

**As Introduced**

**131st General Assembly  
Regular Session  
2015-2016**

**S. B. No. 331**

**Senator Peterson**

**A BILL**

To amend sections 956.01, 956.13, and 956.18 and to 1  
enact sections 956.051, 956.181, 956.19, 956.20, 2  
956.21, 956.22, 956.23, and 956.99 of the 3  
Revised Code to regulate the sale of dogs from 4  
pet stores and dog retailers and to require the 5  
Director of Agriculture to license pet stores. 6

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

**Section 1.** That sections 956.01, 956.13, and 956.18 be 7  
amended and sections 956.051, 956.181, 956.19, 956.20, 956.21, 8  
956.22, 956.23, and 956.99 of the Revised Code be enacted to 9  
read as follows: 10

**Sec. 956.01.** As used in this chapter: 11

~~(A)~~ "Accredited veterinarian" means a veterinarian 12  
accredited by the United States department of agriculture. 13

"Adult dog" means a dog that is twelve months of age or 14  
older. 15

~~(B)~~ "Animal rescue for dogs" means an individual or 16  
organization recognized by the director of agriculture that 17  
keeps, houses, and maintains dogs and that is dedicated to the 18

welfare, health, safety, and protection of dogs, provided that 19  
the individual or organization does not operate for profit, does 20  
not sell dogs for a profit, does not breed dogs, and does not 21  
purchase more than nine dogs in any given calendar year unless 22  
the dogs are purchased from a dog warden appointed under Chapter 23  
955. of the Revised Code, a humane society, or another animal 24  
rescue for dogs. "Animal rescue for dogs" includes an individual 25  
or organization that offers spayed or neutered dogs for adoption 26  
and charges reasonable adoption fees to cover the costs of the 27  
individual or organization, including, but not limited to, costs 28  
related to spaying or neutering dogs. 29

~~(C)~~—"Animal shelter for dogs" means a facility that keeps, 30  
houses, and maintains dogs such as a dog pound operated by a 31  
municipal corporation, or by a county under Chapter 955. of the 32  
Revised Code, or that is operated by a humane society, animal 33  
welfare society, society for the prevention of cruelty to 34  
animals, or other nonprofit organization that is devoted to the 35  
welfare, protection, and humane treatment of dogs and other 36  
animals. 37

~~(D)~~—"Boarding kennel" means an establishment operating for 38  
profit that keeps, houses, and maintains dogs solely for the 39  
purpose of providing shelter, care, and feeding of the dogs in 40  
return for a fee or other consideration. 41

~~(E)~~ "Breeding dog" means an unneutered, unspayed dog that 42  
is primarily harbored or housed on property that is the dog's 43  
primary residence. 44

~~(F)~~—"High volume breeder" means an establishment that 45  
keeps, houses, and maintains more than four female adult 46  
~~breeding dogs that produce at least nine litters of puppies in~~ 47  
~~any given calendar year and, in return for a fee or other~~ 48

~~consideration, sells sixty or more adult dogs or puppies per- 49  
calendar year are not sterilized. 50~~

~~(G)~~—"Humane society" means an organization that is 51  
organized under section 1717.05 of the Revised Code. 52

~~(H)~~—"Dog retailer" means a person who buys, sells, or 53  
offers to sell dogs at wholesale for resale to another or who 54  
sells or gives one or more dogs to a pet store annually. "Dog 55  
retailer" does not include an animal rescue for dogs, an animal 56  
shelter for dogs, a humane society, a medical kennel for dogs, a 57  
research kennel for dogs, a pet store, or a veterinarian. 58

~~(I)~~—"Environmental division of the Franklin county 59  
municipal court" means the environmental division of the 60  
Franklin county municipal court created in section 1901.011 of 61  
the Revised Code. 62

~~(J)~~—"Medical kennel for dogs" means a facility that is 63  
maintained by a veterinarian and operated primarily for the 64  
treatment of sick or injured dogs. 65

~~(K)~~—"Pet store" means a an individual retail store that to 66  
which both of the following apply: the store sells dogs to the 67  
public; and with regard to the sale of a dog from the store, the 68  
sales person, the buyer of a dog, and the dog for sale are 69  
physically present during the sales transaction so that the 70  
buyer may personally observe the dog and help ensure its health 71  
prior to taking custody. "Pet store" does not include an animal 72  
rescue for dogs, an animal shelter for dogs, a humane society, a 73  
medical kennel for dogs, or a research kennel for dogs. 74

~~(L)~~—"Puppy" means a dog that is under twelve months of 75  
age. 76

~~(M)~~—"Research kennel for dogs" means a facility housing 77

dogs that is maintained exclusively for research purposes. 78

~~(N)~~ "Veterinarian" means either a veterinarian licensed in 79  
this state under Chapter 4741. of the Revised Code or a 80  
veterinarian licensed out of this state by an applicable state 81  
entity. 82

**Sec. 956.051.** (A) No dog retailer shall negligently sell, 83  
deliver, barter, auction, broker, give away, or transfer any of 84  
the following: 85

(1) A dog that is less than eight weeks old; 86

(2) A dog without a certificate of veterinarian inspection 87  
signed by an accredited veterinarian; 88

(3) A dog that does not have a permanent implanted 89  
identification microchip; 90

(4) A dog to a person who is younger than eighteen years 91  
of age as verified by valid photo identification; 92

(5) A dog acquired from a qualified breeder as defined in 93  
section 956.19 of the Revised Code unless the owner, manager, or 94  
employee provides to the person acquiring the dog, at the time 95  
of the acquisition, a written certification that includes all of 96  
the following information: 97

(a) The name of the breeder that bred the dog; 98

(b) The address, if available, of the breeder that bred 99  
the dog; 100

(c) The United States department of agriculture license 101  
number of the breeder that bred the dog, if applicable, and a 102  
copy of the most current United States department of agriculture 103  
inspection report for the breeder; 104

<u>(d) The dog's birth date, if known;</u>	105
<u>(e) The date that the pet store took possession of the</u> <u>dog;</u>	106 107
<u>(f) The breed, gender, color, and any identifying marks of</u> <u>the dog;</u>	108 109
<u>(g) A document signed by an accredited veterinarian that</u> <u>describes any known disease, illness, or congenital or</u> <u>hereditary condition that adversely affects the health of the</u> <u>dog;</u>	110 111 112 113
<u>(h) A document signed by the dog retailer certifying that</u> <u>all information required to be provided to the person acquiring</u> <u>the dog under this section is accurate. A dog retailer shall</u> <u>keep a copy of the certification for a period of at least two</u> <u>years from the date of the acquisition. The dog retailer shall</u> <u>make the copy of the certification available for inspection or</u> <u>duplication by the department of agriculture.</u>	114 115 116 117 118 119 120
<u>(B) No dog retailer shall recklessly alter or provide</u> <u>false information on a certification provided in accordance with</u> <u>division (A) (5) of this section.</u>	121 122 123
<u>(C) This section does not apply to any dog that is being</u> <u>sold, delivered, bartered, auctioned, given away, brokered, or</u> <u>transferred from the premises where the dog was bred and reared.</u>	124 125 126
<b>Sec. 956.13.</b> (A) The director of agriculture may assess a civil penalty against a person violating <del>this chapter sections</del> <u>956.01 to 956.18 of the Revised Code</u> or rules adopted under it if all of the following occur:	127 128 129 130
(1) The person has received an order and been notified of the violation by certified mail or personal service as required	131 132

in section 956.12 of the Revised Code. 133

(2) After the time period for correcting the violation 134  
specified in the order has elapsed, the director or the 135  
director's authorized representative has inspected the premises 136  
where the violation has occurred and determined that the 137  
violation has not been corrected, and the director has issued a 138  
notice of an adjudication hearing pursuant to division (A) (3) of 139  
this section. 140

(3) The director affords the person an opportunity for an 141  
adjudication hearing under Chapter 119. of the Revised Code to 142  
challenge the director's determination that the person is not in 143  
compliance with this chapter or rules adopted under it, the 144  
imposition of the civil penalty, or both. A person may waive the 145  
opportunity for an adjudication hearing. 146

(B) If the opportunity for an adjudication hearing is 147  
waived or if, after an adjudication hearing, the director 148  
determines that a violation of this chapter or a rule adopted 149  
under it has occurred or is occurring, the director may assess a 150  
civil penalty. The civil penalty may be appealed in accordance 151  
with section 119.12 of the Revised Code, except that the civil 152  
penalty may be appealed only to the environmental division of 153  
the Franklin county municipal court. 154

(C) Civil penalties shall be assessed in the following 155  
amounts: 156

(1) A person who has violated division (A) (1) of section 157  
956.04 or division (A) (1) of section 956.05 of the Revised Code 158  
shall pay a civil penalty in an amount that is established in 159  
rules adopted under section 956.03 of the Revised Code. 160

(2) A person who has violated any other provision of this 161

chapter or rules adopted under it shall pay a civil penalty of 162  
one hundred dollars. 163

Each day that a violation continues constitutes a separate 164  
violation. 165

**Sec. 956.18.** (A) All money collected by the director of 166  
agriculture from license fees under section 956.07 and civil 167  
penalties assessed under section 956.13 of the Revised Code 168  
shall be deposited in the state treasury to the credit of the 169  
high volume breeder kennel control license fund, which is hereby 170  
created. The fund shall also consist of money appropriated to 171  
it. 172

~~(B) No money may be released from the fund without 173  
controlling board approval. The director shall request the 174  
controlling board to release money in an amount not to exceed 175  
two million five hundred thousand dollars per biennium. 176~~

~~(C) The director shall use the money in the fund for the 177  
purpose of administering this chapter sections 956.01 to 956.18 178  
of the Revised Code and rules adopted under it. 179~~

**Sec. 956.181.** (A) All money collected by the director of 180  
agriculture from license fees under section 956.21 and civil 181  
penalties assessed under section 956.22 of the Revised Code 182  
shall be deposited in the state treasury to the credit of the 183  
pet store license fund, which is hereby created. The fund shall 184  
also consist of money appropriated to it. 185

(B) The director shall use the money in the fund for the 186  
purpose of administering sections 956.19 to 956.23 of the 187  
Revised Code and rules adopted under it. 188

**Sec. 956.19.** As used in section 956.20 of the Revised 189  
Code, a "qualified breeder" means either of the following: 190

(A) A breeder that keeps, houses, and maintains female adult dogs that is not a high volume breeder as defined in section 956.01 of the Revised Code. 191  
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(B) A high volume breeder located in or out of this state that meets all of the following requirements: 194  
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(1) The breeder is licensed by the United States department of agriculture under 7 U.S.C. 2133 and, if applicable, a state agency. 196  
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(2) The breeder has not been issued a report of a direct noncompliance violation by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of three years prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 199  
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(3) The breeder has not had three or more noncompliance violations documented in any report issued by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of two years prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 205  
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(4) If the breeder is located out of this state, the breeder has been issued a dog retailer license under section 956.05 of the Revised Code. 212  
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**Sec. 956.20.** (A) No owner, manager, or employee of a pet store shall negligently display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell any live dog from a pet store to a person unless the dog was obtained from one of the following sources: 215  
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<u>(1) An animal rescue for dogs;</u>	220
<u>(2) An animal shelter for dogs;</u>	221
<u>(3) A humane society;</u>	222
<u>(4) A dog retailer;</u>	223
<u>(5) A qualified breeder.</u>	224
<u>(B) No owner, manager, or employee of a pet store shall</u>	225
<u>negligently sell, deliver, barter, auction, broker, give away,</u>	226
<u>or transfer any of the following:</u>	227
<u>(1) A dog that is less than eight weeks old;</u>	228
<u>(2) A dog without a certificate of veterinarian inspection</u>	229
<u>signed by an accredited veterinarian;</u>	230
<u>(3) A dog that does not have a permanent implanted</u>	231
<u>identification microchip;</u>	232
<u>(4) A dog to a person who is younger than eighteen years</u>	233
<u>of age as verified by valid photo identification;</u>	234
<u>(5) A dog acquired from a qualified breeder or a dog</u>	235
<u>retailer unless the owner, manager, or employee provides to the</u>	236
<u>person acquiring the dog, at the time of the acquisition, a</u>	237
<u>written certification that includes all of the following</u>	238
<u>information:</u>	239
<u>(a) The name of the breeder that bred the dog;</u>	240
<u>(b) The address, if available, of the breeder that bred</u>	241
<u>the dog;</u>	242
<u>(c) The United States department of agriculture license</u>	243
<u>number of the breeder that bred the dog, if applicable, and a</u>	244
<u>copy of the most current United States department of agriculture</u>	245

<u>inspection report for the breeder;</u>	246
<u>(d) The dog's birth date, if known;</u>	247
<u>(e) The date that the pet store took possession of the</u> <u>dog;</u>	248 249
<u>(f) The breed, gender, color, and any identifying marks of</u> <u>the dog;</u>	250 251
<u>(g) A document signed by an accredited veterinarian that</u> <u>describes any known disease, illness, or congenital or</u> <u>hereditary condition that adversely affects the health of the</u> <u>dog;</u>	252 253 254 255
<u>(h) A document signed by the owner, manager, or employee</u> <u>of the pet store certifying that all information required to be</u> <u>provided to the person acquiring the dog under division (B) (5)</u> <u>of this section is accurate. A pet store shall keep a copy of</u> <u>the certification for a period of at least two years from the</u> <u>date of the acquisition. The owner, manager, or an employee of</u> <u>the pet store shall make the copy of the certification available</u> <u>for inspection or duplication by the department of agriculture.</u>	256 257 258 259 260 261 262 263
<u>(C) No owner, manager, or employee of a pet store shall</u> <u>recklessly alter or provide false information on a certification</u> <u>provided in accordance with division (B) (5) of this section.</u>	264 265 266
<u>(D) This section does not apply to any dog that is being</u> <u>sold, delivered, bartered, auctioned, given away, brokered, or</u> <u>transferred from the premises where the dog was bred and reared.</u>	267 268 269
<u>(E) The director of agriculture may adopt rules in</u> <u>accordance with Chapter 119. of the Revised Code establishing</u> <u>vaccination requirements for dogs to be sold at a pet store.</u>	270 271 272
<u>Sec. 956.21. (A) The director of agriculture shall adopt</u>	273

<u>rules in accordance with Chapter 119. of the Revised Code</u>	274
<u>establishing all of the following:</u>	275
<u>(1) Requirements and procedures governing pet stores,</u>	276
<u>including the initial licensing of pet stores and the renewal of</u>	277
<u>pet store licenses;</u>	278
<u>(2) The application form for a license issued under</u>	279
<u>division (B) of this section and the information that is</u>	280
<u>required to be submitted in the application;</u>	281
<u>(3) Any other requirements and procedures that are</u>	282
<u>determined by the director to be necessary for the</u>	283
<u>administration and enforcement of sections 956.19 to 956.21 of</u>	284
<u>the Revised Code.</u>	285
<u>(B) The director of agriculture may issue a pet store</u>	286
<u>license to an owner or operator of a pet store when the owner or</u>	287
<u>operator does all of the following:</u>	288
<u>(1) Applies for a license in accordance with this section</u>	289
<u>and rules adopted under it;</u>	290
<u>(2) Affirms in writing that the owner or operator will</u>	291
<u>maintain compliance with the applicable requirements established</u>	292
<u>under section 959.20 of the Revised Code;</u>	293
<u>(3) Submits with the application for a pet store license a</u>	294
<u>fee of five hundred dollars.</u>	295
<u>(C) The director of agriculture may deny, suspend, or</u>	296
<u>revoke a license issued under this section for a violation of</u>	297
<u>division (A), (B), or (C) of section 956.20 of the Revised Code</u>	298
<u>or rules adopted under this section. The denial, suspension, or</u>	299
<u>revocation of a license is not effective until the licensee is</u>	300
<u>given written notice of the violation, a reasonable amount of</u>	301

time to correct the violation, if possible, and an opportunity 302  
for a hearing. 303

The director also may refuse to issue a license under 304  
division (B) of this section if the applicant has violated 305  
division (A), (B), or (C) of section 956.20 of the Revised Code 306  
or the rules adopted under this section during the thirty-six- 307  
month period prior to submitting an application for the license. 308

(D) Any license issued under this section is valid for a 309  
period of one year from the date of issuance. A pet store 310  
license must be renewed annually in the manner provided in rules 311  
adopted under this section. 312

(E) Money collected by the director of agriculture from 313  
each application fee submitted under this section shall be 314  
deposited in the state treasury to the credit of the pet store 315  
license fund created in section 956.181 of the Revised Code. 316

(F) No owner, operator, or manager of a pet store shall 317  
negligently display, offer for sale, deliver, barter, auction, 318  
broker, give away, transfer, or sell any live dog from a pet 319  
store in this state unless a license has been issued for the pet 320  
store by the director of agriculture in accordance with this 321  
section and rules adopted under it. 322

**Sec. 956.22.** (A) The director of agriculture may assess a 323  
civil penalty against a person that violates division (A), (B), 324  
or (C) of section 956.20 of the Revised Code or division (F) of 325  
section 956.21 of the Revised Code. The person is liable for a 326  
civil penalty of not more than five hundred dollars for a first 327  
violation, not more than two thousand five hundred dollars for a 328  
second violation, and not more than ten thousand dollars for a 329  
third or subsequent violation. 330

(B) Any person assessed a civil penalty under this section 331  
shall pay the amount prescribed to the department of 332  
agriculture. The department shall remit all money collected 333  
under this section to the treasurer of state for deposit in the 334  
pet store license fund created under section 956.181 of the 335  
Revised Code. 336

**Sec. 956.23.** The regulation of pet stores is a matter of 337  
general statewide interest that requires statewide regulation. 338  
Sections 956.181 to 956.23 of the Revised Code and section 339  
956.99 of the Revised Code constitute a comprehensive plan with 340  
respect to all aspects of the regulation of pet stores. 341  
Accordingly, it is the intent of the general assembly to preempt 342  
any local ordinance, resolution, or other law adopted to 343  
regulate the sale, delivery, barter, auction, broker, or 344  
transfer of a dog to a person from a pet store. 345

**Sec. 956.99.** Whoever violates division (A) or (B) of 346  
section 956.051 of the Revised Code, division (A), (B), or (C) 347  
of section 956.20 of the Revised Code, or division (F) of 348  
section 956.21 of the Revised Code is guilty of a misdemeanor of 349  
the fourth degree. 350

**Section 2.** That existing sections 956.01, 956.13, and 351  
956.18 of the Revised Code are hereby repealed. 352