

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. S. B. No. 331**

**Senator Peterson**

**Cosponsors: Senators Eklund, Seitz**

---

**A BILL**

To amend sections 956.01, 956.03, 956.04, 956.12, 1  
956.13, 956.14, 956.15, and 956.18 and to enact 2  
sections 956.051, 956.181, 956.19, 956.20, 3  
956.21, 956.22, 956.23, and 956.99 of the 4  
Revised Code, and to amend Section 211.10 of Am. 5  
Sub. H.B. 64 of the 131st General Assembly to 6  
regulate the sale of dogs from pet stores and 7  
dog retailers, to require the Director of 8  
Agriculture to license pet stores, to revise the 9  
civil penalties applicable to dog breeders and 10  
other specified entities, and to make an 11  
appropriation. 12

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

**Section 1.** That sections 956.01, 956.03, 956.04, 956.12, 13  
956.13, 956.14, 956.15, and 956.18 be amended and sections 14  
956.051, 956.181, 956.19, 956.20, 956.21, 956.22, 956.23, and 15  
956.99 of the Revised Code be enacted to read as follows: 16

**Sec. 956.01.** As used in this chapter: 17

~~(A)~~ "Accredited veterinarian" means a veterinarian 18

accredited by the United States department of agriculture. 19

"Adult dog" means a dog that is twelve months of age or 20  
older. 21

~~(B)~~—"Animal rescue for dogs" means an individual or 22  
organization recognized by the director of agriculture that 23  
keeps, houses, and maintains dogs and that is dedicated to the 24  
welfare, health, safety, and protection of dogs, provided that 25  
the individual or organization does not operate for profit, does 26  
not sell dogs for a profit, does not breed dogs, and does not 27  
purchase more than nine dogs in any given calendar year unless 28  
the dogs are purchased from a dog warden appointed under Chapter 29  
955. of the Revised Code, a humane society, or another animal 30  
rescue for dogs. "Animal rescue for dogs" includes an individual 31  
or organization that offers spayed or neutered dogs for adoption 32  
and charges reasonable adoption fees to cover the costs of the 33  
individual or organization, including, but not limited to, costs 34  
related to spaying or neutering dogs. 35

~~(C)~~—"Animal shelter for dogs" means a facility that keeps, 36  
houses, and maintains dogs such as a dog pound operated by a 37  
municipal corporation, or by a county under Chapter 955. of the 38  
Revised Code, or that is operated by a humane society, animal 39  
welfare society, society for the prevention of cruelty to 40  
animals, or other nonprofit organization that is devoted to the 41  
welfare, protection, and humane treatment of dogs and other 42  
animals. 43

~~(D)~~—"Boarding kennel" means an establishment operating for 44  
profit that keeps, houses, and maintains dogs solely for the 45  
purpose of providing shelter, care, and feeding of the dogs in 46  
return for a fee or other consideration. 47

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

~~(F)~~—"High volume breeder" means an establishment that keeps, houses, and maintains adult breeding dogs that produce at least nine litters of puppies in any given calendar year and, in return for a fee or other consideration, sells sixty or more adult dogs or puppies per calendar year.

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

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

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

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

~~(K)~~—"Pet store" means a an individual retail store that to which both of the following apply: the store sells dogs to the public; and with regard to the sale of a dog from the store, the sales person, the buyer of a dog, and the dog for sale are physically present during the sales transaction so that the buyer may personally observe the dog and help ensure its health

prior to taking custody. "Pet store" does not include an animal 77  
rescue for dogs, an animal shelter for dogs, a humane society, a 78  
medical kennel for dogs, or a research kennel for dogs. 79

~~(L)~~—"Puppy" means a dog that is under twelve months of 80  
age. 81

~~(M)~~—"Research kennel for dogs" means a facility housing 82  
dogs that is maintained exclusively for research purposes. 83

~~(N)~~—"Veterinarian" means either a veterinarian licensed in 84  
this state under Chapter 4741. of the Revised Code or a 85  
veterinarian licensed out of this state by an applicable state 86  
entity. 87

**Sec. 956.03.** (A) The director of agriculture shall adopt 88  
rules in accordance with Chapter 119. of the Revised Code 89  
establishing all of the following: 90

~~(A)~~ (1) Requirements and procedures governing high volume 91  
breeders, including the licensing and inspection of and record 92  
keeping by high volume breeders, in addition to the requirements 93  
and procedures established in this chapter; 94

~~(B)~~ (2) Requirements and procedures for conducting 95  
background investigations of each applicant for a license issued 96  
under section 956.04 of the Revised Code in order to determine 97  
if the applicant has been convicted of or pleaded guilty to any 98  
of the violations specified in division (A) (2) of section 956.15 99  
of the Revised Code; 100

~~(C)~~ (3) Requirements and procedures governing dog 101  
retailers, including the licensing of and record keeping by dog 102  
retailers, in addition to the requirements and procedures 103  
established in this chapter; 104

~~(D)~~ (4) The form of applications for licenses issued under 105  
this chapter and the information that is required to be 106  
submitted in the applications and the form for registering as an 107  
animal rescue for dogs under this chapter and the information 108  
that is required to be provided with a registration, including 109  
the name and address of each foster home that an animal rescue 110  
for dogs utilizes; 111

~~(E)~~ (5) A requirement that each high volume breeder submit 112  
to the director, with an application for a high volume breeder 113  
license, evidence of insurance or, in the alternative, evidence 114  
of a surety bond payable to the state to ensure compliance with 115  
this chapter and rules adopted under it. The face value of the 116  
insurance coverage or bond shall be in the following amounts: 117

~~(1)~~ (a) Five thousand dollars for high volume breeders 118  
keeping, housing, and maintaining not more than twenty-five 119  
adult dogs; 120

~~(2)~~ (b) Ten thousand dollars for high volume breeders 121  
keeping, housing, and maintaining at least twenty-six adult 122  
dogs, but not more than fifty adult dogs; 123

~~(3)~~ (c) Fifty thousand dollars for high volume breeders 124  
keeping, housing, and maintaining more than fifty adult dogs. 125

The rules shall require that the insurance be payable to 126  
the state or that the surety bond be subject to redemption by 127  
the state, as applicable, upon a suspension or revocation of a 128  
high volume breeder license for the purpose of paying for the 129  
maintenance and care of dogs that are seized or otherwise 130  
impounded from the high volume breeder in accordance with this 131  
chapter. 132

~~(F)~~ ~~(1)~~ (6) (a) For high volume breeders, standards of care 133

governing all of the following:	134
<del>(a)</del> <u>(i)</u> Housing;	135
<del>(b)</del> <u>(ii)</u> Nutrition;	136
<del>(c)</del> <u>(iii)</u> Exercise;	137
<del>(d)</del> <u>(iv)</u> Grooming;	138
<del>(e)</del> <u>(v)</u> Biosecurity and disease control;	139
<del>(f)</del> <u>(vi)</u> Waste management;	140
<del>(g)</del> <u>(vii)</u> Whelping;	141
<del>(h)</del> <u>(viii)</u> Any other general standards of care for dogs.	142
<del>(2)</del> <u>(b)</u> In adopting rules under division <del>(F) (1)</del> <u>(A) (6) (a)</u>	143
of this section, the director shall consider the following	144
factors, without limitation:	145
<del>(a)</del> <u>(i)</u> Best management practices for the care and well-being of dogs;	146
<del>(b)</del> <u>(ii)</u> Biosecurity;	147
<del>(c)</del> <u>(iii)</u> The prevention of disease;	148
<del>(d)</del> <u>(iv)</u> Morbidity and mortality data;	149
<del>(e)</del> <u>(v)</u> Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;	150
<del>(f)</del> <u>(vi)</u> Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code.	151
<del>(G)</del> <u>(7)</u> Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures	152
	153
	154
	155
	156
	157
	158

established in that section, and procedures for making records 159  
of the inspections; 160

~~(H)~~ (1) ~~(8)~~ (a) A requirement that an in-state retailer of a 161  
puppy or adult dog provide to the purchaser the complete name, 162  
address, and telephone number of all high volume breeders, dog 163  
retailers, and private owners that kept, housed, or maintained 164  
the puppy or adult dog prior to its coming into the possession 165  
of the retailer or proof that the puppy or adult dog was 166  
acquired through an animal rescue for dogs, animal shelter for 167  
dogs, or humane society, or a valid health certificate from the 168  
state of origin pertaining to the puppy or adult dog; 169

~~(2)~~ (b) A requirement that an out-of-state retailer of a 170  
puppy or adult dog that is conducting business in this state 171  
provide to the purchaser a valid health certificate from the 172  
state of origin pertaining to the puppy or adult dog and the 173  
complete name, address, and telephone number of all breeders, 174  
retailers, and private owners that kept, housed, or maintained 175  
the puppy or adult dog prior to its coming into the possession 176  
of the retailer or proof that the puppy or adult dog was 177  
acquired through an animal rescue for dogs, animal shelter for 178  
dogs, or humane society in this state or another state. 179

~~(I)~~ (9) A requirement that a high volume breeder or a dog 180  
retailer who advertises the sale of a puppy or adult dog include 181  
with the advertisement the vendor number assigned by the tax 182  
commissioner to the high volume breeder or to the dog retailer 183  
if the sale of the puppy or dog is subject to the tax levied 184  
under Chapter 5739. of the Revised Code; 185

~~(J)~~ (10) A requirement that a licensed high volume breeder 186  
and a licensed dog retailer comply with Chapter 5739. of the 187  
Revised Code. The rules shall authorize the director to suspend 188

or revoke a license for failure to comply with that chapter. The 189  
director shall work in conjunction with the tax commissioner for 190  
the purposes of rules adopted under this division. 191

~~(K)~~ (11) Requirements and procedures governing pet stores, 192  
including requirements and procedures governing the initial 193  
licensing of pet stores and the renewal of pet store licenses; 194

(12) The application form for a license issued under 195  
division (A) of section 956.21 of the Revised Code and the 196  
information that is required to be submitted in the application; 197

(13) Requirements governing permanent implanted 198  
identification microchips for dogs to be sold at a pet store and 199  
by a dog retailer; 200

(14) Any other requirements and procedures that are 201  
determined by the director to be necessary for the 202  
administration and enforcement of this chapter and rules adopted 203  
under it. However, rules adopted under this division shall not 204  
establish additional requirements and procedures governing 205  
animal rescues for dogs other than those adopted under division 206  
~~(D)~~ (A) (4) of this section. 207

(B) The director of agriculture may adopt rules in 208  
accordance with Chapter 119. of the Revised Code establishing 209  
disease testing protocols and vaccination requirements for dogs 210  
to be sold at a pet store. 211

**Sec. 956.04.** (A) (1) No person shall operate a high volume 212  
breeder in this state without a high volume breeder license 213  
issued by the director of agriculture in accordance with this 214  
section and rules adopted under section 956.03 of the Revised 215  
Code. 216

(2) The director shall not issue a license under this 217



section unless the director determines that the applicant will 218  
operate or will continue to operate the high volume breeder in 219  
accordance with this chapter and rules adopted under it. 220

(B) In determining whether an establishment is a high 221  
volume breeder requiring a license under this chapter, the 222  
director shall determine if, in any given year, the 223  
establishment is a high volume breeder as defined in section 224  
956.01 of the Revised Code. All facilities that are located at 225  
an individual postal address shall be licensed as one high 226  
volume breeder. Not more than one license shall be issued under 227  
this section for any given postal address. 228

(C) A person who is proposing to operate a new high volume 229  
breeder shall submit an application for a license to the 230  
director at least ninety days before commencing operation of the 231  
high volume breeder. The application shall be submitted in the 232  
form and with the information required by rules adopted under 233  
section 956.03 of the Revised Code and shall include with it at 234  
least all of the following: 235

(1) An affidavit signed under oath or solemn affirmation 236  
of the number of adult dogs that are kept, housed, and 237  
maintained by the applicant at the location that is the subject 238  
of the application; 239

(2) An estimate of the number of puppies to be kept, 240  
housed, and maintained and of the number of litters of puppies 241  
or total number of puppies to be produced during the term of the 242  
license; 243

(3) Photographic evidence documenting the facilities where 244  
dogs will be kept, housed, and maintained by the applicant. The 245  
director may conduct an inspection of the facilities that are 246

the subject of an application in addition to reviewing 247  
photographic evidence submitted by an applicant for a license. 248

(4) A signed release permitting the performance of a 249  
background investigation regarding the applicant in accordance 250  
with rules adopted under section 956.03 of the Revised Code; 251

(5) Proof that the applicant has established a veterinary- 252  
client-patient relationship as described in section 4741.04 of 253  
the Revised Code. 254

(D) During the month of December, but before the first day 255  
of January of the next year, a person who is proposing to 256  
continue the operation of a high volume breeder shall obtain a 257  
license for the high volume breeder from the director for the 258  
following year. The person shall apply for the license in the 259  
same manner as for an initial license, except that the person 260  
does not need to include with the application the photographic 261  
evidence required under division (C)(3) of this section. 262

(E) The owner or operator of a high volume breeder that is 263  
in operation ~~on the effective date of this section~~ March 13, 264  
2013, shall submit to the director an application for a high 265  
volume breeder license not later than three months after ~~the~~ 266  
~~effective date of this section~~ March 13, 2013. The director 267  
shall issue or deny the application for a license within ninety 268  
days after the receipt of the completed application. 269

(F) A person who has received a license under this 270  
section, upon sale or other disposition of the high volume 271  
breeder, may have the license transferred to another person with 272  
the consent of the director, provided that the transferee 273  
otherwise qualifies to be licensed as a high volume breeder 274  
under this chapter and rules adopted under it and does not have 275

a certified unpaid debt to the state.	276
(G) An applicant for a license issued under this section	277
shall demonstrate that the high volume breeder that is the	278
subject of the application complies with standards established	279
in rules adopted under section 956.03 of the Revised Code.	280
<u>Sec. 956.051. (A) No dog retailer shall negligently sell,</u>	281
<u>deliver, barter, auction, broker, give away, or transfer a live</u>	282
<u>dog to a pet store in this state unless the dog was obtained</u>	283
<u>from one of the following sources:</u>	284
<u>(1) An animal rescue for dogs;</u>	285
<u>(2) An animal shelter for dogs;</u>	286
<u>(3) A humane society;</u>	287
<u>(4) A qualified breeder as defined in section 956.19 of</u>	288
<u>the Revised Code.</u>	289
<u>(B) No dog retailer shall negligently sell, deliver,</u>	290
<u>barter, auction, broker, give away, or transfer to a pet store</u>	291
<u>in this state any of the following:</u>	292
<u>(1) A dog that is less than eight weeks old;</u>	293
<u>(2) A dog without a certificate of veterinarian inspection</u>	294
<u>signed by an accredited veterinarian;</u>	295
<u>(3) A dog that does not have a permanent implanted</u>	296
<u>identification microchip that is approved for use by the</u>	297
<u>director of agriculture under rules adopted under section 956.03</u>	298
<u>of the Revised Code;</u>	299
<u>(4) A dog to a person who is younger than eighteen years</u>	300
<u>of age as verified by valid photo identification;</u>	301
<u>(5) A dog acquired from a qualified breeder as defined in</u>	302

section 956.19 of the Revised Code unless the dog retailer 303  
provides to the person acquiring the dog, at a time prior to the 304  
transaction for the acquisition of the dog, a written 305  
certification that includes all of the following information: 306

(a) The name of the breeder that bred the dog; 307

(b) The address, if available, of the breeder that bred 308  
the dog; 309

(c) The United States department of agriculture license 310  
number of the breeder that bred the dog, if applicable, and a 311  
copy of the most current United States department of agriculture 312  
inspection report for the breeder; 313

(d) The dog's birth date, if known; 314

(e) The date that the pet store took possession of the 315  
dog; 316

(f) The breed, gender, color, and any identifying marks of 317  
the dog; 318

(g) A document signed by an accredited veterinarian that 319  
describes any known disease, illness, or congenital or 320  
hereditary condition that adversely affects the health of the 321  
dog at the time of examination; 322

(h) A document signed by the dog retailer certifying that 323  
all information required to be provided to the person acquiring 324  
the dog under this section is accurate. A dog retailer shall 325  
keep a copy of the certification for a period of at least two 326  
years from the date of the acquisition. The dog retailer shall 327  
make the copy of the certification available for inspection or 328  
duplication by the department of agriculture. 329

(C) No dog retailer shall recklessly alter or provide 330

false information on a certification provided in accordance with 331  
division (B) (5) of this section. 332

(D) This section does not apply to any dog that is being 333  
sold, delivered, bartered, auctioned, given away, brokered, or 334  
transferred from the premises where the dog was bred and reared. 335

**Sec. 956.12.** If the director of agriculture or the 336  
director's authorized representative determines that a person 337  
has violated or is violating this chapter or rules adopted under 338  
it, the director may issue and cause to be served by certified 339  
mail or personal service a citation of violation and ~~an order a~~ 340  
notice requiring the person to cease the acts or practices that 341  
constitute a violation of this chapter or rules adopted under it 342  
or requiring the person to take corrective actions to eliminate 343  
the conditions that constitute a violation of this chapter and 344  
rules adopted under it. The ~~order notice~~ shall state 345  
specifically the provision or provisions of this chapter or the 346  
rule or rules adopted under this chapter that have been violated 347  
and the facts constituting the violation, the actions that the 348  
person must take to correct the deficiencies, and the time 349  
period within which the person must correct the violations. 350

**Sec. 956.13.** (A) The director of agriculture may assess a 351  
civil penalty against a person violating ~~this chapter sections~~ 352  
956.01 to 956.18 of the Revised Code or rules adopted under it 353  
if all of the following occur: 354

(1) The person has received ~~an order a notice~~ and been 355  
notified of the violation by certified mail or personal service 356  
as required in section 956.12 of the Revised Code. 357

(2) After the time period for correcting the violation 358  
specified in the ~~order notice~~ has elapsed, the director or the 359

director's authorized representative has ~~inspected the premises~~ 360  
~~where the violation has occurred and~~ determined that the 361  
violation has not been corrected, and the director has issued a 362  
notice of an adjudication hearing pursuant to division (A) (3) of 363  
this section. 364

(3) The director affords the person an opportunity for an 365  
adjudication hearing under Chapter 119. of the Revised Code to 366  
challenge the director's determination that the person is not in 367  
compliance with this chapter or rules adopted under it, the 368  
imposition of the civil penalty, or both. A person may waive the 369  
opportunity for an adjudication hearing. 370

(B) If the opportunity for an adjudication hearing is 371  
waived or if, after an adjudication hearing, the director 372  
determines that a violation of this chapter or a rule adopted 373  
under it has occurred or is occurring, the director may assess a 374  
civil penalty. The civil penalty may be appealed in accordance 375  
with section 119.12 of the Revised Code, except that the civil 376  
penalty may be appealed only to the environmental division of 377  
the Franklin county municipal court. 378

~~(C) Civil penalties shall be assessed in the following~~ 379  
~~amounts:~~ 380

~~(1) A person who has violated division (A) (1) of section~~ 381  
~~956.04 or division (A) (1) of section 956.05 of the Revised Code~~ 382  
~~shall pay a civil penalty in an amount that is established in~~ 383  
~~rules adopted under section 956.03 of the Revised Code.~~ 384

~~(2) A person who has violated any other provision of this~~ 385  
~~chapter or rules adopted under it shall pay a civil penalty of~~ 386  
~~one hundred dollars.~~ A person who is assessed a civil penalty 387  
under this section is liable for a civil penalty of not more 388

than five hundred dollars for a first violation, not more than 389  
two thousand five hundred dollars for a second violation, and 390  
not more than ten thousand dollars for a third or subsequent 391  
violation. 392

Each day that a violation continues constitutes a separate 393  
violation. 394

(D) Any person assessed a civil penalty under this section 395  
shall pay the amount prescribed to the department of 396  
agriculture. The department shall remit all money collected 397  
under this section to the treasurer of state for deposit in the 398  
high volume breeder kennel control license fund created under 399  
section 956.18 of the Revised Code. 400

**Sec. 956.14.** The attorney general, upon the request of the 401  
director of agriculture, may bring an action for injunction 402  
against a person who has violated or is violating this chapter, 403  
rules adopted under it, or ~~an order~~ a notice issued under 404  
section 956.12 of the Revised Code. An action for injunction 405  
shall be filed in the appropriate court in the county in which 406  
the violation is alleged to have occurred. The court shall grant 407  
such injunctive relief upon a showing that the person against 408  
whom the action is brought has violated or is violating this 409  
chapter, rules adopted under it, or ~~an order~~ a notice issued 410  
under it. The court shall give precedence to such an action over 411  
all other cases. 412

**Sec. 956.15.** (A) The director of agriculture shall deny an 413  
application for a license that is submitted under section 956.04 414  
or 956.05 of the Revised Code for either of the following 415  
reasons: 416

(1) The applicant for the license has violated any 417

provision of this chapter or a rule adopted under it if the 418  
violation materially threatens the health or welfare of a dog. 419

(2) The applicant, in the past twenty years, has been 420  
convicted of or pleaded guilty to violating section 959.01, 421  
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the 422  
Revised Code or an equivalent municipal ordinance, ~~law of~~ 423  
~~another state, or law of the federal government~~ or, in the past 424  
twenty years, has been convicted of or pleaded guilty to 425  
violating more than once section 2919.25 of the Revised Code or 426  
an equivalent municipal ordinance, ~~law of another state, or law~~ 427  
~~of the federal government.~~ 428

(B) The director may suspend or revoke a license issued 429  
under this chapter for violation of any provision of this 430  
chapter or a rule adopted or order issued under it if the 431  
violation materially threatens the health and welfare of a dog. 432

(C) An application or a license shall not be denied, 433  
suspended, or revoked under this section without a written order 434  
of the director stating the findings on which the denial, 435  
suspension, or revocation is based. A copy of the order shall be 436  
sent to the applicant or license holder by certified mail or may 437  
be provided to the applicant or license holder by personal 438  
service. In addition, the person to whom a denial, suspension, 439  
or revocation applies may request an adjudication hearing under 440  
Chapter 119. of the Revised Code. The director shall comply with 441  
such a request. The determination of the director at an 442  
adjudication hearing may be appealed in accordance with section 443  
119.12 of the Revised Code, except that the determination may be 444  
appealed only to the environmental division of the Franklin 445  
county municipal court. 446

**Sec. 956.18.** (A) All money collected by the director of 447



agriculture from license fees under section 956.07 and civil 448  
penalties assessed under section 956.13 of the Revised Code 449  
shall be deposited in the state treasury to the credit of the 450  
high volume breeder kennel control license fund, which is hereby 451  
created. The fund shall also consist of money appropriated to 452  
it. 453

~~(B) No money may be released from the fund without 454  
controlling board approval. The director shall request the 455  
controlling board to release money in an amount not to exceed 456  
two million five hundred thousand dollars per biennium. 457~~

~~(C) The director shall use the money in the fund for the 458  
purpose of administering this chapter sections 956.01 to 956.18 459  
of the Revised Code and rules adopted under it. 460~~

Sec. 956.181. (A) All money collected by the director of 461  
agriculture from license fees under section 956.21 and civil 462  
penalties assessed under section 956.22 of the Revised Code 463  
shall be deposited in the state treasury to the credit of the 464  
pet store license fund, which is hereby created. The fund shall 465  
also consist of money appropriated to it. 466

(B) The director shall use the money in the fund for the 467  
purpose of administering sections 956.19 to 956.23 of the 468  
Revised Code and rules adopted under it. 469

Sec. 956.19. As used in section 956.20 of the Revised 470  
Code, a "qualified breeder" means either of the following: 471

(A) A breeder that keeps, houses, and maintains female 472  
adult dogs that is not a high volume breeder as defined in 473  
section 956.01 of the Revised Code. 474

(B) A high volume breeder located in or out of this state 475  
that meets all of the following requirements: 476

(1) The breeder is licensed by the United States 477  
department of agriculture under 7 U.S.C. 2133 and, if 478  
applicable, a state agency. 479

(2) The breeder has not been issued a report of a direct 480  
noncompliance violation by the United States department of 481  
agriculture under the federal animal welfare act, as defined in 482  
section 959.131 of the Revised Code, for a period of three years 483  
prior to offering for sale, delivering, bartering, auctioning, 484  
brokering, giving away, transferring, or selling a dog. 485

(3) The breeder has not had three or more noncompliance 486  
violations documented in any report issued by the United States 487  
department of agriculture under the federal animal welfare act, 488  
as defined in section 959.131 of the Revised Code, for a period 489  
of twelve months prior to offering for sale, delivering, 490  
bartering, auctioning, brokering, giving away, transferring, or 491  
selling a dog. 492

(4) The breeder has been issued a dog retailer license 493  
under section 956.05 of the Revised Code. 494

**Sec. 956.20.** (A) No owner, manager, or employee of a pet 495  
store shall negligently display, offer for sale, deliver, 496  
barter, auction, broker, give away, transfer, or sell any live 497  
dog from a pet store to a person unless the dog was obtained 498  
from one of the following sources: 499

(1) An animal rescue for dogs; 500

(2) An animal shelter for dogs; 501

(3) A humane society; 502

(4) A dog retailer, provided that, if the dog retailer 503  
originally obtained the dog from a breeder, the breeder is a 504

<u>qualified breeder;</u>	505
<u>(5) A qualified breeder.</u>	506
<u>(B) No owner, manager, or employee of a pet store shall</u>	507
<u>negligently sell, deliver, barter, auction, broker, give away,</u>	508
<u>or transfer any of the following:</u>	509
<u>(1) A dog that is less than eight weeks old;</u>	510
<u>(2) A dog without a certificate of veterinarian inspection</u>	511
<u>signed by an accredited veterinarian;</u>	512
<u>(3) A dog that does not have a permanent implanted</u>	513
<u>identification microchip that is approved for use by the</u>	514
<u>director of agriculture under rules adopted under section 956.03</u>	515
<u>of the Revised Code;</u>	516
<u>(4) A dog to a person who is younger than eighteen years</u>	517
<u>of age as verified by valid photo identification;</u>	518
<u>(5) A dog acquired from a qualified breeder or a dog</u>	519
<u>retailer unless the owner, manager, or employee provides to the</u>	520
<u>person acquiring the dog, at a time prior to the transaction for</u>	521
<u>the acquisition of the dog, a written certification that</u>	522
<u>includes all of the following information:</u>	523
<u>(a) The name of the breeder that bred the dog;</u>	524
<u>(b) The address, if available, of the breeder that bred</u>	525
<u>the dog;</u>	526
<u>(c) The United States department of agriculture license</u>	527
<u>number of the breeder that bred the dog, if applicable, and a</u>	528
<u>copy of the most current United States department of agriculture</u>	529
<u>inspection report for the breeder;</u>	530
<u>(d) The dog's birth date, if known;</u>	531

<u>(e) The date that the pet store took possession of the</u>	532
<u>dog;</u>	533
<u>(f) The breed, gender, color, and any identifying marks of</u>	534
<u>the dog;</u>	535
<u>(g) A document signed by an accredited veterinarian that</u>	536
<u>describes any known disease, illness, or congenital or</u>	537
<u>hereditary condition that adversely affects the health of the</u>	538
<u>dog at the time of examination;</u>	539
<u>(h) A document signed by the owner, manager, or employee</u>	540
<u>of the pet store certifying that all information required to be</u>	541
<u>provided to the person acquiring the dog under division (B) (5)</u>	542
<u>of this section is accurate. A pet store shall keep a copy of</u>	543
<u>the certification for a period of at least two years from the</u>	544
<u>date of the acquisition. The owner, manager, or an employee of</u>	545
<u>the pet store shall make the copy of the certification available</u>	546
<u>for inspection or duplication by the department of agriculture.</u>	547
<u>(6) A dog acquired from a qualified breeder or a dog</u>	548
<u>retailer unless all of the following information regarding the</u>	549
<u>dog is available to the general public at the pet store:</u>	550
<u>(a) The name of the breeder that bred the dog;</u>	551
<u>(b) The address, if available, of the breeder that bred</u>	552
<u>the dog;</u>	553
<u>(c) The United States department of agriculture license</u>	554
<u>number of the breeder that bred the dog, if applicable;</u>	555
<u>(d) The dog's birth date, if known;</u>	556
<u>(e) The breed of the dog.</u>	557
<u>(C) No owner, manager, or employee of a pet store shall</u>	558

recklessly alter or provide false information on a certification 559  
provided in accordance with division (B) (5) of this section. 560

(D) This section does not apply to any dog that is being 561  
sold, delivered, bartered, auctioned, given away, brokered, or 562  
transferred from the premises where the dog was bred and reared. 563

Sec. 956.21. (A) The director of agriculture may issue a 564  
pet store license to an owner or operator of a pet store when 565  
the owner or operator does all of the following: 566

(1) Applies for a license in accordance with this section 567  
and rules adopted under it; 568

(2) Affirms in writing that the owner or operator will 569  
maintain compliance with the applicable requirements established 570  
under section 959.20 of the Revised Code; 571

(3) Submits with the application for a pet store license a 572  
fee of five hundred dollars. 573

(B) The director of agriculture may deny, suspend, or 574  
revoke a license issued under this section for a violation of 575  
division (A), (B), or (C) of section 956.20 of the Revised Code 576  
or rules adopted under this section. The denial, suspension, or 577  
revocation of a license is not effective until the licensee is 578  
given written notice of the violation, a reasonable amount of 579  
time to correct the violation, if possible, and an opportunity 580  
for a hearing. 581

The director also may refuse to issue a license under 582  
division (B) of this section if the applicant has violated 583  
division (A), (B), or (C) of section 956.20 of the Revised Code 584  
or the rules adopted under this section during the thirty-six- 585  
month period prior to submitting an application for the license. 586

(C) Any license issued under this section is valid for a 587  
period of one year from the date of issuance. A pet store 588  
license must be renewed annually in the manner provided in rules 589  
adopted under this section. 590

(D) Money collected by the director of agriculture from 591  
each application fee submitted under this section shall be 592  
deposited in the state treasury to the credit of the pet store 593  
license fund created in section 956.181 of the Revised Code. 594

(E) No owner, operator, or manager of a pet store shall 595  
negligently display, offer for sale, deliver, barter, auction, 596  
broker, give away, transfer, or sell any live dog from a pet 597  
store in this state unless a license has been issued for the pet 598  
store by the director of agriculture in accordance with this 599  
section and rules adopted under it. 600

**Sec. 956.22.** (A) The director of agriculture may assess a 601  
civil penalty against a person that violates division (A), (B), 602  
or (C) of section 956.20 of the Revised Code or division (E) of 603  
section 956.21 of the Revised Code if all of the following 604  
occur: 605

(1) The person has received a notice and been notified of 606  
the violation by certified mail or personal service under 607  
section 956.12 of the Revised Code. 608

(2) After the time period for correcting the violation 609  
specified in the notice has elapsed, the director or the 610  
director's authorized representative has determined that the 611  
violation has not been corrected, and the director has issued a 612  
notice of an adjudication hearing pursuant to division (A) (3) of 613  
this section. 614

(3) The director affords the person an opportunity for an 615

adjudication hearing under Chapter 119. of the Revised Code to 616  
challenge the director's determination that the person is not in 617  
compliance with this chapter or rules adopted under it, the 618  
imposition of the civil penalty, or both. A person may waive the 619  
opportunity for an adjudication hearing. 620

(B) If the opportunity for an adjudication hearing is 621  
waived or if, after an adjudication hearing, the director 622  
determines that a violation of this chapter or a rule adopted 623  
under it has occurred or is occurring, the director may assess a 624  
civil penalty. The civil penalty may be appealed in accordance 625  
with section 119.12 of the Revised Code, except that the civil 626  
penalty may be appealed only to the environmental division of 627  
the Franklin county municipal court. 628

(C) The person who is assessed a civil penalty under this 629  
section is liable for a civil penalty of not more than five 630  
hundred dollars for a first violation, not more than two 631  
thousand five hundred dollars for a second violation, and not 632  
more than ten thousand dollars for a third or subsequent 633  
violation. 634

(D) Any person assessed a civil penalty under this section 635  
shall pay the amount prescribed to the department of 636  
agriculture. The department shall remit all money collected 637  
under this section to the treasurer of state for deposit in the 638  
pet store license fund created under section 956.181 of the 639  
Revised Code. 640

**Sec. 956.23.** The regulation of pet stores is a matter of 641  
general statewide interest that requires statewide regulation. 642  
Sections 956.181 to 956.23 of the Revised Code and section 643  
956.99 of the Revised Code constitute a comprehensive plan with 644  
respect to all aspects of the regulation of pet stores. 645

Accordingly, it is the intent of the general assembly to preempt 646  
any local ordinance, resolution, or other law adopted to 647  
regulate the sale, delivery, barter, auction, broker, or 648  
transfer of a dog to a person from a pet store. 649

Sec. 956.99. Whoever violates division (A), (B), or (C) of 650  
section 956.051 of the Revised Code, division (A), (B), or (C) 651  
of section 956.20 of the Revised Code, or division (E) of 652  
section 956.21 of the Revised Code is guilty of a misdemeanor of 653  
the fourth degree. 654

**Section 2.** That existing sections 956.01, 956.03, 956.04, 655  
956.12, 956.13, 956.14, 956.15, and 956.18 of the Revised Code 656  
are hereby repealed. 657

**Section 3.** That Section 211.10 of Am. Sub. H.B. 64 of the 658  
131st General Assembly be amended to read as follows: 659

**Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE** 660

General Revenue Fund 661

GRF	700401	Animal Health Programs	\$ 3,686,687	\$ 3,686,687	662
GRF	700403	Dairy Division	\$ 1,163,115	\$ 1,163,115	663
GRF	700404	Ohio Proud	\$ 50,000	\$ 50,000	664
GRF	700406	Consumer Protection	\$ 1,287,556	\$ 1,287,556	665
		Lab			666
GRF	700407	Food Safety	\$ 1,287,556	\$ 1,287,556	667
GRF	700409	Farmland Preservation	\$ 72,750	\$ 72,750	668
GRF	700410	Plant Industry	\$ 150,000	\$ 150,000	669
GRF	700412	Weights and Measures	\$ 600,000	\$ 600,000	670



GRF	700415	Poultry Inspection	\$ 592,978	\$ 592,978	671
GRF	700418	Livestock Regulation	\$ 1,108,071	\$ 1,108,071	672
		Program			673
GRF	700424	Livestock Testing and	\$ 92,493	\$ 92,493	674
		Inspections			675
GRF	700426	Dangerous and	\$ 800,000	\$ 800,000	676
		Restricted Animals			677
GRF	700427	High Volume Breeder	\$ 350,000	\$ <del>350,000</del>	678
		Kennel Control		<u>1,364,700</u>	679
GRF	700428	Soil and Water	\$ 1,807,700	\$ 3,619,000	680
		Division			681
GRF	700499	Meat Inspection	\$ 4,425,097	\$ 4,425,097	682
		Program - State Share			683
GRF	700501	County Agricultural	\$ 391,415	\$ 391,415	684
		Societies			685
GRF	700509	Soil and Water	\$ 0	\$ 3,250,000	686
		District Support			687
TOTAL GRF	General Revenue Fund		\$ 17,865,418	\$ <del>22,926,718</del>	688
				<u>23,941,418</u>	689
Dedicated Purpose Fund Group					690
4900	700651	License Plates -	\$ 7,000	\$ 7,000	691
		Sustainable Agriculture			692
4940	700612	Agricultural Commodity	\$ 213,000	\$ 213,000	693

		Marketing Program			694
4960	700626	Ohio Grape Industries	\$ 970,000	\$ 970,000	695
4970	700627	Grain Warehouse	\$ 332,672	\$ 332,672	696
		Program			697
4C90	700605	Commercial Feed and	\$ 1,760,000	\$ 1,760,000	698
		Seed			699
4D20	700609	Auction Education	\$ 35,000	\$ 35,000	700
4E40	700606	Utility Radiological	\$ 125,000	\$ 125,000	701
		Safety			702
4P70	700610	Food Safety Inspection	\$ 957,328	\$ 957,328	703
4R00	700636	Ohio Proud Marketing	\$ 35,500	\$ 35,500	704
4R20	700637	Dairy Industry	\$ 1,658,247	\$ 1,658,247	705
		Inspection			706
4T60	700611	Poultry and Meat	\$ 120,000	\$ 120,000	707
		Inspection			708
5780	700620	Ride Inspection	\$ 1,215,142	\$ 1,215,142	709
5880	700633	Brand Registration	\$ 5,000	\$ 5,000	710
5B80	700629	Auctioneers	\$ 340,000	\$ 340,000	711
5BV0	700660	Heidelberg Water	\$ 125,000	\$ 250,000	712
		Quality Lab			713
5BV0	700661	Soil and Water	\$ 4,000,000	\$ 8,000,000	714
		Districts			715

5CP0	700652	License Plate	\$ 10,000	\$ 10,000	716
		Scholarships			717
5FC0	700648	Plant Pest Program	\$ 1,190,000	\$ 1,190,000	718
5H20	700608	Metrology Lab and	\$ 552,000	\$ 552,000	719
		Scale Certification			720
5L80	700604	Livestock Management	\$ 135,000	\$ 135,000	721
		Program			722
5MA0	700657	Dangerous and	\$ 50,000	\$ 50,000	723
		Restricted Animals			724
5MR0	700658	High Volume Breeders	\$ 174,000	\$ 174,000	725
		and Kennels			726
5QW0	700653	Watershed Assistance	\$ 557,500	\$ 515,000	727
6520	700634	Animal, Consumer,	\$ 4,966,383	\$ 4,966,383	728
		and ATL Labs			729
6690	700635	Pesticide, Fertilizer,	\$ 4,418,041	\$ 4,418,041	730
		and Lime Inspection			731
		Program			732
TOTAL DPF Dedicated Purpose			\$ 23,951,813	\$ 28,034,313	733
Fund Group					734
Internal Service Activity Fund Group					735
5DA0	700644	Laboratory	\$ 1,164,000	\$ 1,164,000	736
		Administration Support			737

5GH0	700655	Administrative Support	\$ 4,404,073	\$ 4,404,073	738
TOTAL ISA Internal Service Activity			\$ 5,568,073	<u>\$ 5,568,073</u>	739
Fund Group					740
Capital Projects Fund Group					741
7057	700632	Clean Ohio	\$ 310,000	\$ 310,000	742
		Agricultural			743
		Easement Operating			744
TOTAL CPF Capital Projects Fund Group			\$ 310,000	\$ 310,000	745
Federal Fund Group					746
3260	700618	Meat Inspection	\$ 4,450,000	\$ 4,450,000	747
		Program			748
		- Federal Share			749
3360	700617	Ohio Farm Loan -	\$ 101,000	\$ 101,000	750
		Revolving			751
3820	700601	Federal Cooperative	\$ 4,827,900	\$ 5,131,500	752
		Contracts			753
3AB0	700641	Agricultural Easement	\$ 150,000	\$ 150,000	754
3J40	700607	Federal Administrative	\$ 1,200,000	\$ 1,200,000	755
		Programs			756
3R20	700614	Federal Plant Industry	\$ 6,000,000	\$ 6,000,000	757
TOTAL FED Federal Fund Group			\$ 16,728,900	\$ 17,032,500	758
TOTAL ALL BUDGET FUND GROUPS			\$ 64,424,204	\$ <del>73,871,604</del>	759

74,886,304 760

DANGEROUS AND RESTRICTED WILD ANIMALS 761

The foregoing appropriation item 700426, Dangerous and 762  
Restricted Animals, shall be used to administer the Dangerous 763  
and Restricted Wild Animal Permitting Program. 764

COUNTY AGRICULTURAL SOCIETIES 765

The foregoing appropriation item 700501, County 766  
Agricultural Societies, shall be used to reimburse county and 767  
independent agricultural societies for expenses related to 768  
Junior Fair activities. 769

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE 770  
ERIE BASIN 771

Of the foregoing appropriation item 700509, Soil and Water 772  
District Support, \$350,000 in fiscal year 2017 shall be used by 773  
the Department of Agriculture for a program to support soil and 774  
water conservation districts in the Western Lake Erie Basin to 775  
comply with provisions of Sub. S.B. 1 of the 131st General 776  
Assembly. The Department shall approve a soil and water 777  
district's application for funding under the program if the 778  
application demonstrates that funding will be used for, but not 779  
limited to, providing technical assistance, developing 780  
applicable nutrient or manure management plans, hiring and 781  
training of soil and water conservation district staff on best 782  
conservation practices, or other activities the Director 783  
determines is appropriate to assist farmers in the Western Lake 784  
Erie Basin in complying with the provisions of Sub. S.B. 1 of 785  
the 131st General Assembly. 786

SOIL AND WATER DISTRICTS 787

In addition to state payments to soil and water 788  
conservation districts authorized by section 940.08 of the 789  
Revised Code, the Department of Agriculture may use 790  
appropriation item 700661, Soil and Water Districts, to pay any 791  
soil and water conservation district an annual amount not to 792  
exceed \$40,000 upon receipt of a request and justification from 793  
the district and approval by the Ohio Soil and Water 794  
Conservation Commission. The county auditor shall credit the 795  
payments to the special fund established under section 940.08 of 796  
the Revised Code for the local soil and water conservation 797  
district. Moneys received by each district shall be expended for 798  
the purposes of the district. 799

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 800

The foregoing appropriation item 700632, Clean Ohio 801  
Agricultural Easement Operating, shall be used by the Department 802  
of Agriculture in administering Ohio Agricultural Easement Fund 803  
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 804  
5301.67 to 5301.70 of the Revised Code. 805

**Section 4.** That existing Section 211.10 of Am. Sub. H.B. 806  
64 of the 131st General Assembly is hereby repealed. 807