

AN ACT

To amend sections 956.01, 956.02, 956.03, 956.04, 956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 956.11, 956.13, 956.14, 956.18, 956.181, 956.19, 956.20, 956.21, and 956.22; to enact sections 956.031 and 956.041; and to repeal section 956.12 of the Revised Code to revise the law governing high volume dog breeders and other dog-related professionals and facilities.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 956.01, 956.02, 956.03, 956.04, 956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 956.11, 956.13, 956.14, 956.18, 956.181, 956.19, 956.20, 956.21, and 956.22 be amended and sections 956.031 and 956.041 of the Revised Code be enacted to read as follows:

Sec. 956.01. As used in this chapter:

"Accredited veterinarian" means a veterinarian accredited by the United States department of agriculture.

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

"Animal rescue for dogs" means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, does not sell dogs to a dog broker or pet store, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.

"Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society, 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.

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

"Breeding dog" means an ~~unneutered~~, unspayed adult female dog that is primarily harbored or housed on property that is the dog's primary residence used for producing offspring.

"Dog broker" 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 broker" 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.

"Enrichment" means any modification in the environment of a confined dog that seeks to enhance the dog's physical and psychological well-being by providing stimuli that meets the dog's breed-specific needs.

"Exercise" means activity that allows a dog to extend to full stride, play, and engage in other types of mentally stimulating and social behaviors.

"High volume breeder" means an establishment that keeps, houses, and maintains adult ~~six or more~~ 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 and does at least one of the following:

(1) In return for a fee or other consideration, sells five or more adult dogs or puppies in any calendar year to dog brokers or pet stores;

(2) In return for a fee or other consideration, sells forty or more puppies in any calendar year to the public; or

(3) Keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

"Humane society" means an organization that is organized under section 1717.05 of the Revised Code.

~~"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.~~

"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.

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

"Pet store" means an individual retail store 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 rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, or a research kennel for dogs.

"Puppy" means a dog that is under twelve months of age.

"Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes.

"Thermoneutral zone" means the range of ambient temperature in which a dog is able to maintain normal body temperature without a change in metabolic rate.

"Veterinarian" means either a veterinarian licensed in this state under Chapter 4741. of the Revised Code or a veterinarian licensed out of this state by an applicable state entity.

Sec. 956.02. All of the following are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it:

(A) Medical kennels for dogs, research;

(B) Research kennels for dogs, animal;

(C) Animal shelters for dogs that are operated by a municipal corporation; or by a county under Chapter 955. of the Revised Code, 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;

(D) Animal shelters for dogs that are operated by a humane society;

(E) Veterinarians that provide clinical care and are not engaged in the practice of dog breeding.

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

(1) Requirements and procedures governing high volume breeders, including the licensing and inspection of and record keeping by high volume breeders, in addition to the requirements and procedures established in this chapter; The rules shall include a requirement that a high volume breeder keep and maintain a record of veterinary care for each dog kept, housed, and maintained by the high volume breeder. The rules shall require the records to be kept and maintained for three years after the care is provided by a veterinarian.

(2) 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 (A)(2) of section 956.15 of the Revised Code;

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

(4) The form of applications for licenses issued under this chapter and the information that is required to be submitted in the applications ~~and the~~;

(5) The form of an application for registering registration and registration renewal as an animal rescue for dogs under this chapter and the information that is required to be provided with a registration or registration renewal, including the name and address of each foster home that an animal rescue for dogs utilizes;

~~(5)~~(6) A requirement that each high volume breeder submit to the director, with an application for a high volume breeder license, evidence of insurance or, in the alternative, evidence of a surety bond payable to the state to ensure compliance with this chapter and rules adopted under it. The face value of the insurance coverage or bond shall be in the following amounts:

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

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

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

The rules shall require that the insurance be payable to the state or that the surety bond be

subject to redemption by the state, as applicable, upon a suspension or revocation of a high volume breeder license for the purpose of paying for the maintenance and care of dogs that are seized or otherwise impounded from the high volume breeder in accordance with this chapter.

~~(6)(7)~~(a) For high volume breeders, standards of care governing all of the following:

- (i) Housing;
- (ii) Nutrition;
- (iii) Exercise;
- (iv) Grooming;
- (v) Biosecurity and disease control;
- (vi) Waste management;
- (vii) Whelping;
- (viii) Any other general standards of care for dogs.

(b) In adopting rules under division (A)~~(6)(7)~~(a) of this section, the director shall consider the following factors, without limitation:

- (i) Best management practices for the care and well-being of dogs;
- (ii) Biosecurity;
- (iii) The prevention of disease;
- (iv) Morbidity and mortality data;
- (v) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;
- (vi) 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.

~~(7)(8)~~ Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;

~~(8)(9)~~(a) A requirement that an in-state retailer of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all high volume breeders, dog ~~retailers~~brokers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;

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

~~(9)(10)~~ A requirement that a high volume breeder or a dog ~~retailer~~broker who advertises the sale of a puppy or adult dog include with the advertisement the vendor number assigned by the tax commissioner to the high volume breeder or to the dog ~~retailer~~broker if the sale of the puppy or dog is subject to the tax levied under Chapter 5739. of the Revised Code;

~~(10)~~(11) A requirement that a licensed high volume breeder and a licensed dog ~~retailer~~broker comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for the purposes of rules adopted under this division.

~~(11)~~(12) Requirements and procedures governing pet stores, including requirements and procedures governing the initial licensing of pet stores and the renewal of pet store licenses;

~~(12)~~(13) The application form for a license issued under division (A) of section 956.21 of the Revised Code and the information that is required to be submitted in the application;

~~(13)~~(14) Requirements governing permanent implanted identification microchips for dogs to be sold at a pet store and by a dog ~~retailer~~broker;

~~(14)~~(15) Any other requirements and procedures that are determined by the director to be necessary for the administration and enforcement of this chapter and rules adopted under it. However, rules adopted under this division shall not establish additional requirements and procedures governing animal rescues for dogs other than those adopted under division (A)~~(4)~~(5) of this section.

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

Sec. 956.031. In addition to complying with rules adopted under section 956.03 of the Revised Code, a high volume breeder shall do all of the following with regard to a dog that is kept, housed, and maintained by the breeder:

(A) Unless otherwise directed by a veterinarian, provide the dog, twice each day, with food that is all of the following:

(1) Sufficient to maintain normal body condition and weight;

(2) Unspoiled and uncontaminated;

(3) Provided in accordance with a nutritional plan recommended by a veterinarian;

(4) Served in receptacles that are clean and sanitary.

A high volume breeder may temporarily withhold food when directed by a veterinarian to do so.

(B) Each day provide access to a continuous supply of potable water in clean and sanitary receptacles that is of sufficient quality and quantity to ensure maintenance of normal body condition and growth unless otherwise directed by a veterinarian.

(C) Keep or confine the dog in a primary enclosure that complies with all of the following:

(1) The interior of the enclosure is at least six inches higher than the head of the tallest dog housed in the enclosure when the dog is in a normal standing position.

(2) It allows each dog housed in the enclosure to turn in a complete circle, lie down, and fully extend its limbs.

(3) It is not stacked on top of another primary enclosure.

(4) It is cleaned at least once per day to remove excreta, dirt, grime, and other waste.

(D) On and after December 31, 2021, keep or confine the dog in a primary enclosure that has a minimum floor space in square inches equal to the following: (the length of the dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches)² multiplied by two. For each additional dog that is kept or confined in a primary enclosure, the

enclosure shall have additional floor space in square inches equal to the following: (length of each additional dog housed in the enclosure in inches, as measured from the tip of the nose to the base of the tail, + nine inches)^2.

(E) On and after December 31, 2021, ensure that the minimum floor space provided in accordance with division (D) of this section is solid or consists of slats. If the floor space consists of slats, the high volume breeder shall ensure that all of the following apply:

(1) The spaces between the slats are not more than one-half inch in width.

(2) The slats are not less than three and one-half inches in width.

(3) All of the slats run in the same direction.

(4) The floor is level.

(F) On and after December 31, 2021, ensure that all flooring complies with the following:

(1) It consists of materials that can be cleaned and sanitized; are safe for the breed, size, and age of the dog; are free from protruding sharp edges; and are designed so that the paw of the dog is unable to extend through or become caught in the flooring.

(2) If the flooring surface consists of a material that is not solid, it has a solid resting area that can accommodate the full length of the dog while lying down.

(3) It does not sag, bend, or bounce.

(4) It does not consist of wire made of metal, including metal wire that is coated with another material.

(G) If the high volume breeder is using an indoor primary enclosure to house the dog, ensure that the enclosure is located in a facility that permits regulation of temperature, ventilation, and lighting, including diurnal lighting. The high volume breeder shall ensure that the lighting is sufficient, either through natural or artificial means, to observe the physical condition of the dog and to permit inspection and cleaning of the dog and the primary enclosure.

(H) Use an outdoor primary enclosure to house the dog only if a veterinarian approves such use;

(I) If the high volume breeder is using an outdoor primary enclosure to house the dog as provided in division (H) of this section and if climatic or ambient temperatures pose a threat to the health and welfare of the dog, take effective measures to eliminate the threat. If the high volume breeder has to take such measures, the high volume breeder shall consider the dog's age, breed, overall health, and acclimation to the environment. The high volume breeder shall not use an outdoor primary enclosure to house the dog if the dog is unable to tolerate the prevalent temperatures within the dog's thermoneutral zone.

(J) House the dog with other dogs, except for reasons of health, biosecurity, breeding, and behavioral issues.

(K) If the dog is a puppy that is four months or younger, house the dog with an adult dog only if the adult dog is the puppy's dam or foster dam;

(L) If the dog is a female, breed the dog only if the dog has maintained a normal body condition and has been declared healthy by a veterinarian following a physical examination;

(M) If the dog is a female, ensure that the dog does not produce more than eight litters in its lifetime;

(N) Provide a clean, dry whelping area for each dam and her nursing puppies. The high

volume breeder shall ensure that the area fully accommodates all puppies, allows the dam to lie fully recumbent and stand, and permits the dam to temporarily move away from her puppies as she chooses. The high volume breeder shall ensure that no other animals inhabit the whelping area other than the dam and her puppies.

(O) Provide the dog with an opportunity for daily exercise of at least thirty minutes. However, this requirement does not apply to an expectant female dog, postpartum female dog, or any other dog as directed by a veterinarian.

(P) Provide the dog an opportunity to safely access the outdoors during daylight hours;

(Q) Provide the dog with daily environmental enrichment in the dog's primary enclosure;

(R) Provide human interaction with the dog for at least fifteen minutes each day in addition to interaction that occurs during feeding and cleaning time. The interaction, at a minimum, shall include verbal and tactile stimulation in a positive and beneficial manner.

(S) Provide the dog appropriate medical care by a veterinarian, including prompt treatment for any significant disease, illness, or injury;

(T) If the dog is an adult dog, provide the dog with an annual physical examination by a veterinarian;

(U) Comply with a vaccination and parasite control program that is provided by a veterinarian and that is consistent with recommendations of the American veterinarian medical association or the American animal hospital association;

(V) If a surgical or euthanasia procedure is required, use a veterinarian to perform the procedure.

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

(2) The director shall not issue a license under this section unless the director determines that the applicant will operate or will continue to operate the high volume breeder in accordance with this chapter and rules adopted under it.

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

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

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

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

(3) Photographic evidence documenting the facilities where dogs will be kept, housed, and

maintained by the applicant. The director may conduct an inspection of the facilities that are the subject of an application in addition to reviewing photographic evidence submitted by an applicant for a license.

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

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

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

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

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

~~(G)~~ ~~(F)~~ An applicant for a license issued under this section shall demonstrate that the high volume breeder that is the subject of the application complies with standards established in rules adopted under section 956.03 of the Revised Code.

Sec. 956.041. (A) As used in this section, "out-of-state dog breeder" means a dog breeder located outside of this state that, if located in this state, would be a high volume breeder.

(B) A dog broker or the owner or operator of a pet store that seeks to purchase a dog from an in-state high volume breeder or out-of-state dog breeder, prior to completing the transaction, shall request the breeder to sign a document prescribed and provided by the director of agriculture. The document shall state that the in-state high volume breeder or out-of-state dog breeder is in compliance with the standards of care established in rules adopted under section 956.03 and in section 956.031 of the Revised Code. The broker or owner or operator shall keep and maintain the signed document. If the in-state high volume breeder or out-of-state dog breeder does not provide the signed document, the broker or owner or operator shall not purchase the dog.

The broker or owner or operator shall allow the director to inspect the signed document during normal business hours. With respect to a pet store, the requirements established under this section are in addition to the requirements established under section 956.20 of the Revised Code.

(C) No dog broker or owner or operator of a pet store shall knowingly sell a dog unless the broker or owner or operator has obtained a signed document with respect to the dog as required under division (B) of this section. The director shall not assess a civil penalty under section 956.13 of the Revised Code against a dog broker or the owner or operator of a pet store for a violation of this division if the broker or owner or operator has obtained such a document with regard to the dog.

(D) The director shall adopt rules in accordance with Chapter 119. of the Revised Code that

establish requirements and procedures governing the administration and enforcement of this section.

Sec. 956.05. (A)(1) No person shall act as or perform the functions of a dog ~~retailer-broker~~ in this state without a dog ~~retailer-broker~~ license issued by the director of agriculture in accordance with this section and rules adopted under section 956.03 of the Revised Code.

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

(B) A person who is proposing to act as or perform the functions of a dog ~~retailer-broker~~ 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 dog ~~retailer-broker~~ shall obtain a license from the director for the following year.

~~(C) A person who is acting as or performing the functions of a dog retailer on the effective date of this section shall submit to the director an application for a dog retailer license not later than three 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.~~

Sec. 956.051. (A) No dog ~~retailer-broker~~ shall negligently sell, deliver, barter, auction, broker, give away, or transfer a live dog to a pet store in this state unless the dog was obtained from one of the following sources:

- (1) An animal rescue for dogs;
- (2) An animal shelter for dogs;
- (3) A humane society;
- (4) A qualified breeder as defined in section 956.19 of the Revised Code.

(B) No dog ~~retailer-broker~~ shall negligently sell, deliver, barter, auction, broker, give away, or transfer to a pet store in this state any of the following:

- (1) A dog that is less than eight weeks old;
- (2) A dog without a health certificate of ~~veterinarian inspection~~ signed by an accredited veterinarian;

(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;

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

(5) A dog acquired from a qualified breeder as defined in section 956.19 of the Revised Code unless the dog ~~retailer-broker~~ provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:

- (a) The name of the breeder that bred the dog;
- (b) The address, if available, of the breeder that bred the dog;
- (c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy of the most current United States department of agriculture inspection report for the breeder;
- (d) The dog's birth date, if known;
- (e) The date that the pet store took possession of the dog;

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

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

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

(C) No dog ~~retailer-broker~~ shall recklessly alter or provide false information on a certification provided in accordance with division (B)(5) of this section.

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

Sec. 956.06. ~~(A)(1)~~ No person shall operate an animal rescue for dogs without first registering with the director of agriculture in accordance with rules adopted under section 956.03 of the Revised Code. ~~No A registration is valid for one year.~~

~~(2) A registration may be renewed. An application for renewal shall be submitted to the director at least ninety days prior to the expiration of the registration.~~

~~(3) The director shall not charge a registration fee shall be charged to an animal rescue for dogs. The However, if a person fails to renew a registration prior to its expiration, the director shall charge the person a late renewal fee of two hundred dollars.~~

~~(B) The director shall maintain a database of all persons that are registered to operate an animal rescue for dogs in this state.~~

Sec. 956.07. (A) A person who is applying for ~~a~~ an annual license to operate a high volume breeder or to act as or perform the functions of a dog ~~retailer-broker~~ 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. ~~For the purpose of calculating the application fee for a high volume breeder, the sale of one dog from a litter constitutes the sale of a litter.~~ The application fees are as follows:

(1) For a high volume breeder:

(a) One hundred fifty dollars if the high volume breeder annually sells at least ~~nine forty~~, but not more than ~~fifteen litters~~ sixty puppies to the public;

(b) Two hundred fifty dollars if the high volume breeder annually sells at least ~~sixteen~~ sixty-one, but not more than ~~twenty-five litters~~ one hundred fifty puppies to the public;

(c) Three hundred fifty dollars if the high volume breeder annually sells at least ~~twenty-six~~ one hundred fifty-one, but not more than ~~thirty-five litters~~ two hundred fifty puppies to the public;

(d) Five hundred dollars if the high volume breeder annually sells at least ~~thirty-six~~ two hundred fifty-one, but not more than ~~forty-five litters~~ three hundred fifty puppies to the public;

(e) Seven hundred fifty dollars if the high volume breeder annually sells ~~forty-six~~ three hundred fifty-one or more ~~litters~~ puppies to the public;

(f) If divisions (A)(1)(a) to (e) of this section do not apply, one hundred and fifty dollars if either of the following applies:

(i) The high volume breeder sells five or more adult dogs or puppies to a dog broker or pet

store.

(ii) The high volume breeder keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

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

(B) Money collected by the director of agriculture from each application fee submitted under this section shall be deposited in the state treasury to the credit of the high volume breeder kennel control license fund created in section 956.18 of the Revised Code. The director shall use fifty dollars of the application fee submitted by a high volume breeder under this section or an amount equal to the fee charged for the registration of a kennel under section 955.14 of the Revised Code in the county in which the high volume breeder is located or will be located, whichever is greater, to reimburse that county. The county auditor shall deposit the transferred money into that county's dog and kennel fund created under section 955.20 of the Revised Code.

Sec. 956.08. (A) No person operating as a high volume breeder or acting as or performing the functions of a dog retailer shall fail to comply with applicable standards established by the director of agriculture in rules adopted under section 956.03 of the Revised Code or with section 956.031 of the Revised Code.

(B) No person acting as or performing the functions of a dog broker shall fail to comply with applicable requirements established by the director in rules adopted under section 956.03 of the Revised Code.

(C) No person registered as an animal rescue for dogs under section 956.06 of the Revised Code shall sell a dog to a dog broker or pet store.

Sec. 956.10. (A)(1) At least once annually, the director of agriculture or the director's authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

(2) The director or the director's authorized representative shall inspect a boarding kennel when the director or the director's authorized representative has received information that the boarding kennel is breeding dogs and may be subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code.

(B) The director or the director's authorized representative may do any of the following:

(1) Upon receiving a complaint, inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it;

(2) Upon the request of a member of the public, a public official, or an animal shelter for dogs, inspect any facility at which a person is acting as or performing the functions of a dog ~~retailer~~broker to ensure such compliance;

(3) Upon receiving a complaint, inspect an animal rescue for dogs to ensure compliance with section 956.06 of the Revised Code and applicable rules adopted under section 956.03 of the Revised Code;

(4) Conduct an inspection under this section during regular business hours without providing notice in advance.

(C) Inspections shall be conducted in accordance with rules adopted under section 956.03 of the Revised Code. A record of each inspection shall be made by the director or the director's authorized representative who is responsible for the inspection in accordance with those rules.

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

(E) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog ~~retailer~~broker, owner or operator of a boarding kennel, or owner or operator of an animal rescue for dogs shall interfere with an inspection or refuse to allow the director or the director's authorized representative full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a high volume breeder or dog ~~retailer~~broker, the director may suspend or revoke the breeder's or ~~retailer's~~broker's license in accordance with this chapter.

(F)(1) The director may enter into a contract or agreement with a veterinarian to conduct inspections under this section. The veterinarian shall be considered the director's authorized representative for the purposes of this section.

(2) A veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section may inspect a high volume breeder with whom the veterinarian has established a veterinary-client-patient relationship as described in section 4741.04 of the Revised Code only every other year.

(3) If the director determines that a veterinarian with whom the director has entered into a contract or agreement under division (F)(1) of this section has falsified any information submitted to the director pursuant to an inspection, the director shall inform the veterinary medical licensing board created by Chapter 4741. of the Revised Code of the falsification.

(G)(1) If entry that is authorized by division (D) of this section is refused or if an inspection or investigation is refused, hindered, or thwarted by intimidation or otherwise and if the director, an authorized representative of the director, or the attorney general applies for and obtains a court order or a search warrant under division (D) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted, if found guilty of violating this chapter or rules adopted under it, is liable to the director for ~~the~~ all of the following:

(a) The reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the inspection or investigation from the time the court order or search warrant was issued until the court order or search warrant is executed; ~~for the~~

(b) The salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or search

warrant; and for expenses-

(c) Expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant. ~~In~~

(2) In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the court, in its order granting the court order or search warrant, may order the owner or operator of the premises, if found guilty of violating this chapter or rules adopted under it, to reimburse the director for any of ~~those~~ the costs described in division (G)(1) of this section that the court finds reasonable. From money recovered under this division, the director shall ~~reimburse the~~ do all of the following:

(a) Reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant, ~~shall reimburse the~~;

(b) Reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant, ~~and shall deposit~~;

(c) Deposit the remainder in the state treasury to the credit of the high volume breeder kennel control license fund created in section 956.18 of the Revised Code.

(H) A dog warden appointed under Chapter 955. of the Revised Code or an agent of a humane society entering on public or private property to make investigations and inspections in accordance with Chapter 955. or 1717. of the Revised Code, as applicable, shall report any violations of this chapter and rules adopted under it to the director or the director's authorized representative.

Sec. 956.11. (A) The director of agriculture may enter into contracts or agreements with an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society for the purposes of this section.

(B)(1) If the director or the director's authorized representative determines that a dog is being kept by a high volume breeder or dog ~~retailer-broker~~ in a manner that materially violates this chapter or rules adopted under it, the director may impound the dog and order it to be seized by an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society with which the director has entered into a contract or agreement under division (A) of this section. Upon receiving the order from the director, the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, board of county commissioners, or humane society shall seize the dog and keep, house, and maintain it.

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

(C) The owner or operator of the applicable high volume breeder or the person acting as or performing the functions of a dog ~~retailer-broker~~ may appeal the determination made at the adjudication hearing in accordance with section 119.12 of the Revised Code, except that the appeal may be made only to the environmental division of the Franklin county municipal court.

(D) If, after the final disposition of an adjudication hearing and any appeals from that adjudication hearing, it is determined that a dog shall be permanently relinquished to the custody of

the director, the dog may be adopted directly from the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society where it is being kept, housed, and maintained, provided that the dog has been spayed or neutered unless there are medical reasons against spaying or neutering as determined by a veterinarian. The animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society may charge a reasonable adoption fee. The fee shall be at least sufficient to cover the costs of spaying or neutering the dog unless it is medically contraindicated. Impounded dogs shall be returned to persons acquitted of any alleged violations.

Sec. 956.13. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating sections 956.01 to 956.18 of the Revised Code or rules adopted under it if all of the following occur:

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

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

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

~~(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation of this chapter or a rule adopted under it has occurred or is occurring, the director may assess a civil penalty. The civil penalty may be appealed in accordance with section 119.12 of the Revised Code, except that the civil penalty may be appealed only to the environmental division of the Franklin county municipal court section 956.03 of the Revised Code.~~

~~(C)(B)~~ A person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than ~~two five thousand five hundred dollars~~ for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Each day that a violation continues constitutes a separate violation.

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

Sec. 956.14. The attorney general, upon the request of the director of agriculture, may bring an action for injunction against a person who has violated or is violating this chapter, or rules adopted under it, ~~or a notice issued under section 956.12 of the Revised Code.~~ An action for injunction shall be filed in the appropriate court in the county in which the violation is alleged to have occurred. The court shall grant such injunctive relief upon a showing that the person against

whom the action is brought has violated or is violating this chapter, ~~or~~ rules adopted under it, ~~or a notice issued under it~~. The court shall give precedence to such an action over all other cases.

Sec. 956.18. (A) All money collected by the director of agriculture from late renewal fees under section 956.06, license fees under section 956.07, and civil penalties assessed under section 956.13 of the Revised Code shall be deposited in the state treasury to the credit of the high volume breeder kennel control license fund, which is hereby created. The fund shall also consist of money appropriated to it.

(B) The director shall use the money in the fund for the purpose of administering sections 956.01 to 956.18 of the Revised Code and rules adopted under ~~it~~ section 956.03 of the Revised Code that apply to those sections.

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

(B) The director shall use the money in the fund for the purpose of administering sections 956.19 to 956.23 of the Revised Code and rules adopted under ~~it~~ section 956.03 of the Revised Code as those rules apply to those sections.

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

(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.

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

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

(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.

(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 twelve months prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog.

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

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:

(1) An animal rescue for dogs;

(2) An animal shelter for dogs;

(3) A humane society;

(4) A dog ~~retailer-broker~~, provided that, if the dog ~~retailer-broker~~ originally obtained the dog

from a breeder, the breeder is a qualified breeder;

(5) A qualified breeder.

(B) No owner, manager, or employee of a pet store shall negligently sell, deliver, barter, auction, broker, give away, or transfer any of the following:

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

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

(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;

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

(5) A dog acquired from a qualified breeder or a dog ~~retailer-broker~~ unless the owner, manager, or employee provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:

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

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

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

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

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

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

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

(h) A document signed by the owner, manager, or employee of the pet store certifying that all information required to be provided to the person acquiring the dog under division (B)(5) of this section is accurate. A pet store shall keep a copy of the certification for a period of at least two years from the date of the acquisition. The owner, manager, or an employee of the pet store shall make the copy of the certification available for inspection or duplication by the department of agriculture.

(6) A dog acquired from a qualified breeder or a dog ~~retailer-broker~~ unless all of the following information regarding the dog is available to the general public at the pet store:

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

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

(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable;

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

(e) The breed of the dog.

(C) No owner, manager, or employee of a pet store shall recklessly alter or provide false information on a certification provided in accordance with division (B)(5) of this section.

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

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

(1) Applies for a license in accordance with this section and rules adopted under ~~it~~ section 956.03 of the Revised Code;

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

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

(B) The director of agriculture may deny, suspend, or revoke a license issued under this section for a violation of division (A), (B), or (C) of section 956.20 of the Revised Code or rules adopted under ~~that~~ section 956.03 of the Revised Code. The denial, suspension, or revocation of a license is not effective until the licensee is given written notice of the violation, a reasonable amount of time to correct the violation, if possible, and an opportunity for a hearing.

The director also may refuse to issue a license under division (B) of this section if the applicant has violated division (A), (B), or (C) of section 956.20 of the Revised Code or the rules adopted under ~~this~~ section 956.03 of the Revised Code during the thirty-six-month period prior to submitting an application for the license.

(C) Any license issued under this section is valid for a period of one year from the date of issuance. A pet store license must be renewed annually in the manner provided in rules adopted under ~~this~~ section 956.03 of the Revised Code.

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

(E) No owner, operator, or manager 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 in this state unless a license has been issued for the pet store by the director of agriculture in accordance with this section and rules adopted under ~~it~~ section 956.03 of the Revised Code.

Sec. 956.22. (A) The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person ~~that violates who has violated or is violating~~ division (A), (B), or (C) of section 956.20 of the Revised Code or division (E) of section 956.21 of the Revised Code ~~if all of the following occur~~:

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

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

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

~~(B) If the opportunity for an adjudication hearing is waived or if, after an adjudication hearing, the director determines that a violation of this chapter or a rule adopted under it has occurred~~

~~or is occurring, the director may assess a civil penalty. The civil penalty may be appealed in accordance with section 119.12 of the Revised Code, except that the civil penalty may be appealed only to the environmental division of the Franklin county municipal court.~~

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

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

SECTION 2. That existing sections 956.01, 956.02, 956.03, 956.04, 956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 956.11, 956.13, 956.14, 956.18, 956.181, 956.19, 956.20, 956.21, and 956.22 and section 956.12 of the Revised Code are hereby repealed.

SECTION 3. An unexpired dog retailer license that was issued under section 956.05 of the Revised Code, as that section existed prior to the effective date of this act, remains valid until its expiration date as if the license is a dog broker license. If the licensee applies to renew the license after the effective date of this section, the Director of Agriculture shall renew the license as a dog broker license if the person is eligible for such renewal.

SECTION 4. The Director of Agriculture shall establish appropriate procedures for renewing the registration of a person operating as an animal rescue for dogs under section 956.06 of the Revised Code who was so registered prior to the effective date of this section. The procedures shall include an appropriate time within which the person shall renew the registration, which shall not be later than two hundred seventy-five days after the effective date of this section.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20 ____.

Secretary of State.

File No. _____ Effective Date _____