused or if an inspection or investigation is 761
refused, hindered, or thwarted by intimidation or otherwise and if 762
the director, an authorized representative of the director, or the 763

attorney general applies for and obtains a court order or a search 764
warrant under division (B) of this section to conduct the 765
inspection or investigation, the owner or operator of the premises 766
where entry was refused or inspection or investigation was 767
refused, hindered, or thwarted is liable to the director for the 768
reasonable costs incurred by the director for the regular salaries 769
and fringe benefit costs of personnel assigned to conduct the 770
inspection or investigation from the time the court order or 771
search warrant was issued until the court order or search warrant 772
is executed; for the salary, fringe benefits, and travel expenses 773
of the director, an authorized representative of the director, or 774
the attorney general incurred in obtaining the court order or 775
search warrant; and for expenses necessarily incurred for the 776
assistance of local law enforcement officers in executing the 777
court order or search warrant. In the application for a court 778
order or a search warrant, the director, the director's authorized 779
representative, or the attorney general may request and the court, 780
in its order granting the court order or search warrant, may order 781
the owner or operator of the premises to reimburse the director 782
for any of those costs that the court finds reasonable. From money 783
recovered under this division, the director shall reimburse the 784
attorney general for the costs incurred by the attorney general in 785
connection with proceedings for obtaining the court order or 786
search warrant, shall reimburse the political subdivision in which 787
the premises is located for the assistance of its law enforcement 788
officers in executing the court order or search warrant, and shall 789
deposit the remainder in the state treasury to the credit of the 790
high volume breeder kennel control license fund created in section 791
956.17 of the Revised Code. 792

(E) A dog warden appointed under Chapter 955. of the Revised 793
Code or an agent of a humane society established under Chapter 794
1717. of the Revised Code entering on public or private property 795
to make investigations and inspections in accordance with Chapter 796

955. or 1717. of the Revised Code, as applicable, shall report any 797
violations of this chapter and rules adopted under it to the 798
director or a kennel control enforcement inspector and may examine 799
and copy any records that are required to be maintained under 800
rules adopted under this chapter. 801

Sec. 956.11. (A) The director of the kennel control authority 802
or the director's authorized representative may impound a dog if 803
the director or the director's authorized representative has 804
probable cause to believe that the dog is being kept by a high 805
volume breeder, dog retailer, or animal rescue for dogs in a 806
manner that materially violates this chapter or rules adopted 807
under it and if the dog's health or safety appears to be in 808
imminent danger. 809

(B) The director or the director's authorized representative 810
shall give written notice of the impoundment by posting a notice 811
on the door of the premises from which the dog was taken or by 812
otherwise posting the notice in a conspicuous place at the 813
premises from which the dog was taken. The notice shall provide a 814
date for an adjudication hearing, which shall take place not later 815
than five business days after the dog is taken and at which the 816
director shall determine if the dog should be permanently 817
relinquished to the custody of the kennel control authority. 818

(C) The owner or operator of the applicable high volume 819
breeder, the person acting as or performing the functions of a dog 820
retailer, or the owner or operator of the applicable animal rescue 821
for dogs may appeal the determination made at the adjudication 822
hearing in accordance with section 119.12 of the Revised Code, 823
except that the appeal may only be made to the environmental 824
division of the Franklin county municipal court. 825

(D) The director may enter into contracts or agreements with 826
an animal rescue for dogs, an animal shelter for dogs, a boarding 827

kennel, a veterinarian, a board of county commissioners, or a 828
humane society established under Chapter 1717. of the Revised Code 829
for the purpose of keeping, housing, and maintaining dogs that are 830
impounded under this section. If, after the final disposition of 831
an adjudication hearing and any appeals from that adjudication 832
hearing, it is determined that a dog shall be permanently 833
relinquished to the custody of the kennel control authority, the 834
dog may be adopted directly from the animal rescue for dogs, 835
animal shelter for dogs, boarding kennel, veterinarian, county dog 836
pound, or humane society where it is being kept, housed, and 837
maintained, provided that the dog has been spayed or neutered 838
unless there are medical reasons against spaying or neutering as 839
determined by a veterinarian. The animal rescue for dogs, animal 840
shelter for dogs, boarding kennel, veterinarian, county dog pound, 841
or humane society may charge a reasonable adoption fee. The fee 842
shall be at least sufficient to cover the costs of spaying or 843
neutering the dog unless it is medically contraindicated. 844
Impounded dogs shall be returned to persons acquitted of any 845
alleged violations. 846

Sec. 956.12. If the director of the kennel control authority 847
or the director's authorized representative determines that a 848
person has violated or is violating this chapter or rules adopted 849
under it, the director may issue and cause to be served by 850
certified mail or personal service a citation of violation and an 851
order requiring the person to cease the acts or practices that 852
constitute a violation of this chapter or rules adopted under it 853
or requiring the person to take corrective actions to eliminate 854
the conditions that constitute a violation of this chapter and 855
rules adopted under it. The order shall state specifically the 856
provision or provisions of this chapter or the rule or rules 857
adopted under this chapter that have been violated and the facts 858
constituting the violation, the actions that the person must take 859

to correct the deficiencies, and the time period within which the 860
person must correct the violations. 861

Sec. 956.13. (A) The director of the kennel control authority 862
may assess a civil penalty against a person violating this chapter 863
or rules adopted under it if all of the following occur: 864
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(1) The person has received an order and been notified of the 866
violation by certified mail as required in section 956.12 of the 867
Revised Code. 868

(2) After the time period for correcting the violation 869
specified in the order has elapsed, the director or the director's 870
authorized representative has inspected the premises where the 871
violation has occurred and determined that the violation has not 872
been corrected, and the director has issued a notice of an 873
adjudication hearing pursuant to division (A)(3) of this section. 874

(3) The director affords the person an opportunity for an 875
adjudication hearing under Chapter 119. of the Revised Code to 876
challenge the director's determination that the person is not in 877
compliance with this chapter or rules adopted under it, the 878
imposition of the civil penalty, or both. A person may waive the 879
opportunity for an adjudication hearing. 880

(B) If the opportunity for an adjudication hearing is waived 881
or if, after an adjudication hearing, the director determines that 882
a violation of this chapter or a rule adopted under it has 883
occurred or is occurring, the director may assess a civil penalty. 884
The civil penalty may be appealed in accordance with section 885
119.12 of the Revised Code, except that the civil penalty may only 886
be appealed to the environmental division of the Franklin county 887
municipal court. 888

(C) Civil penalties shall be assessed in the following 889

amounts: 890

(1) A person who has violated division (A)(1) of section 956.04, division (A)(1) of section 956.05, or division (A) of section 956.06 of the Revised Code shall pay a civil penalty in an amount that is equal to two times the amount of the license fee that should have been paid by the person under section 956.07 of the Revised Code. 891
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(2) A person who has violated division (H) of section 956.04, division (D) of section 956.05, or division (B) of section 956.06 of the Revised Code shall pay a civil penalty of not more than fifteen thousand dollars. 897
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(3) A person who has violated any other provision of this chapter or rules adopted under it, including, but not limited to, the standards of care established in section 956.08 of the Revised Code, shall pay a civil penalty of twenty-five dollars. 901
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Each day that a violation continues constitutes a separate violation. 905
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Sec. 956.14. The attorney general, upon the request of the director of the kennel control authority, may bring an action for injunction against a person who has violated or is violating this chapter, rules adopted under it, or an order issued under section 956.12 of the Revised Code. An action for injunction shall be filed in the appropriate court in the county in which the violation is alleged to have occurred. The court shall grant such injunctive relief upon a showing that the person against whom the action is brought has violated or is violating 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. 907
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Sec. 956.15. (A) The director of the kennel control authority may deny an application for a license that is submitted under 918
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section 956.04, 956.05, or 956.06 of the Revised Code for either 920
of the following reasons: 921

(1) The applicant for the license has violated any provision 922
of this chapter or a rule adopted under it if the violation 923
materially threatens the health or welfare of a dog. 924

(2) The applicant, in the past twenty years, has been 925
convicted of or pleaded guilty to violating section 959.01, 926
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised 927
Code or an equivalent municipal ordinance, law of another state, 928
or law of the federal government or, in the past twenty years, has 929
been convicted of or pleaded guilty to violating more than once 930
section 2919.25 of the Revised Code or an equivalent municipal 931
ordinance, law of another state, or law of the federal government. 932

(B) The director may suspend or revoke a license issued under 933
this chapter for violation of any provision of this chapter or a 934
rule adopted or order issued under it if the violation materially 935
threatens the health and welfare of a dog. 936

(C) An application or a license shall not be denied, 937
suspended, or revoked under this section without a written order 938
of the director stating the findings on which the denial, 939
suspension, or revocation is based. A copy of the order shall be 940
sent to the applicant or license holder by certified mail or may 941
be provided to the applicant or license holder by personal 942
service. In addition, the person to whom a denial, suspension, or 943
revocation applies may request an adjudication hearing under 944
Chapter 119. of the Revised Code. The director shall comply with 945
such a request. The determination of the director at an 946
adjudication hearing may be appealed in accordance with section 947
119.12 of the Revised Code, except that the determination may be 948
appealed only to the environmental division of the Franklin county 949
municipal court. 950

Sec. 956.16. The director of the kennel control authority, 951
the director's authorized representative, or the attorney general 952
may require the attendance of witnesses and the production of 953
books, records, papers, and dogs that are needed either by the 954
director or the attorney general or by any party to a hearing 955
before the director and for that purpose may issue a subpoena for 956
any witness or a subpoena duces tecum to compel the production of 957
any books, records, papers, or dogs. The subpoena shall be served 958
by personal service or by certified mail. If the subpoena is 959
returned because of inability to deliver, or if no return is 960
received within thirty days after the date of mailing, the 961
subpoena may be served by ordinary mail. If no return of ordinary 962
mail is received within thirty days after the date of mailing, 963
service shall be deemed to have been made. If the subpoena is 964
returned because of inability to deliver, the director or the 965
attorney general may designate a person or persons to effect 966
either personal or residence service on the witness. The person 967
designated to effect personal or residence service under this 968
section may be the sheriff of the county in which the witness 969
resides or may be found or any other duly designated person. The 970
fees and mileage of the person serving the subpoena shall be the 971
same as those allowed by the courts of common pleas in criminal 972
cases and shall be paid from the funds of the authority. Fees and 973
mileage for the witness shall be the same as those allowed for 974
witnesses by the courts of common pleas in criminal cases and 975
shall be paid from the funds of the authority upon request of the 976
witness following the hearing. 977

Sec. 956.17. All money collected by the director of the 978
kennel control authority from license and registration fees under 979
sections 956.07 and 956.20 of the Revised Code and all money 980
collected from civil penalties assessed under section 956.13 of 981

the Revised Code shall be deposited in the state treasury to the 982
credit of the high volume breeder kennel control license fund, 983
which is hereby created. The director shall use money in the fund 984
for the purpose of administering this chapter and rules adopted 985
under it. 986

Sec. 956.18. (A) There is hereby created the kennel control 987
authority board consisting of one member of the senate appointed 988
by the president of the senate, one member of the house of 989
representatives appointed by the speaker of the house of 990
representatives, and the following seven members appointed by the 991
governor: 992

(1) One member representing animal care and welfare 993
organizations in this state; 994

(2) One member who is a county dog warden; 995

(3) One member who is a veterinarian; 996

(4) One member representing pet stores in this state that are 997
licensed under this chapter as high volume breeders or dog 998
retailers; 999

(5) One member who is a member in good standing of a national 1000
breed parent club of the American kennel club; 1001

(6) One member who is licensed under this chapter as a high 1002
volume breeder; 1003

(7) One member representing the public. 1004

Initial appointments to the board shall be made not later 1005
than sixty days after the effective date of this section. Terms of 1006
office of the members appointed by the president of the senate and 1007
the speaker of the house of representatives shall coincide with 1008
their terms of office as members of the senate and the house of 1009
representatives, as applicable. Of the initial appointments made 1010
by the governor, two shall be for one-year terms, two shall be for 1011

two-year terms, and three shall be for three-year terms. 1012
Thereafter, terms of office of members appointed by the governor 1013
shall be three years, with each term ending on the same day of the 1014
same month as did the term that it succeeds. Each member shall 1015
hold office from the date of appointment until the end of the term 1016
for which the member was appointed. Members may be reappointed. 1017
Vacancies shall be filled in the manner provided for the original 1018
appointments. Any member appointed to fill a vacancy occurring 1019
before the expiration date of the term for which the member's 1020
predecessor was appointed shall hold office for the remainder of 1021
the term. A member shall continue in office subsequent to the 1022
expiration date of the member's term until the member's successor 1023
takes office or until a period of sixty days has elapsed, 1024
whichever occurs first. 1025

(B) The governor shall select a chairperson from among the 1026
board's members. A majority of the members of the board 1027
constitutes a quorum. The board shall meet at least four times a 1028
year in Columbus or at other locations selected by the 1029
chairperson. The chairperson shall determine the agenda for each 1030
meeting of the board. However, if the member appointed by the 1031
president of the senate and the member appointed by the speaker of 1032
the house of representatives jointly request in writing that an 1033
item be placed on the agenda for a meeting of the board, the 1034
chairperson shall place the item on the agenda at the board's next 1035
regularly scheduled meeting occurring more than ten days after the 1036
request has been made. 1037

Members of the board shall serve without compensation for 1038
attending board meetings. Members of the board shall be reimbursed 1039
for their actual and necessary expenses incurred in the 1040
performance of official duties as members of the board. 1041

(C) The board shall provide oversight and evaluation of the 1042
administration of this chapter and rules adopted under it, 1043

including the operation of the kennel control authority created in 1044
section 956.02 of the Revised Code. The oversight and evaluation 1045
may include, but not be limited to, a determination of whether 1046
this chapter and rules adopted under it and the operation of the 1047
authority have resulted in the prevention of cruelty to and abuse 1048
of dogs and an evaluation of the sanctions imposed on violators of 1049
this chapter and rules adopted under it. In addition, the board 1050
may make recommendations to the director of the kennel control 1051
authority for changes to the administration of this chapter and 1052
rules adopted under it and to the general assembly for changes to 1053
this chapter that the board considers necessary for the effective 1054
enforcement of this chapter and rules adopted under it. The board 1055
may inspect records kept by the kennel control authority and may 1056
interview kennel control enforcement inspectors. The board, by the 1057
thirty-first day of December each year, shall issue a report of 1058
its findings and submit it to the authority, the president of the 1059
senate, and the speaker of the house of representatives. 1060

Sec. 956.19. (A) In accordance with rules adopted under 1061
section 956.03 of the Revised Code, at the time of the sale of a 1062
dog, a pet store shall provide the buyer of the dog with either of 1063
the following: 1064

(1) A record of veterinary examination that states that the 1065
dog presents no evidence of disease or physical deformity at the 1066
time of the examination; 1067

(2) A money-back guarantee that is valid for not less than 1068
twenty-one days after the date of purchase of the dog. The 1069
guarantee shall authorize the purchaser of the dog to receive the 1070
purchase price of the dog from the pet store within that 1071
twenty-one-day period if the purchaser presents a statement to the 1072
pet store from a veterinarian who has examined the dog within 1073
fourteen days of the purchase of the dog that the dog has a 1074

significant disease, illness, or injury that was in existence at 1075
the time of the purchase of the dog. 1076

(B) A pet store shall post written notice of the pet store's 1077
responsibility under this section in a conspicuous location near 1078
the pet store's cash register. The written notice shall be posted 1079
in accordance with rules and shall be in prominent and easily read 1080
type that is not less than eighteen-point type. 1081

(C) At a time prior to the sale of a dog, a pet store shall 1082
provide the name, complete address, and telephone number of the 1083
breeder that bred the dog, the high volume breeder where the dog 1084
was kept, housed, and maintained, and the dog retailer from whom 1085
the pet store acquired the dog, as applicable. The pet store also 1086
shall provide the telephone number and the address of the kennel 1087
control authority. 1088

(D) No pet store shall fail to comply with this section. 1089

(E) A pet store that fails to comply with division (A)(1) of 1090
this section with respect to the sale of a dog or a pet store that 1091
fails to refund the purchase price of a dog in accordance with 1092
division (A)(2) of this section is liable to the purchaser of the 1093
dog for an amount that is equal to the actual damages incurred by 1094
the purchaser within one year after the date of the purchase of 1095
the dog, including reasonable veterinary expenses. The pet store 1096
also is liable for reasonable attorney's fees and costs incurred 1097
by the purchaser. In addition, the buyer of the dog may keep the 1098
dog. 1099

(F) The director of the kennel control authority or the 1100
director's authorized representative shall enforce divisions (A) 1101
through (D) of this section. Kennel control enforcement inspectors 1102
may make inspections of pet stores for the purpose of enforcing 1103
those divisions of this section. 1104

(G) A purchaser shall commence any action necessary to 1105

recover damages specified in division (E) of this section within 1106
two years from the date of purchase of a dog. 1107

Sec. 956.20. No high volume breeder shall sell or otherwise 1108
transfer a puppy that is less than ninety days old without 1109
registering the litter in which the puppy was born with the 1110
director of the kennel control authority in accordance with rules 1111
adopted under section 956.03 of the Revised Code and paying a 1112
registration fee of twenty-five dollars per litter. This section 1113
does not apply to an animal rescue for dogs or an animal shelter 1114
for dogs. 1115

Sec. 956.98. No person shall violate this chapter or a rule 1116
adopted or order issued under it. 1117

Sec. 956.99. Whoever violates section 956.98 of the Revised 1118
Code is guilty of a misdemeanor of the first degree. 1119

Sec. 1901.183. In addition to jurisdiction otherwise granted 1120
in this chapter, the environmental division of a municipal court 1121
shall have jurisdiction within its territory in all of the 1122
following actions or proceedings and to perform all of the 1123
following functions: 1124

(A) Notwithstanding any monetary limitations in section 1125
1901.17 of the Revised Code, in all actions and proceedings for 1126
the sale of real or personal property under lien of a judgment of 1127
the environmental division of the municipal court, or a lien for 1128
machinery, material, fuel furnished, or labor performed, 1129
irrespective of amount, and, in those cases, the environmental 1130
division may proceed to foreclose and marshal all liens and all 1131
vested or contingent rights, to appoint a receiver, and to render 1132
personal judgment irrespective of amount in favor of any party; 1133

(B) When in aid of execution of a judgment of the 1134

environmental division of the municipal court, in all actions for 1135
the foreclosure of a mortgage on real property given to secure the 1136
payment of money, or the enforcement of a specific lien for money 1137
or other encumbrance or charge on real property, when the real 1138
property is situated within the territory, and, in those cases, 1139
the environmental division may proceed to foreclose all liens and 1140
all vested and contingent rights and proceed to render judgments, 1141
and make findings and orders, between the parties, in the same 1142
manner and to the same extent as in similar cases in the court of 1143
common pleas; 1144

(C) When in aid of execution of a judgment of the 1145
environmental division of the municipal court, in all actions for 1146
the recovery of real property situated within the territory to the 1147
same extent as courts of common pleas have jurisdiction; 1148

(D) In all actions for injunction to prevent or terminate 1149
violations of the ordinances and regulations of any municipal 1150
corporation within its territory enacted or promulgated under the 1151
police power of that municipal corporation pursuant to Section 3 1152
of Article XVIII, Ohio Constitution, over which the court of 1153
common pleas has or may have jurisdiction, and, in those cases, 1154
the environmental division of the municipal court may proceed to 1155
render judgments, and make findings and orders, in the same manner 1156
and to the same extent as in similar cases in the court of common 1157
pleas; 1158

(E) In all actions for injunction to prevent or terminate 1159
violations of the resolutions and regulations of any political 1160
subdivision within its territory enacted or promulgated under the 1161
power of that political subdivision pursuant to Article X of the 1162
Ohio Constitution, over which the court of common pleas has or may 1163
have jurisdiction, and, in those cases, the environmental division 1164
of the municipal court may proceed to render judgments, and make 1165
findings and orders, in the same manner and to the same extent as 1166

in similar cases in the court of common pleas; 1167

(F) In any civil action to enforce any provision of Chapter 1168
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 1169
over which the court of common pleas has or may have jurisdiction, 1170
and, in those actions, the environmental division of the municipal 1171
court may proceed to render judgments, and make findings and 1172
orders, in the same manner and to the same extent as in similar 1173
actions in the court of common pleas; 1174

(G) In all actions and proceedings in the nature of 1175
creditors' bills, and in aid of execution to subject the interests 1176
of a judgment debtor in real or personal property to the payment 1177
of a judgment of the division, and, in those actions and 1178
proceedings, the environmental division may proceed to marshal and 1179
foreclose all liens on the property irrespective of the amount of 1180
the lien, and all vested or contingent rights in the property; 1181

(H) Concurrent jurisdiction with the court of common pleas of 1182
all criminal actions or proceedings related to the pollution of 1183
the air, ground, or water within the territory of the 1184
environmental division of the municipal court, for which a 1185
sentence of death cannot be imposed under Chapter 2903. of the 1186
Revised Code; 1187

(I) In any review or appeal of any final order of any 1188
administrative officer, agency, board, department, tribunal, 1189
commission, or other instrumentality that relates to a local 1190
building, housing, air pollution, sanitation, health, fire, 1191
zoning, or safety code, ordinance, or regulation, in the same 1192
manner and to the same extent as in similar appeals in the court 1193
of common pleas; 1194

(J) With respect to the environmental division of the 1195
Franklin county municipal court, to hear appeals from adjudication 1196
hearings conducted under Chapter 956. of the Revised Code. 1197

Section 2. That existing sections 955.02, 955.10, 955.12, 1198
955.20, 955.26, and 1901.183 of the Revised Code are hereby 1199
repealed. 1200

Section 3. It is the intent of the General Assembly to 1201
appropriate money to the High Volume Breeder Kennel Control 1202
License Fund created in section 956.17 of the Revised Code to 1203
enable the Kennel Control Authority created in section 956.02 of 1204
the Revised Code to begin administering Chapter 956. of the 1205
Revised Code and rules adopted under it. 1206

Section 4. Notwithstanding the requirements for licensure for 1207
two members of the kennel control authority board created under 1208
section 956.18 of the Revised Code, for the initial appointments 1209
of such members it is sufficient that these appointees apply for 1210
the requisite licensure within thirty days after their 1211
appointments are made. Their continued membership on the board is 1212
contingent upon the satisfactory completion of the application 1213
process and receipt of the requisite license from the director of 1214
the kennel control authority. An inability to obtain approval for 1215
licensure shall render the office vacant. All subsequent members 1216
who are required to have a license shall be licensed, or be in the 1217
process of renewing such license, before being appointed to the 1218
board. 1219