

As Introduced

**127th General Assembly
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S. B. No. 173

Senator Cates

**Cosponsors: Senators Schuring, Gardner, Miller, R., Grendell, Goodman,
Mumper, Schaffer, Stivers, Miller, D., Jacobson, Mason, Clancy, Fedor,
Spada, Kearney, Morano, Coughlin, Roberts**

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A B I L L

To amend sections 955.02, 955.10, 955.12, 955.20, 1
955.26, and 1901.183 and to enact sections 956.01 2
to 956.19, 956.98, and 956.99 of the Revised Code 3
to establish licensing requirements and standards 4
of care for certain dog breeding kennels and dog 5
intermediaries. 6

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

Section 1. That sections 955.02, 955.10, 955.12, 955.20, 7
955.26, and 1901.183 be amended and sections 956.01, 956.02, 8
956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.09, 956.10, 9
956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 956.17, 956.18, 10
956.19, 956.98, and 956.99 of the Revised Code be enacted to read 11
as follows: 12

Sec. 955.02. A As used in this chapter, "dog kennel" or 13
"kennel owner is a person, partnership, firm, company, or 14
corporation professionally engaged in the business " means an 15
establishment that, in any given year, keeps, houses, and 16
maintains eight or fewer adult dogs, as defined in section 956.01 17

of the Revised Code, for the purpose of breeding the dogs for 18
hunting or for a fee or other consideration received through a 19
sale, auction, exchange, or lease and that is not a regulated dog 20
breeding kennel 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~~ dog kennel registered under this chapter 23
or a regulated dog breeding kennel licensed under Chapter 956. of 24
the Revised Code, shall fail to require the dog to wear, at all 25
times, a valid tag issued in connection with a certificate of 26
registration. A dog's failure at any time to wear a valid tag 27
shall be prima-facie evidence of lack of registration and shall 28
subject any dog found not wearing such a tag to impounding, sale, 29
or 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. The warden 41
and deputies shall make a record of all dogs owned, kept, and 42
harbored in their respective counties. They shall patrol their 43
respective counties and seize and impound on sight all dogs found 44
running at large and all dogs more than three months of age found 45
not wearing a valid registration tag, except any dog that wears a 46
valid registration tag and is: on the premises of its owner, 47
keeper, or harborer, under the reasonable control of its owner or 48

some other person, hunting with its owner or its handler at a 49
field trial, kept constantly confined in a ~~registered~~ dog kennel 50
registered under this chapter or a regulated dog breeding kennel 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 harborer and impounded only in the event 56
of a natural disaster. If a dog warden has reason to believe that 57
a dog is being treated inhumanely on the premises of its owner, 58
keeper, or harborer, the warden shall apply to the court of common 59
pleas for the county in which the premises are located for an 60
order to enter the premises, and if necessary, seize the dog. If 61
the court finds probable cause to believe that the dog is being 62
treated inhumanely, it shall issue such an order. The warden and 63
deputies shall also investigate all claims for damages to animals, 64
fowl, or poultry reported to them under section 955.29 of the 65
Revised Code and assist claimants to fill out the claim form 66
therefor. They shall make weekly reports, in writing, to the board 67
in their respective counties of all dogs seized, impounded, 68
redeemed, and destroyed and of all claims for damage to animals, 69
fowl, or poultry inflicted by dogs. ~~The~~ 70

The wardens and deputies shall have the same police powers as 71
are conferred upon sheriffs and police officers in the performance 72
of their duties as prescribed by sections 955.01 to 955.27, 955.29 73
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 74
also have power to summon the assistance of bystanders in 75
performing their duties and may serve writs and other legal 76
processes issued by any court in their respective counties with 77
reference to enforcing ~~such~~ those sections. County auditors may 78
deputize the wardens or deputies to issue dog licenses as provided 79
in sections 955.01 and 955.14 of the Revised Code. ~~Whenever~~ 80

Whenever any person files an affidavit in a court of 81
competent jurisdiction that there is a dog running at large that 82
is not kept constantly confined either in a ~~registered~~ dog kennel 83
registered under this chapter or a regulated dog breeding kennel 84
licensed under Chapter 956. of the Revised Code or on the premises 85
of an institution or organization of the type described in section 86
955.16 of the Revised Code or that a dog is kept or harbored in 87
~~his~~ the warden's jurisdiction without being registered as required 88
by law, the court shall immediately order the warden to seize and 89
impound the animal. Thereupon the warden shall immediately seize 90
and impound the dog complained of. The warden shall give immediate 91
notice by certified mail to the owner, keeper, or harborer of the 92
dog seized and impounded by ~~him~~ the warden, if the owner, keeper, 93
or harborer can be determined from the current year's registration 94
list maintained by the warden and the county auditor of the county 95
where the dog is registered, that the dog has been impounded and 96
that, unless the dog is redeemed within fourteen days of the date 97
of the notice, it may thereafter be sold or destroyed according to 98
law. If the owner, keeper, or harborer cannot be determined from 99
the current year's registration list maintained by the warden and 100
the county auditor of the county where the dog is registered, the 101
officer shall post a notice in the pound or animal shelter both 102
describing the dog and place where seized and advising the unknown 103
owner that, unless the dog is redeemed within three days, it may 104
thereafter be sold or destroyed according to law. 105

Sec. 955.20. The registration fees provided for in sections 106
955.01 to 955.14 of the Revised Code and money transferred to the 107
county under section 956.06 of the Revised Code constitute a 108
special fund known as "the dog and kennel fund." The fees shall be 109
deposited by the county auditor in the county treasury daily as 110
collected ~~and~~. Money in the fund shall be used for the purpose of 111
defraying the cost of furnishing all blanks, records, tags, nets, 112

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

If the funds so appropriated in any calendar year are found 128
by the board to be insufficient to defray the necessary cost and 129
expense of the county dog warden in enforcing sections 955.01 to 130
955.27 of the Revised Code, the board, by resolution so provided, 131
after setting aside a sum equal to the total amount of animal 132
claims ~~paid or~~ filed in that calendar year, or an amount equal to 133
the total amount of animal claims paid or allowed the preceding 134
year, whichever amount is larger, may appropriate further funds 135
for the use and purpose of the county dog warden in administering 136
those sections. 137

Money received by a county under section 956.06 of the 138
Revised Code is subject to audit by the auditor of state. 139

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

shall declare a quarantine of all dogs in the health district or 144
in a part of it. During the quarantine, the owner, keeper, or 145
harborer of any dog shall keep it confined on the premises of the 146
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, kennel, or 147
other suitable place, at the expense of the owner, keeper, or 148
harborer, except that a dog may be permitted to leave the premises 149
of its owner, keeper, or harborer if it is under leash or under 150
the control of a responsible person. The quarantine order shall be 151
considered an emergency and need not be published. 152

When the quarantine has been declared, the director of 153
health, the board, or those persons may require vaccination for 154
rabies of all dogs within the health district or part of it. Proof 155
of rabies vaccination within a satisfactory period shall be 156
demonstrated to the county auditor before any registration is 157
issued under section 955.01 of the Revised Code for any dog that 158
is required to be vaccinated. 159

The public health council shall determine appropriate methods 160
of rabies vaccination and satisfactory periods for purposes of 161
quarantines under this section. 162

When a quarantine of dogs has been declared in any health 163
district or part of a health district, the county dog warden and 164
all other persons having the authority of police officers shall 165
assist the health authorities in enforcing the quarantine order. 166
When rabies vaccination has been declared compulsory in any health 167
district or part of a health district, the dog warden shall assist 168
the health authorities in enforcing the vaccination order. 169

Notwithstanding ~~the provisions of~~ this section, a city or 170
general health district board of health may make orders pursuant 171
to sections 3709.20 and 3709.21 of the Revised Code requiring the 172
vaccination of dogs. 173

Sec. 1901.183. In addition to jurisdiction otherwise granted 174

in this chapter, the environmental division of a municipal court 175
shall have jurisdiction within its territory in all of the 176
following actions or proceedings and to perform all of the 177
following functions: 178

(A) Notwithstanding any monetary limitations in section 179
1901.17 of the Revised Code, in all actions and proceedings for 180
the sale of real or personal property under lien of a judgment of 181
the environmental division of the municipal court, or a lien for 182
machinery, material, fuel furnished, or labor performed, 183
irrespective of amount, and, in those cases, the environmental 184
division may proceed to foreclose and marshal all liens and all 185
vested or contingent rights, to appoint a receiver, and to render 186
personal judgment irrespective of amount in favor of any party; 187

(B) When in aid of execution of a judgment of the 188
environmental division of the municipal court, in all actions for 189
the foreclosure of a mortgage on real property given to secure the 190
payment of money, or the enforcement of a specific lien for money 191
or other encumbrance or charge on real property, when the real 192
property is situated within the territory, and, in those cases, 193
the environmental division may proceed to foreclose all liens and 194
all vested and contingent rights and proceed to render judgments, 195
and make findings and orders, between the parties, in the same 196
manner and to the same extent as in similar cases in the court of 197
common pleas; 198

(C) When in aid of execution of a judgment of the 199
environmental division of the municipal court, in all actions for 200
the recovery of real property situated within the territory to the 201
same extent as courts of common pleas have jurisdiction; 202

(D) In all actions for injunction to prevent or terminate 203
violations of the ordinances and regulations of any municipal 204
corporation within its territory enacted or promulgated under the 205
police power of that municipal corporation pursuant to Section 3 206

of Article XVIII, Ohio Constitution, over which the court of 207
common pleas has or may have jurisdiction, and, in those cases, 208
the environmental division of the municipal court may proceed to 209
render judgments, and make findings and orders, in the same manner 210
and to the same extent as in similar cases in the court of common 211
pleas; 212

(E) In all actions for injunction to prevent or terminate 213
violations of the resolutions and regulations of any political 214
subdivision within its territory enacted or promulgated under the 215
power of that political subdivision pursuant to Article X of the 216
Ohio Constitution, over which the court of common pleas has or may 217
have jurisdiction, and, in those cases, the environmental division 218
of the municipal court may proceed to render judgments, and make 219
findings and orders, in the same manner and to the same extent as 220
in similar cases in the court of common pleas; 221

(F) In any civil action to enforce any provision of Chapter 222
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 223
over which the court of common pleas has or may have jurisdiction, 224
and, in those actions, the environmental division of the municipal 225
court may proceed to render judgments, and make findings and 226
orders, in the same manner and to the same extent as in similar 227
actions in the court of common pleas; 228

(G) In all actions and proceedings in the nature of 229
creditors' bills, and in aid of execution to subject the interests 230
of a judgment debtor in real or personal property to the payment 231
of a judgment of the division, and, in those actions and 232
proceedings, the environmental division may proceed to marshal and 233
foreclose all liens on the property irrespective of the amount of 234
the lien, and all vested or contingent rights in the property; 235

(H) Concurrent jurisdiction with the court of common pleas of 236
all criminal actions or proceedings related to the pollution of 237
the air, ground, or water within the territory of the 238

environmental division of the municipal court, for which a 239
sentence of death cannot be imposed under Chapter 2903. of the 240
Revised Code; 241

(I) In any review or appeal of any final order of any 242
administrative officer, agency, board, department, tribunal, 243
commission, or other instrumentality that relates to a local 244
building, housing, air pollution, sanitation, health, fire, 245
zoning, or safety code, ordinance, or regulation, in the same 246
manner and to the same extent as in similar appeals in the court 247
of common pleas; 248

(J) With respect to the environmental division of the 249
Franklin county municipal court, in any civil action to enforce a 250
provision of Chapter 956. of the Revised Code and to hear appeals 251
from an adjudication hearing conducted under that chapter. 252

Sec. 956.01. As used in this chapter: 253

(A) "Adult dog" means a dog that is eight months of age or 254
older. 255

(B) "Animal rescue for dogs" means an individual or 256
organization recognized by the department of agriculture that 257
keeps, houses, and maintains dogs and that is dedicated to the 258
welfare, health, safety, and protection of dogs following the 259
seizure or removal of dogs by a dog warden appointed under Chapter 260
955. of the Revised Code, by a humane society established under 261
Chapter 1717. of the Revised Code, or by the department of 262
agriculture under this chapter, provided that the individual or 263
organization does not operate for profit and does not sell dogs. 264
"Animal rescue for dogs" includes an individual or organization 265
that offers dogs for adoption and charges reasonable adoption fees 266
established by the director of agriculture under this chapter to 267
cover the costs of the individual or organization, including, but 268
not limited to, costs related to spaying or neutering dogs. 269

(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs and that is operated by a humane society established under Chapter 1717. of the Revised Code, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 270
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(D) "Breeding dog" means a dog that is maintained primarily for the purpose of reproduction, providing stud services, or whelping and that has produced at least one litter of puppies per calendar year if it is a female dog or has provided stud services to produce at least one litter of puppies per calendar year if it is a male dog. 277
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(E) "Regulated dog breeding kennel" means an establishment that, in any given year, keeps, houses, and maintains nine or more adult dogs for the purpose of breeding the dogs in return for a fee or other consideration received through a sale, auction, exchange, or lease. 283
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(F) "Regulated dog intermediary" means a person who sells, offers to sell, exchanges, auctions, or offers for adoption more than twenty-five dogs annually in this state. For purposes of the definition of "regulated dog intermediary" and in calculating the twenty-five dog annual threshold, any puppies sold, offered for sale, exchanged, auctioned, or offered for adoption by the person that are born as a result of breeding a dog that is kept, housed, or maintained by the person for breeding purposes shall be excluded if the person keeps, houses, or maintains eight or fewer dogs for such breeding purposes. "Regulated dog intermediary" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society established under Chapter 1717. of the Revised Code, a medical kennel for dogs, a research kennel for dogs, or a veterinarian. 288
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(G) "Enclosure, crate, or cage" does not include an enclosure, crate, or cage that is used during the transportation of a dog. 302
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(H) "Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created under section 1901.011 of the Revised Code. 305
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(I) "Medical kennel for dogs" means a facility that is maintained by a veterinarian and operated primarily for the treatment of sick or injured dogs. 309
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(J) "Pet store" means a retail store that sells dogs to the public. 312
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(K) "Puppy" means a dog that is under eight months of age. 314

(L) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 315
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(M) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code. 317
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Sec. 956.02. (A) There is hereby created in the department of agriculture the dog breeding kennel control authority for the purpose of administering this chapter and rules adopted under it, as prescribed by the director of agriculture and in accordance with this chapter, and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The director shall designate a director as the head of the authority. 319
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(B) Medical kennels for dogs, research kennels for dogs, and veterinarians are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it. 327
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Sec. 956.03. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 331
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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 when soliciting to sell an adult dog or a puppy or when solicited for such a sale. 334
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(B) Requirements and procedures for conducting background investigations of each applicant for a license issued under section 956.04 of the Revised Code in order to determine if the applicant has been convicted of or pleaded guilty to any of the violations specified in division (H) of that section. The rules shall provide that background investigations shall be conducted solely by the attorney general on behalf of the department of agriculture. The rules shall establish procedures for annually updating background investigation information regarding an applicant after an initial background investigation has been conducted with respect to an initial application for a license submitted under that section. 346
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(C) Requirements and procedures governing regulated dog intermediaries, including the licensing of and record keeping by regulated dog intermediaries, in addition to the requirements and procedures established in this chapter. The rules shall require 358
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that a regulated dog intermediary be assigned a license number and 362
that a regulated dog intermediary provide the license number and 363
the applicable vendor number assigned by the department of 364
taxation whenever it solicits business or it is solicited for 365
business. 366

(D) The form of applications for licenses issued under this 367
chapter and the information that is required to be submitted in 368
the applications; 369

(E) A requirement that each regulated dog breeding kennel 370
submit to the director, with an application for a regulated dog 371
breeding kennel license, evidence of insurance or, in the 372
alternative, evidence of a surety bond payable to the department 373
of agriculture to ensure compliance with this chapter and rules 374
adopted under it. The rules adopted under this division shall 375
apply only to a regulated dog breeding kennel that keeps, houses, 376
and maintains more than fifteen adult dogs. The face value of the 377
insurance coverage or bond shall be in the following amounts: 378

(1) Five thousand dollars for regulated dog breeding kennels 379
keeping, housing, and maintaining at least sixteen adult dogs, but 380
not more than twenty-five adult dogs; 381

(2) Ten thousand dollars for regulated dog breeding kennels 382
keeping, housing, and maintaining at least twenty-six adult dogs, 383
but not more than fifty adult dogs; 384

(3) Fifty thousand dollars for regulated dog breeding kennels 385
keeping, housing, and maintaining more than fifty adult dogs. 386

The rules shall require that the insurance be payable to the 387
state or that the surety bond be subject to redemption by the 388
state, as applicable, upon a suspension or revocation of a 389
regulated dog breeding kennel license for the purpose of paying 390
for the maintenance and care of dogs that are seized or otherwise 391
impounded from the regulated dog breeding kennel in accordance 392

<u>with this chapter.</u>	393
<u>(F) Procedures for inspections conducted under section 956.09</u>	394
<u>of the Revised Code in addition to the procedures established in</u>	395
<u>that section, and procedures for making records of the</u>	396
<u>inspections;</u>	397
<u>(G) Requirements and procedures that are necessary to</u>	398
<u>implement and enforce the requirements pertaining to pet stores</u>	399
<u>that are established in section 956.19 of the Revised Code;</u>	400
<u>(H) A requirement that a retailer or direct seller of a puppy</u>	401
<u>or adult dog provide to the purchaser the complete name, address,</u>	402
<u>and telephone number of all regulated dog breeding kennels,</u>	403
<u>regulated dog intermediaries, and private owners that kept,</u>	404
<u>housed, or maintained the puppy or adult dog prior to its coming</u>	405
<u>into the possession of the retailer or direct seller, or proof</u>	406
<u>that the puppy or adult dog was acquired through an animal rescue</u>	407
<u>for dogs, animal shelter for dogs, or humane society established</u>	408
<u>under Chapter 1717. of the Revised Code, or an interstate health</u>	409
<u>certificate pertaining to the puppy or adult dog;</u>	410
<u>(I) Requirements and procedures governing the registration of</u>	411
<u>litters under section 956.19 of the Revised Code;</u>	412
<u>(J) Any other requirements and procedures that are determined</u>	413
<u>by the director to be necessary for the administration and</u>	414
<u>enforcement of this chapter and rules adopted under it.</u>	415
<u>Sec. 956.04. (A)(1) No person shall operate a regulated dog</u>	416
<u>breeding kennel in this state without a regulated dog breeding</u>	417
<u>kennel license issued by the director of agriculture in accordance</u>	418
<u>with this section and rules adopted under section 956.03 of the</u>	419
<u>Revised Code.</u>	420
<u>(2) The director shall not issue a license under this section</u>	421
<u>unless the director determines that the applicant will operate or</u>	422

will continue to operate the regulated dog breeding kennel in 423
accordance with this chapter and rules adopted under it. 424

(B) In determining whether an establishment is a regulated 425
dog breeding kennel requiring a license under this chapter, the 426
director shall determine if, in any given year, the establishment 427
keeps, houses, and maintains nine or more adult dogs for the 428
purpose of breeding the dogs for a fee or other consideration 429
through a sale, auction, exchange, or lease. Any dogs that are 430
kept, housed, or maintained for the purpose of the companionship 431
of the owner, to be shown by the owner, or for the purpose of 432
hunting or sledding and not for breeding for a fee or other 433
consideration shall not be counted. The burden shall be on the 434
owner or operator of the establishment to prove the purpose for 435
which dogs are kept, housed, and maintained and that the dogs 436
should not be counted for the purpose of determining that the 437
establishment is a regulated dog breeding kennel. 438

(C) A person who is proposing to operate a new regulated dog 439
breeding kennel, at least ninety days prior to the operation of 440
the regulated dog breeding kennel, shall submit an application for 441
a license to the director. The application shall be submitted in 442
the form and with the information required by rules adopted under 443
section 956.03 of the Revised Code and shall include with it at 444
least all of the following: 445

(1) An affidavit signed under oath or solemn affirmation of 446
the number of adult dogs that are kept, housed, and maintained by 447
the applicant at the location that is the subject of the 448
application; 449

(2) An estimate of the number of puppies to be kept, housed, 450
and maintained during the annual term of the license; 451

(3) Photographic evidence documenting the facilities where 452
dogs will be kept, housed, and maintained by the applicant; 453

(4) A signed release permitting the performance of a 454
background investigation regarding the applicant in accordance 455
with rules adopted under section 956.03 of the Revised Code; 456

(5) A copy of the applicant's fingerprints for purposes of 457
conducting the background investigation required by rules adopted 458
under section 956.03 of the Revised Code; 459

(6) The names and addresses and any other identifying 460
information required by rules adopted under section 956.03 of the 461
Revised Code of all persons who will have custody of or control 462
over dogs kept by the applicant. 463

(D) During the month of December, but before the first day of 464
January of the next year, a person who is proposing to continue 465
the operation of a regulated dog breeding kennel shall obtain a 466
license for the regulated dog breeding kennel from the director 467
for the following year. The person shall submit the application to 468
the director on or before the last day of October of the year 469
preceding the year for which the license is sought. 470

(E) The owner or operator of a regulated dog breeding kennel 471
that is in operation on the effective date of this section shall 472
submit to the director an application for a regulated dog breeding 473
kennel license not later than six months after the effective date 474
of this section. The director shall issue or deny the application 475
for a license within ninety days after the receipt of the 476
completed application. 477

(F) A person who has received a license under this section, 478
upon sale or other disposition of the regulated dog breeding 479
kennel, may have the license transferred to another person with 480
the consent of the director, provided that the transferee 481
otherwise qualifies to be licensed as a regulated dog breeding 482
kennel under this chapter and rules adopted under it and does not 483
have a certified unpaid debt to the state. 484

(G) An applicant for a license issued under this section shall demonstrate that the regulated dog breeding kennel that is the subject of the application complies with the standards of care and other standards established under this chapter. 485
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(H) No person shall operate a regulated dog breeding kennel who has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government. 489
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Sec. 956.05. (A)(1) No person shall act as or perform the functions of a regulated dog intermediary in this state without a regulated dog intermediary license issued by the director of agriculture in accordance with this section and rules adopted under section 956.03 of the Revised Code. 497
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(2) The director shall not issue a license under this section unless the director determines that the applicant will act as or perform the function of a regulated dog intermediary in accordance with this chapter and rules adopted under it. 502
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(B) A person who is proposing to act as or perform the functions of a regulated dog intermediary shall submit an application for a license to the director. During the month of December, but before the first day of January of the next year, a person who is proposing to continue to act as or perform the functions of a regulated dog intermediary shall obtain a license from the director for the following year. The person shall submit the application to the director on or before the last day of October of the year preceding the year for which the license is sought. 506
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(C) A person who is acting as or performing the functions of a regulated dog intermediary on the effective date of this section shall submit to the director an application for a regulated dog intermediary license not later than six months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application. 516
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(D) No person shall act as or perform the functions of a regulated dog intermediary who has been convicted of or pleaded guilty to violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government or has been convicted of or pleaded guilty to violating more than once section 2919.25 of the Revised Code or an equivalent municipal ordinance, law of another state, or law of the federal government. 523
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Sec. 956.06. (A) A person who is applying for a license to operate a regulated dog breeding kennel or to act as or perform the functions of a regulated dog intermediary under section 956.04 or 956.05 of the Revised Code, as applicable, shall include with the application for a license a nonrefundable license application fee as follows: 532
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(1) For a regulated dog breeding kennel: 538

(a) One hundred fifty dollars if the regulated dog breeding kennel keeps, houses, and maintains at least nine, but not more than fifteen adult dogs; 539
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(b) Three hundred fifty dollars if the regulated dog breeding kennel keeps, houses, and maintains at least sixteen, but not more than twenty-five adult dogs; 542
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(c) Five hundred dollars if the regulated dog breeding kennel 545

keeps, houses, and maintains at least twenty-six, but not more 546
than thirty adult dogs; 547

(d) Seven hundred fifty dollars if the regulated dog breeding 548
kennel keeps, houses, and maintains more than thirty adult dogs. 549

(2) For a regulated dog intermediary, five hundred dollars. 550

(B) Money collected by the director of agriculture from 551
application fees submitted under this section shall be transmitted 552
by the director to the treasurer of state to be credited to the 553
regulated dog breeding kennel control license fund created in 554
section 956.16 of the Revised Code. However, the treasurer shall 555
transfer to the county in which a regulated dog breeding kennel is 556
or will be located fifty dollars of the application fee received 557
from the person who is applying for a license to operate the 558
regulated dog breeding kennel or an amount equal to the fee 559
charged on January 1, 2006, by the county for the registration of 560
a kennel under section 955.04 of the Revised Code, whichever is 561
greater. The county auditor shall deposit the money in the 562
county's dog and kennel fund created in accordance with section 563
955.20 of the Revised Code. 564

Sec. 956.07. No person operating a regulated dog breeding 565
kennel or acting as or performing the functions of a regulated dog 566
intermediary shall do any of the following: 567

(A) Keep or confine a dog in an enclosure, crate, or cage of 568
insufficient size so that the dog cannot stand, turn around, or 569
lay down without touching the enclosure on the sides or the top, 570
as applicable, without touching other dogs kept or confined in the 571
enclosure, crate, or cage, and without touching or dislodging a 572
food dish or water bowl placed within the enclosure; 573

(B) Keep or confine a dog in an enclosure, crate, or cage 574
without access to either natural or artificial light during 575

daytime hours; 576

(C) Keep or confine a dog in an enclosure, crate, or cage outdoors unless the dog has access at all times to a dry insulated indoor shelter or dog house or is provided with clean straw or other nontoxic insulating material in an amount that is sufficient to permit the dog to burrow under the straw or material while at the same time using the straw or material as bedding; 577
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(D) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected to accumulate in a normal twelve-hour period; 583
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(E) Keep or confine a dog in an enclosure, crate, or cage without access to clean unfrozen water at all times unless the dog is being used for hunting or sledding, in which case access to clean unfrozen water shall be provided not less than one time per eight-hour period. Water shall be provided to a dog in an open bowl or container that is not a drip bottle or limited intake mechanism. 586
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(F) Keep or confine a dog in an enclosure, crate, or cage without access to adequate and wholesome food on a daily basis so as to ensure a proper and healthy weight unless medically contraindicated; 593
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(G) Keep or confine a dog in an enclosure, crate, or cage with flooring material that is incapable of being cleaned or sanitized or that is likely to cause injury to the pads of a dog's feet; 597
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(H) Keep or confine a dog in an enclosure, crate, or cage without providing a resting board or pan that is free from moisture and feces and that is sufficient for the size of the dog and, if applicable, the dog's litter. Such a resting board or pan may include soft bedding. 601
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(I) Keep or confine a dog in an enclosure, crate, or cage in 606

<u>unsanitary conditions;</u>	607
<u>(J) Keep or confine a dog in an enclosure, crate, or cage</u>	608
<u>that is in contact with or in the immediate vicinity of any animal</u>	609
<u>with a diagnosed or suspected disease that is contagious to dogs;</u>	610
<u>(K) Keep or confine a dog in an enclosure, crate, or cage</u>	611
<u>without adequate ventilation;</u>	612
<u>(L) Keep or confine a dog in an enclosure, crate, or cage</u>	613
<u>without providing shelter from the elements;</u>	614
<u>(M) Keep or confine a dog in an outdoor run or kennel where</u>	615
<u>shade is not provided during the months of May through September.</u>	616
<u>The shade so provided shall provide a reduction of temperature of</u>	617
<u>at least five degrees from nonshaded areas when the temperature in</u>	618
<u>the nonshaded areas is ninety degrees fahrenheit or higher.</u>	619
<u>(N) Fail to provide a dog with appropriate veterinary care</u>	620
<u>and treatment for any disease, illness, or injury;</u>	621
<u>(O) Fail to provide a breeding dog with a clean whelping box</u>	622
<u>when needed;</u>	623
<u>(P) Fail to trim an adult dog's nails so that there is</u>	624
<u>curling or an impairment of the dog's gait;</u>	625
<u>(Q) Fail to provide regular grooming to a dog to prevent</u>	626
<u>matting of fur from fecal matter or bodily fluids;</u>	627
<u>(R) Fail to provide a dog with appropriate protection from</u>	628
<u>fleas, ticks, biting insects, and stinging insects or treatment</u>	629
<u>for worms if the dog is so afflicted;</u>	630
<u>(S) Fail to provide an adult dog with appropriate</u>	631
<u>vaccinations as determined by the dog's veterinarian;</u>	632
<u>(T) Fail to provide each puppy aged three months or older</u>	633
<u>with appropriate phase-in booster vaccines if determined necessary</u>	634
<u>by the puppy's veterinarian;</u>	635

(U) Fail to provide heartworm preventative to a breeding dog 636
as determined by the dog's veterinarian; 637

(V) Fail to ensure that a dog in the person's possession or 638
control requiring euthanization is euthanized by a veterinarian or 639
a person under the direct supervision of a veterinarian; 640

(W) Fail to ensure that a dog that is being euthanized is not 641
left unattended between the commencement of the process and death; 642

(X) Beat or brutalize a dog within the person's custody or 643
control. 644

Divisions (A), (B), (C), (E), (F), (H), and (L) of this 645
section do not apply during the temporary transportation of a dog 646
from one location to another location. 647

Sec. 956.08. The director of agriculture shall appoint kennel 648
control enforcement inspectors for the purpose of enforcing the 649
requirements and standards established by this chapter and rules 650
adopted under it and to act as authorized agents of the director. 651
Inspectors shall serve at the pleasure of the director and shall 652
be employees of the dog breeding kennel control authority created 653
in section 956.02 of the Revised Code. Inspectors may issue 654
citations and orders that are necessary to enforce this chapter 655
and rules adopted under it. The director shall provide each kennel 656
control enforcement inspector with an identifying badge and an 657
official uniform. 658

Sec. 956.09. (A) At least once biennially, the director of 659
agriculture or the director's authorized representative shall 660
inspect a regulated dog breeding kennel that is subject to 661
licensure under this chapter and rules adopted under section 662
956.03 of the Revised Code to ensure compliance with this chapter 663
and rules adopted under it, including, but not limited to, the 664
standards of care established in section 956.07 of the Revised 665

Code. Inspections shall be conducted without prior notification to 666
the licensee or persons associated with the licensee. In addition, 667
upon the request of a member of the public, a public official, an 668
animal rescue for dogs, or an animal shelter for dogs, the 669
director or the director's authorized representative shall inspect 670
any facility at which a person is acting as or performing the 671
functions of a regulated dog intermediary to ensure such 672
compliance. 673

Inspections shall be conducted in accordance with rules 674
adopted under section 956.03 of the Revised Code. A record of each 675
inspection shall be made by the inspector who is responsible for 676
the inspection in accordance with those rules. 677

(B) The director or the director's authorized representative, 678
upon proper identification and upon stating the purpose and 679
necessity of an inspection, may enter at reasonable times on any 680
public or private property, real or personal, to inspect or 681
investigate and to examine or copy records in order to determine 682
compliance with this chapter and rules adopted under it. The 683
director, the director's authorized representative, or the 684
attorney general upon the request of the director may apply to the 685
environmental division of the Franklin county municipal court for 686
an appropriate court order or search warrant as necessary to 687
achieve the purposes of this chapter and rules adopted under it. A 688
judge of that court may issue such a warrant. 689

(C) No owner or operator of a regulated dog breeding kennel 690
or person acting as or performing the functions of a regulated dog 691
intermediary shall interfere with an inspection or refuse to allow 692
an inspector full access to all areas where dogs are kept or cared 693
for. If entry is refused or inspection or investigation is 694
refused, hindered, or thwarted by a regulated dog breeding kennel 695
or regulated dog intermediary, the director may suspend or revoke 696
the kennel's or intermediary's license in accordance with this 697

chapter. 698

(D) If entry that is authorized by division (B) of this 699
section is refused or if an inspection or investigation is 700
refused, hindered, or thwarted by intimidation or otherwise and if 701
the director, an authorized representative of the director, or the 702
attorney general applies for and obtains a court order or a search 703
warrant under division (B) of this section to conduct the 704
inspection or investigation, the owner or operator of the premises 705
where entry was refused or inspection or investigation was 706
refused, hindered, or thwarted is liable to the director for the 707
reasonable costs incurred by the director for the regular salaries 708
and fringe benefit costs of personnel assigned to conduct the 709
inspection or investigation from the time the entry, inspection, 710
or investigation was refused, hindered, or thwarted until the 711
court order or search warrant is executed; for the salary, fringe 712
benefits, and travel expenses of the director, an authorized 713
representative of the director, or the attorney general incurred 714
in obtaining the court order or search warrant; and for expenses 715
necessarily incurred for the assistance of local law enforcement 716
officers in executing the court order or search warrant. In the 717
application for a court order or a search warrant, the director, 718
the director's authorized representative, or the attorney general 719
may request and the environmental division of the Franklin county 720
municipal court, in its order granting the court order or search 721
warrant, may order the owner or operator of the premises to 722
reimburse the director for any of those costs that the court finds 723
reasonable. From money recovered under this division, the director 724
shall reimburse the attorney general for the costs incurred by the 725
attorney general in connection with proceedings for obtaining the 726
court order or search warrant, shall reimburse the political 727
subdivision in which the premises is located for the assistance of 728
its law enforcement officers in executing the court order or 729
search warrant, and shall deposit the remainder in the state 730

treasury to the credit of the regulated dog breeding kennel 731
control license fund created in section 956.16 of the Revised 732
Code. 733

(E) A dog warden appointed under Chapter 955. of the Revised 734
Code or an agent of a humane society established under Chapter 735
1717. of the Revised Code entering on public or private property 736
to make investigations and inspections in accordance with Chapter 737
955. or 1717. of the Revised Code, as applicable, shall report any 738
violations of this chapter and rules adopted under it to the 739
director or a kennel control enforcement inspector and may examine 740
and copy any records that are required to be maintained under 741
rules adopted under this chapter. 742

Sec. 956.10. (A) The director of agriculture or the 743
director's authorized representative may impound a dog if the 744
director or the director's authorized representative has probable 745
cause to believe that the dog is being kept by a regulated dog 746
breeding kennel or regulated dog intermediary in a manner that 747
materially violates this chapter or rules adopted under it and if 748
the dog's health or safety appears to be in imminent danger. 749

(B) The director or the director's authorized representative 750
shall give written notice of the impoundment by posting a notice 751
on the door of the premises from which the dog was taken or by 752
otherwise posting the notice in a conspicuous place at the 753
premises from which the dog was taken. The notice shall provide a 754
date for an adjudication hearing, which shall take place not later 755
than five business days after the dog is taken and at which the 756
director shall determine if the dog should be permanently 757
relinquished to the custody of the department of agriculture. 758

(C) The owner or operator of the applicable regulated dog 759
breeding kennel or the person acting as or performing the 760
functions of a regulated dog intermediary may appeal the 761

determination made at the adjudication hearing in accordance with 762
section 119.12 of the Revised Code, except that the appeal may 763
only be made to the environmental division of the Franklin county 764
municipal court. If a dog has been impounded and the owner or 765
operator of the applicable regulated dog breeding kennel or the 766
person acting as or performing the functions of a regulated dog 767
intermediary appeals the determination made at an adjudication 768
hearing, that person shall file an appeal bond that is sufficient 769
to cover the costs of keeping, housing, and maintaining the dog in 770
a manner and amount to be determined by the environmental division 771
of the Franklin county municipal court. 772

(D) The director may enter into contracts or agreements with 773
an animal rescue for dogs, an animal shelter for dogs, a 774
veterinarian, a dog warden appointed under Chapter 955. of the 775
Revised Code, or a humane society established under Chapter 1717. 776
of the Revised Code for the purpose of keeping, housing, and 777
maintaining dogs that are impounded under this section. If, after 778
the final disposition of an adjudication hearing and any appeals 779
from that adjudication hearing, it is determined that a dog shall 780
be permanently relinquished to the custody of the department, the 781
dog may be adopted directly from the animal rescue for dogs, 782
animal shelter for dogs, veterinarian, dog warden, or humane 783
society where it is being kept, housed, and maintained. The animal 784
rescue for dogs, animal shelter for dogs, veterinarian, dog 785
warden, or humane society may charge a reasonable adoption fee. 786
The fee shall be at least sufficient to cover the costs of spaying 787
or neutering the dog unless it is medically contraindicated. 788

Sec. 956.11. If the director of agriculture or the director's 789
authorized representative determines that a person has violated, 790
is violating, or is threatening to violate this chapter or rules 791
adopted under it, the director may issue and cause to be served by 792
certified mail or personal service a citation of violation and an 793

order requiring the person to cease the acts or practices 794
appearing to the director or the director's authorized 795
representative to constitute a violation of this chapter or rules 796
adopted under it or requiring the person to take corrective 797
actions to eliminate the conditions appearing to the director or 798
the director's authorized representative to constitute a violation 799
of this chapter and rules adopted under it. The order shall state 800
specifically the provision or provisions of this chapter or the 801
rule or rules adopted under this chapter that appear to the 802
director or the director's authorized representative to have been 803
violated or threatened to be violated and the facts constituting 804
the violation or threatened violation, the actions that the person 805
must take to correct the deficiencies, and the time period within 806
which the person must correct the violations. 807

Sec. 956.12. (A) The director of agriculture may assess a 808
civil penalty against a person violating this chapter or rules 809
adopted under it if all of the following occur: 810

(1) The person has received an order and been notified of the 811
violation by certified mail as required in section 956.11 of the 812
Revised Code. 813

(2) After the time period for correcting the violation 814
specified in the order has elapsed, the director or the director's 815
authorized representative has inspected the premises where the 816
violation has occurred and determined that the violation has not 817
been corrected, and the director has issued a notice of an 818
adjudication hearing pursuant to division (A)(3) of this section. 819

(3) The director affords the person an opportunity for an 820
adjudication hearing under Chapter 119. of the Revised Code to 821
challenge the director's determination that the person is not in 822
compliance with this chapter or rules adopted under it, the 823
imposition of the civil penalty, or both. A person may waive the 824

opportunity for an adjudication hearing. 825

(B) If the opportunity for an adjudication hearing is waived 826
or if, after an adjudication hearing, the director determines that 827
a violation of this chapter or a rule adopted under it has 828
occurred or is occurring, the director may assess a civil penalty. 829
The civil penalty may be appealed in accordance with section 830
119.12 of the Revised Code, except that the civil penalty may only 831
be appealed to the environmental division of the Franklin county 832
municipal court. 833

(C) Civil penalties shall be assessed in the following 834
amounts: 835

(1) A person who has violated division (A)(1) of section 836
956.04 or division (A)(1) of section 956.05 of the Revised Code 837
shall pay a civil penalty in an amount that is equal to two times 838
the amount of the license fee that should have been paid by the 839
person under section 956.06 of the Revised Code. 840

(2) A person who has violated division (H) of section 956.04 841
or division (D) of section 956.05 of the Revised Code shall pay a 842
civil penalty of not more than fifteen thousand dollars. 843

(3) A person who has violated any other provision of this 844
chapter or rules adopted under it, including, but not limited to, 845
the standards of care established in section 956.07 of the Revised 846
Code, shall pay a civil penalty of twenty-five dollars. 847

Each day that a violation continues constitutes a separate 848
violation. 849

Sec. 956.13. The attorney general, upon the request of the 850
director of agriculture, may bring an action for injunction 851
against a person who has violated, is violating, or is threatening 852
to violate this chapter, rules adopted under it, or an order 853
issued under section 956.11 of the Revised Code. An action for 854

injunction shall be filed in the environmental division of the 855
Franklin county municipal court, which shall have exclusive 856
jurisdiction to grant preliminary and permanent injunctive relief 857
under this chapter. The environmental division of the Franklin 858
county municipal court shall grant such injunctive relief upon a 859
showing that the person against whom the action is brought has 860
violated, is violating, or is threatening to violate this chapter, 861
rules adopted under it, or an order issued under it. The court 862
shall give precedence to such an action over all other cases. 863

Sec. 956.14. (A) The director of agriculture shall deny an 864
application for a license that is submitted under section 956.04 865
or 956.05 of the Revised Code for any of the following reasons: 866

(1) The applicant for the license has violated any provision 867
of this chapter or a rule adopted under it. 868

(2) The applicant has been convicted of or pleaded guilty to 869
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 870
or 959.16 of the Revised Code or an equivalent municipal 871
ordinance, law of another state, or law of the federal government 872
or has been convicted of or pleaded guilty to violating more than 873
once section 2919.25 of the Revised Code or an equivalent 874
municipal ordinance, law of another state, or law of the federal 875
government. 876

(3) The director determines that the applicant for the 877
license does not have the expertise or capacity to comply with 878
this chapter or rules adopted under it. 879

(B) The director may suspend or revoke a license issued under 880
this chapter for violation of any provision of this chapter or a 881
rule adopted or order issued under it. 882

(C) An application or a license shall not be denied, 883
suspended, or revoked under this section without a written order 884

of the director stating the findings on which the denial, 885
suspension, or revocation is based. A copy of the order shall be 886
sent to the applicant or license holder by certified mail or may 887
be provided to the applicant or license holder by personal 888
service. In addition, the person to whom a denial, suspension, or 889
revocation applies may request an adjudication hearing under 890
Chapter 119. of the Revised Code. The director shall comply with 891
such a request. The determination of the director at an 892
adjudication hearing may be appealed in accordance with section 893
119.12 of the Revised Code, except that the determination may only 894
be appealed to the environmental division of the Franklin county 895
municipal court. 896

Sec. 956.15. The director of agriculture, the director's 897
authorized representative, or the attorney general may require the 898
attendance of witnesses and the production of books, records, 899
papers, and dogs that are needed either by the director or the 900
attorney general or by any party to a hearing before the director 901
and for that purpose may issue a subpoena for any witness or a 902
subpoena duces tecum to compel the production of any books, 903
records, papers, or dogs. The subpoena shall be served by personal 904
service or by certified mail. If the subpoena is returned because 905
of inability to deliver, or if no return is received within thirty 906
days after the date of mailing, the subpoena may be served by 907
ordinary mail. If no return of ordinary mail is received within 908
thirty days after the date of mailing, service shall be deemed to 909
have been made. If the subpoena is returned because of inability 910
to deliver, the director or the attorney general may designate a 911
person or persons to effect either personal or residence service 912
on the witness. The person designated to effect personal or 913
residence service under this section may be the sheriff of the 914
county in which the witness resides or may be found or any other 915
duly designated person. The fees and mileage of the person serving 916

the subpoena shall be the same as those allowed by the courts of 917
common pleas in criminal cases and shall be paid from the funds of 918
the department of agriculture. Fees and mileage for the witness 919
shall be the same as those allowed for witnesses by the courts of 920
common pleas in criminal cases and shall be paid from the funds of 921
the department upon request of the witness following the hearing. 922

Sec. 956.16. All money collected by the director of 923
agriculture from license fees under section 956.06 of the Revised 924
Code and all money collected from civil penalties assessed under 925
section 956.12 of the Revised Code shall be deposited in the state 926
treasury to the credit of the regulated dog breeding kennel 927
control license fund, which is hereby created. The director shall 928
use money in the fund for the purpose of administering this 929
chapter and rules adopted under it. 930

Sec. 956.17. (A) There is hereby created the regulated dog 931
breeding kennel oversight commission consisting of one member of 932
the senate appointed by the president of the senate, one member of 933
the house of representatives appointed by the speaker of the house 934
of representatives, and the following eight members appointed by 935
the governor: 936

(1) Two members representing animal care and welfare 937
organizations in this state; 938

(2) One member who is a county dog warden; 939

(3) One member who is a veterinarian; 940

(4) One member representing pet stores in this state; 941

(5) One member representing regulated dog breeding kennels in 942
this state; 943

(6) One member who is a member in good standing of a national 944
breed parent club of the American kennel club; 945

(7) One member representing the public. 946

Initial appointments to the commission shall be made not 947
later than sixty days after the effective date of this section. 948
Terms of office of the members appointed by the president of the 949
senate and the speaker of the house of representatives shall 950
coincide with their terms of office as members of the senate and 951
the house of representatives, as applicable. Of the initial 952
appointments made by the governor, two shall be for one-year 953
terms, three shall be for two-year terms, and three shall be for 954
three-year terms. Thereafter, terms of office of members appointed 955
by the governor shall be three years, with each term ending on the 956
same day of the same month as did the term that it succeeds. Each 957
member shall hold office from the date of appointment until the 958
end of the term for which the member was appointed. Members may be 959
reappointed. Vacancies shall be filled in the manner provided for 960
the original appointments. Any member appointed to fill a vacancy 961
occurring prior to the expiration date of the term for which the 962
member's predecessor was appointed shall hold office for the 963
remainder of the term. A member shall continue in office 964
subsequent to the expiration date of the member's term until the 965
member's successor takes office or until a period of sixty days 966
has elapsed, whichever occurs first. 967

(B) The governor shall select a chairperson from among the 968
commission's members. A majority of the members of the commission 969
constitutes a quorum. The commission shall meet at least four 970
times a year in Columbus or at other locations selected by the 971
chairperson. The chairperson shall determine the agenda for each 972
meeting of the commission. However, if the member appointed by the 973
president of the senate and the member appointed by the speaker of 974
the house of representatives jointly request in writing that an 975
item be placed on the agenda for a meeting of the commission, the 976
chairperson shall place the item on the agenda at the commission's 977

next regularly scheduled meeting occurring more than ten days 978
after the request has been made. 979

Members of the commission shall serve without compensation 980
for attending commission meetings. Members of the commission shall 981
be reimbursed for their actual and necessary expenses incurred in 982
the performance of official duties as members of the commission. 983

(C) The commission shall provide oversight and evaluation of 984
the administration of this chapter and rules adopted under it, 985
including the operation of the dog breeding kennel control 986
authority created in section 956.02 of the Revised Code. The 987
oversight and evaluation may include, but not be limited to, a 988
determination of whether this chapter and rules adopted under it 989
and the operation of the authority have resulted in the prevention 990
of cruelty to and abuse of dogs and an evaluation of the sanctions 991
imposed on violators of this chapter and rules adopted under it. 992
In addition, the commission may make recommendations to the 993
director of agriculture for changes to the administration of this 994
chapter and rules adopted under it and to the general assembly for 995
changes to this chapter that the commission considers necessary 996
for the effective enforcement of this chapter and rules adopted 997
under it. The commission has the right to inspect records kept by 998
the dog breeding kennel control authority and to interview kennel 999
control enforcement inspectors. The commission, by the 1000
thirty-first day of December each year, shall issue a report of 1001
its findings and submit it to the director of agriculture, the 1002
president of the senate, and the speaker of the house of 1003
representatives. 1004

Sec. 956.18. (A) In accordance with rules adopted under 1005
section 956.03 of the Revised Code, at the time of the sale of a 1006
dog, a pet store shall provide the buyer of the dog with either of 1007
the following: 1008

(1) A certificate of medical health that has been completed 1009
and attested to by a veterinarian and that states that the 1010
veterinarian has examined the dog and has not found evidence of 1011
disease, illness, or injury at the time of the examination; 1012

(2) A money-back guarantee that is valid for not less than 1013
twenty-one days after the date of purchase of the dog. The 1014
guarantee shall authorize the purchaser of the dog to receive the 1015
purchase price of the dog from the pet store within that 1016
twenty-one-day period if the purchaser presents a statement to the 1017
pet store from a veterinarian who has examined the dog within 1018
fourteen days of the purchase of the dog that the dog has a 1019
significant disease, illness, or injury that was in existence at 1020
the time of the purchase of the dog. 1021

(B) A pet store shall post written notice of the pet store's 1022
responsibility under this section in a conspicuous location near 1023
the pet store's cash register. The written notice shall be posted 1024
in accordance with rules and shall be in prominent and easily read 1025
type that is not less than eighteen-point type. 1026

(C) At a time prior to the sale of a dog, a pet store shall 1027
provide the name, complete address, and telephone number of the 1028
breeder that bred the dog, the regulated dog breeding kennel where 1029
the dog was kept, housed, and maintained, and the regulated dog 1030
intermediary from whom the pet store acquired the dog, as 1031
applicable. The pet store also shall provide the telephone number 1032
and the address of the department of agriculture. 1033

(D) No pet store shall fail to comply with this section. 1034

(E) A pet store that fails to comply with division (A)(1) of 1035
this section with respect to the sale of a dog or a pet store that 1036
fails to refund the purchase price of a dog in accordance with 1037
division (A)(2) of this section is liable to the purchaser of the 1038
dog for an amount that is equal to three times the purchase price 1039

of the dog plus any veterinary expenses of not more than five 1040
hundred dollars that are incurred by the purchaser within one year 1041
after the date of the purchase of the dog. The pet store also is 1042
liable for any attorney fees and costs incurred by the purchaser. 1043
In addition, the buyer of the dog may keep the dog. 1044

(F) The director of agriculture or the director's authorized 1045
representative shall enforce this section. Kennel control 1046
enforcement inspectors may make inspections of pet stores for the 1047
purpose of enforcing this section. 1048

Sec. 956.19. No regulated dog breeding kennel shall sell or 1049
otherwise transfer a puppy that is less than ninety days old 1050
without registering the litter in which the puppy was born with 1051
the dog breeding kennel control authority in accordance with rules 1052
adopted under section 956.03 of the Revised Code. This section 1053
does not apply to an animal rescue for dogs or an animal shelter 1054
for dogs. 1055

Sec. 956.98. No person shall violate this chapter or a rule 1056
adopted or order issued under it. 1057

Sec. 956.99. Whoever violates section 956.98 of the Revised 1058
Code is guilty of a misdemeanor of the first degree. 1059

Section 2. That existing sections 955.02, 955.10, 955.12, 1060
955.20, 955.26, and 1901.183 of the Revised Code are hereby 1061
repealed. 1062