

**As Reported by the Senate Agriculture, Environment and Natural
Resources Committee**

129th General Assembly

Regular Session

2011-2012

Am. H. B. No. 389

Representatives Hall, Okey

**Cosponsors: Representatives Letson, Grossman, Boose, Conditt,
Thompson, Buchy, Combs, Murray, O'Brien, Peterson, Hagan, C., McClain,
Amstutz, Slaby, Landis, Adams, R., Barnes, Blessing, Bulp, Carney, Clyde,
Derickson, Fedor, Fende, Gardner, Garland, Gerberry, Goyal, Hackett, Henne,
Hill, Johnson, Kozlowski, Luckie, Lundy, Mallory, Milkovich, Newbold,
Phillips, Pillich, Ramos, Roegner, Ruhl, Sears, Sprague, Szollosi, Uecker,
Weddington, Young, Yuko Speaker Batchelder
Senators Hite, Schaffer**

—

A B I L L

To amend sections 901.511, 918.12, 943.01, 1531.01,	1
1533.01, 1533.71, 1533.721, 1533.731, 1533.74,	2
1533.76, 1533.77, 1533.79, and 1533.99, to enact	3
sections 943.20 to 943.26, and to repeal sections	4
1533.70, 1533.75, and 1533.80 of the Revised Code	5
to establish requirements and procedures governing	6
propagating and hunting captive deer and to revise	7
the law governing wild animal hunting preserves.	8

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

Section 1. That sections 901.511, 918.12, 943.01, 1531.01,	9
1533.01, 1533.71, 1533.721, 1533.731, 1533.74, 1533.76, 1533.77,	10
1533.79, and 1533.99 be amended and sections 943.20, 943.21,	11
943.22, 943.23, 943.24, 943.25, and 943.26 of the Revised Code be	12

enacted to read as follows: 13

Sec. 901.511. (A) As used in this section: 14

(1) "Agricultural product" means any of the following items 15
that is produced for testing or research in the context of a 16
product development program in conjunction or coordination with a 17
private research facility, a university, or any federal, state, or 18
local governmental agency or that is produced for personal, 19
commercial, pharmaceutical, or educational purposes: field crop or 20
field crop product; timber or timber product; forestry product; 21
livestock or livestock product; meat or meat product; milk or 22
dairy product; poultry or poultry product; equine animal; wool; 23
fruit or vegetable crop; aquacultural product; horticultural crop, 24
including plant materials grown in a greenhouse, nursery stock 25
grown inside or outside of a container, ornamental grass, turf 26
grass, ornamental trees, ornamental shrubs, or flowers; sod; 27
mushrooms; viticultural product; apicultural product; tobacco; 28
pasture; wild animal or domestic deer, as "wild animal" and 29
"domestic deer" are defined in section 1531.01 of the Revised 30
Code; monitored captive deer, captive deer with status, or captive 31
deer with certified chronic wasting disease status as defined in 32
section 943.01 of the Revised Code; or any combination of those 33
items. 34

(2) "Equipment" means any implement, machinery, real or 35
personal property, building, or structure that is used in the 36
production, growing, harvesting, or housing of any agricultural 37
product. "Equipment" also includes any laboratory, research, 38
product, samples, supplies, or fixed equipment that is used to 39
test, develop, or analyze the process of producing, growing, or 40
maintaining any agricultural product. 41

(3) "Material support or resources" means currency, payment 42

instruments, other financial securities, financial services, 43
lodging, training, safehouses, false documentation or 44
identification, communications equipment, facilities, weapons, 45
lethal substances, explosives, personnel, transportation, and 46
other physical assets, except medicine or religious materials. 47

(4) "Payment instrument" means a check, draft, money order, 48
traveler's check, cashier's check, teller's check, or other 49
instrument or order for the transmission or payment of money 50
regardless of whether the item in question is negotiable. 51

(5) "Specified offense" means either of the following: 52

(a) A violation of section 2909.02, 2909.03, 2909.05, 53
2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42 54
of the Revised Code; 55

(b) An attempt to commit, complicity in committing, or a 56
conspiracy to commit an offense listed in division (A)(5)(a) of 57
this section. 58

(B) No person shall commit a specified offense involving any 59
agricultural product or equipment with the intent to do any of the 60
following: 61

(1) Intimidate or coerce a civilian population; 62

(2) Influence the policy of any government by intimidation or 63
coercion; 64

(3) Affect the conduct of any government; 65

(4) Interrupt or interfere with agricultural production, 66
agricultural research, or equipment for purposes of disrupting or 67
influencing, through intimidation or other means, consumer 68
confidence or agricultural production methods. 69

Division (B) of this section does not apply to the practice 70
of veterinary medicine by a person who has been issued a valid 71
license, temporary permit, or registration certificate to practice 72

veterinary medicine under Chapter 4741. of the Revised Code. As 73
used in this division, "practice of veterinary medicine" has the 74
same meaning as in section 4741.01 of the Revised Code. 75

(C) No person shall raise, solicit, collect, donate, or 76
provide any material support or resources with the purpose that 77
the material support or resources will be used in whole or in part 78
to plan, prepare, carry out, or aid in either a violation of 79
division (B) of this section or in the concealment of, or an 80
escape from, a violation of that division. 81

(D)(1) In addition to the penalties established in section 82
901.99 of the Revised Code for a violation of this section, the 83
court may require any person who violates this section to pay the 84
victim of the offense an amount up to triple the value of the 85
agricultural product or equipment that was the subject of the 86
violation. 87

(2) In ordering restitution under division (D)(1) of this 88
section, the court shall consider as part of the value of the 89
agricultural product or equipment the market value of the 90
agricultural product or equipment prior to the violation and the 91
production, research, testing, replacement, and development costs 92
directly related to the agricultural product or equipment that was 93
the subject of the violation. 94

(E) The enactment of this section is not intended to require 95
the prosecution exclusively under this section of an act, series 96
of acts, or course of behavior that could be prosecuted either 97
under this section or under another section of the Revised Code. 98
One or more acts, series of acts, or courses of behavior that may 99
be prosecuted either under this section or under another section 100
of the Revised Code may be prosecuted under this section, the 101
other section, or both sections. 102

Sec. 918.12. (A) An establishment, as defined in section 103

918.01 of the Revised Code, that slaughters or otherwise prepares 104
meat of bison, cervidea, other bovidea, camelidae and hybrids 105
thereof, ratites, domestic rabbits, monitored captive deer, 106
captive deer with status, or captive deer with certified chronic 107
wasting disease status as defined in section 943.01 of the Revised 108
Code, domestic deer, as defined in section 1531.01 of the Revised 109
Code, or other animals determined by the director of agriculture 110
by rule for human food purposes may receive voluntary state 111
inspection, as defined in division (B) of section 918.01 of the 112
Revised Code, if the establishment complies with sections 918.01 113
to 918.11 of the Revised Code and the rules adopted under those 114
sections for establishments that slaughter or otherwise prepare 115
for food purposes other animals and if the establishment complies 116
with division (C) of this section. 117

(B) The owner of an establishment, as defined in section 118
918.21 of the Revised Code, who slaughters or otherwise prepares 119
the meat of pheasant, quail, partridge, peafowl, grouse, captive 120
raised wild turkey, captive raised waterfowl, or other poultry 121
determined by the director by rule may receive voluntary state 122
inspection as defined in division (I) of section 918.21 of the 123
Revised Code and the rules adopted under those sections for 124
establishments that slaughter or otherwise prepare for food 125
purposes other poultry and if the establishment complies with 126
division (C) of this section and sections 918.21 to 918.28 of the 127
Revised Code. 128

(C) An establishment that receives voluntary state inspection 129
under division (A) or (B) of this section shall pay the costs of 130
the inspection at a rate and under terms established by rule of 131
the director of agriculture in accordance with section 918.04 of 132
the Revised Code. 133

Sec. 943.01. As used in ~~sections 943.01 to 943.18 of the~~ 134

Revised Code <u>this chapter:</u>	135
(A) "Animals" or "livestock" means horses, mules, and other	136
equidae, cattle, sheep, and goats and other bovidae, swine and	137
other suidae, poultry, alpacas, and llamas, <u>and monitored captive</u>	138
<u>deer, captive deer with status, or captive deer with certified</u>	139
<u>chronic wasting disease status.</u>	140
(B) "Dealer" or "broker" means any person found by the	141
department of agriculture buying, receiving, selling,	142
slaughtering, with the exception of those persons designated by	143
division (B)(1) of section 918.10 of the Revised Code, exchanging,	144
negotiating, or soliciting the sale, resale, exchange, or transfer	145
of any animals in an amount of more than two hundred fifty head of	146
cattle, horses, or other equidae or five hundred head of sheep,	147
goats, or other bovidae, swine and other suidae, poultry, alpacas,	148
or llamas, <u>or monitored captive deer, captive deer with status, or</u>	149
<u>captive deer with certified chronic wasting disease status</u> during	150
any one year. "Dealer" or "broker" does not mean any of the	151
following:	152
(1) Any railroad or other carrier transporting animals either	153
interstate or intrastate;	154
(2) Any person who by dispersal sale is permanently	155
discontinuing the business of farming, dairying, breeding,	156
raising, or feeding animals;	157
(3) Any person who sells livestock that has been raised from	158
birth on the premises of the person;	159
(4) Any person who buys or receives animals for grazing or	160
feeding purposes at a premises owned or controlled by the person	161
and sells or disposes of the animals after the minimum grazing or	162
feeding period of thirty days;	163
(5) Any person who places livestock in facilities other than	164
the person's own pursuant to a written agreement for feeding or	165

finishing, provided that the person retains legal and equitable 166
title to the livestock during the term of the agreement. 167

The exemptions set forth in divisions (B)(1) to (5) of this 168
section are exclusive of those activities requiring licensure 169
under ~~this chapter~~ sections 943.01 to 943.18 of the Revised Code, 170
so that a person shall be deemed to be a dealer or broker or 171
subject to divisions (B)(1) to (5) of this section, but shall not 172
be, or be subject to, both. No person who is a licensed dealer or 173
broker and whose license is suspended shall have livestock or 174
animals exempted pursuant to divisions (B)(1) to (5) of this 175
section. 176

(C) "Employee" means any person employed by a dealer or 177
broker to act in the dealer's or broker's behalf to buy, sell, 178
exchange, negotiate, or solicit sale or resale of animals in the 179
dealer's or broker's name. 180

(D) "Small dealer" means any person found by the department 181
buying, receiving, selling, slaughtering, with the exception of 182
those persons designated by division (B)(1) of section 918.10 of 183
the Revised Code, exchanging, negotiating, or soliciting the sale, 184
resale, exchange, or transfer of any animals in an amount of two 185
hundred fifty head or less of cattle, horses, or other equidae or 186
five hundred head or less of sheep, goats, or other bovidae, swine 187
or other suidae, poultry, alpacas, ~~or~~ llamas, or monitored captive 188
deer, captive deer with status, or captive deer with certified 189
chronic wasting disease status during any one year. 190

(E) "Captive whitetail deer licensee" means a person who has 191
been issued a license under section 943.03 or 943.031 of the 192
Revised Code and a license under section 1533.71 or 1533.721 of 193
the Revised Code regarding monitored captive deer, captive deer 194
with status, or captive deer with certified chronic wasting 195
disease status. 196

(F) "Chronic wasting disease" has the same meaning as in 9 197
C.F.R. 55.1. 198

(G) "Captive deer with status" means captive white-tailed 199
deer that have been legally acquired or their offspring, are part 200
of a herd that is monitored and tested for disease in accordance 201
with rules, and are privately owned primarily for the purposes of 202
agriculture, propagation, or providing captive deer to a wild 203
animal hunting preserve licensed under section 1533.721 of the 204
Revised Code. 205

(H) "Captive deer with certified chronic wasting disease 206
status" means captive white-tailed deer that have been legally 207
acquired or their offspring, are part of a herd that has been 208
monitored and tested for disease in accordance with rules, 209
including tested for chronic wasting disease for at least five 210
consecutive years in accordance with rules, are privately owned 211
primarily for the purposes of agriculture, propagation, or 212
providing deer to a wild animal hunting preserve licensed under 213
section 1533.721 of the Revised Code, and are certified "with 214
status" in accordance with rules. 215

(I) "Monitored captive deer" means whitetail deer that have 216
been legally acquired or their offspring, are tested for chronic 217
wasting disease in accordance with rules, and are held in private 218
ownership for agricultural or personal purposes or in a wild 219
animal hunting preserve licensed under section 1533.721 of the 220
Revised Code. 221

(J) "Rule" means a rule adopted under section 943.24 of the 222
Revised Code. 223

Sec. 943.20. (A) A person who wishes to propagate captive 224
deer with status or captive deer with certified chronic wasting 225
disease status shall obtain a license under section 943.03 or 226
943.031 of the Revised Code in addition to a captive white-tailed 227

deer propagation license issued under section 1533.71 of the 228
Revised Code. 229

(B) A person who wishes to operate a wild animal hunting 230
preserve as defined in section 1531.01 of the Revised Code on 231
which monitored captive deer, captive deer with status, or captive 232
deer with certified chronic wasting disease status are released 233
and hunted shall obtain a license under section 943.03 or 943.031 234
of the Revised Code in addition to a wild animal hunting preserve 235
license issued under section 1533.721 of the Revised Code. 236

Sec. 943.21. (A) A captive whitetail deer licensee shall have 237
monitored captive deer, captive deer with status, and captive deer 238
with certified chronic wasting disease status in the licensee's 239
herd tested for disease in accordance with rules. 240

(B) A captive whitetail deer licensee shall provide the 241
results of all testing required under this section to the director 242
of agriculture. 243

Sec. 943.22. The director of agriculture shall take actions 244
that the director determines are necessary to mitigate or 245
eliminate the presence of chronic wasting disease or other disease 246
at a facility owned by a captive whitetail deer licensee regarding 247
monitored captive deer, captive deer with status, or captive deer 248
with certified chronic wasting disease status if the director is 249
notified of a positive result from a test for chronic wasting 250
disease or other disease for a monitored captive deer, captive 251
deer with status, or captive deer with certified chronic wasting 252
disease status at the facility. 253

Sec. 943.23. A captive whitetail deer licensee shall comply 254
with the requirements established in sections 943.20 to 943.26 of 255
the Revised Code and in rules. The director of agriculture may 256

suspend or revoke a license issued under section 943.03 or 943.031 257
of the Revised Code regarding monitored captive deer, captive deer 258
with status, or captive deer with certified chronic wasting 259
disease status if the licensee fails to comply with those 260
requirements. 261

Sec. 943.24. The director of agriculture shall adopt rules in 262
accordance with Chapter 119. of the Revised Code that establish 263
all of the following: 264

(A) Requirements governing health monitoring and disease 265
testing of monitored captive deer, captive deer with status, and 266
captive deer with certified chronic wasting disease status, which 267
testing may include, but is not limited to, testing for chronic 268
wasting disease, brucellosis, and tuberculosis of such deer that 269
are held at a facility licensed under section 1533.71 or 1533.721 270
of the Revised Code; 271

(B) Requirements governing captive whitetail deer licensees, 272
including record-keeping requirements related to health monitoring 273
and disease testing of monitored captive deer, captive deer with 274
status, and captive deer with certified chronic wasting disease 275
status; 276

(C) Requirements and procedures that are necessary to 277
preserve the health, safety, and welfare of monitored captive 278
deer, captive deer with status, or captive deer with certified 279
chronic wasting disease status; 280

(D) Requirements and procedures governing the transfer of 281
living game and nonnative wildlife, as defined in section 1531.01 282
of the Revised Code, from one wild animal hunting preserve 283
licensed under section 1533.721 of the Revised Code to another 284
such wild animal hunting preserve; 285

(E) Tagging requirements for captive deer with status and 286

captive deer with certified chronic wasting disease status for 287
such deer that are propagated pursuant to a captive white-tailed 288
deer propagation license issued under section 1533.71 of the 289
Revised Code; 290

(F) Requirements governing the certification of captive deer 291
with certified chronic wasting disease status; 292

(G) Any other requirements or procedures that are necessary 293
to administer and enforce sections 943.20 to 943.26 of the Revised 294
Code. 295

Sec. 943.25. The director of agriculture or the director's 296
authorized representative may enter at reasonable times on the 297
premises of a captive whitetail deer licensee to conduct 298
investigations and inspections or to otherwise execute duties that 299
are necessary for the administration and enforcement of sections 300
943.20 to 943.26 of the Revised Code and rules. 301

Sec. 943.26. Notwithstanding section 943.04 of the Revised 302
Code, all money collected through the issuance of licenses to 303
captive whitetail deer licensees under this chapter shall be 304
credited to the captive deer fund, which is hereby created in the 305
state treasury. The director of agriculture shall use money in the 306
fund to administer sections 943.20 to 943.26 of the Revised Code 307
and rules. 308

Sec. 1531.01. As used in this chapter and Chapter 1533. of 309
the Revised Code: 310

(A) "Person" means a person as defined in section 1.59 of the 311
Revised Code or a company; an employee, agent, or officer of such 312
a person or company; a combination of individuals; the state; a 313
political subdivision of the state; an interstate body created by 314
a compact; or the federal government or a department, agency, or 315

instrumentality of it. 316

(B) "Resident" means any individual who has resided in this 317
state for not less than six months next preceding the date of 318
making application for a license. 319

(C) "Nonresident" means any individual who does not qualify 320
as a resident. 321

(D) "Division rule" or "rule" means any rule adopted by the 322
chief of the division of wildlife under section 1531.10 of the 323
Revised Code unless the context indicates otherwise. 324

(E) "Closed season" means that period of time during which 325
the taking of wild animals protected by this chapter and Chapter 326
1533. of the Revised Code is prohibited. 327

(F) "Open season" means that period of time during which the 328
taking of wild animals protected by this chapter and Chapter 1533. 329
of the Revised Code is permitted. 330

(G) "Take or taking" includes pursuing, shooting, hunting, 331
killing, trapping, angling, fishing with a trotline, or netting 332
any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, 333
wild bird, or wild quadruped, and any lesser act, such as 334
wounding, or placing, setting, drawing, or using any other device 335
for killing or capturing any wild animal, whether it results in 336
killing or capturing the animal or not. "Take or taking" includes 337
every attempt to kill or capture and every act of assistance to 338
any other person in killing or capturing or attempting to kill or 339
capture a wild animal. 340

(H) "Possession" means both actual and constructive 341
possession and any control of things referred to. 342

(I) "Bag limit" means the number, measurement, or weight of 343
any kind of crayfish, aquatic insects, fish, frogs, turtles, wild 344
birds, and wild quadrupeds permitted to be taken. 345

(J) "Transport and transportation" means carrying or moving	346
or causing to be carried or moved.	347
(K) "Sell and sale" means barter, exchange, or offer or	348
expose for sale.	349
(L) "Whole to include part" means that every provision	350
relating to any wild animal protected by this chapter and Chapter	351
1533. of the Revised Code applies to any part of the wild animal	352
with the same effect as it applies to the whole.	353
(M) "Angling" means fishing with not more than two hand	354
lines, not more than two units of rod and line, or a combination	355
of not more than one hand line and one rod and line, either in	356
hand or under control at any time while fishing. The hand line or	357
rod and line shall have attached to it not more than three baited	358
hooks, not more than three artificial fly rod lures, or one	359
artificial bait casting lure equipped with not more than three	360
sets of three hooks each.	361
(N) "Trotline" means a device for catching fish that consists	362
of a line having suspended from it, at frequent intervals,	363
vertical lines with hooks attached.	364
(O) "Fish" means a cold-blooded vertebrate having fins.	365
(P) "Measurement of fish" means length from the end of the	366
nose to the longest tip or end of the tail.	367
(Q) "Wild birds" includes game birds and nongame birds.	368
(R) "Game" includes game birds, game quadrupeds, and	369
fur-bearing animals.	370
(S) "Game birds" includes mourning doves, ringneck pheasants,	371
bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	372
grouse, wild turkey, Hungarian partridge, Chukar partridge,	373
woodcocks, black-breasted plover, golden plover, Wilson's snipe or	374
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules,	375

duck, geese, brant, and crows.	376
(T) "Nongame birds" includes all other wild birds not	377
included and defined as game birds or migratory game birds.	378
(U) "Wild quadrupeds" includes game quadrupeds and	379
fur-bearing animals.	380
(V) "Game quadrupeds" includes cottontail rabbits, gray	381
squirrels, black squirrels, fox squirrels, red squirrels, flying	382
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer,	383
wild boar, and black bears.	384
(W) "Fur-bearing animals" includes minks, weasels, raccoons,	385
skunks, opossums, muskrats, fox, beavers, badgers, otters,	386
coyotes, and bobcats.	387
(X) "Wild animals" includes mollusks, crustaceans, aquatic	388
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds,	389
and all other wild mammals, but does not include domestic deer.	390
(Y) "Hunting" means pursuing, shooting, killing, following	391
after or on the trail of, lying in wait for, shooting at, or	392
wounding wild birds or wild quadrupeds while employing any device	393
commonly used to kill or wound wild birds or wild quadrupeds	394
whether or not the acts result in killing or wounding. "Hunting"	395
includes every attempt to kill or wound and every act of	396
assistance to any other person in killing or wounding or	397
attempting to kill or wound wild birds or wild quadrupeds.	398
(Z) "Trapping" means securing or attempting to secure	399
possession of a wild bird or wild quadruped by means of setting,	400
placing, drawing, or using any device that is designed to close	401
upon, hold fast, confine, or otherwise capture a wild bird or wild	402
quadruped whether or not the means results in capture. "Trapping"	403
includes every act of assistance to any other person in capturing	404
wild birds or wild quadrupeds by means of the device whether or	405
not the means results in capture.	406

(AA) "Muskrat spear" means any device used in spearing muskrats.	407 408
(BB) "Channels and passages" means those narrow bodies of water lying between islands or between an island and the mainland in Lake Erie.	409 410 411
(CC) "Island" means a rock or land elevation above the waters of Lake Erie having an area of five or more acres above water.	412 413
(DD) "Reef" means an elevation of rock, either broken or in place, or gravel shown by the latest United States chart to be above the common level of the surrounding bottom of the lake, other than the rock bottom, or in place forming the base or foundation rock of an island or mainland and sloping from the shore of it. "Reef" also means all elevations shown by that chart to be above the common level of the sloping base or foundation rock of an island or mainland, whether running from the shore of an island or parallel with the contour of the shore of an island or in any other way and whether formed by rock, broken or in place, or from gravel.	414 415 416 417 418 419 420 421 422 423 424
(EE) "Fur farm" means any area used exclusively for raising fur-bearing animals or in addition thereto used for hunting game, the boundaries of which are plainly marked as such.	425 426 427
(FF) "Waters" includes any lake, pond, reservoir, stream, channel, lagoon, or other body of water, or any part thereof, whether natural or artificial.	428 429 430
(GG) "Crib" or "car" refers to that particular compartment of the net from which the fish are taken when the net is lifted.	431 432
(HH) "Commercial fish" means those species of fish permitted to be taken, possessed, bought, or sold unless otherwise restricted by the Revised Code or division rule and are alewife (<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin (<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp (<i>Cyprinus carpio</i>),	433 434 435 436 437

As Reported by the Senate Agriculture, Environment and Natural Resources Committee

smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon tergisus*), quillback (*Carpionodes cyprinus*), smelt (*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo and quillback (*Carpionodes* sp., *Catostomus* sp., *Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone chrysops*), white perch (*Roccus americanus*), and yellow perch (*Perca flavescens*). When the common name of a fish is used in this chapter or Chapter 1533. of the Revised Code, it refers to the fish designated by the scientific name in this definition.

(II) "Fishing" means taking or attempting to take fish by any method, and all other acts such as placing, setting, drawing, or using any device commonly used to take fish whether resulting in a taking or not.

(JJ) "Fillet" means the pieces of flesh taken or cut from both sides of a fish, joined to form one piece of flesh.

(KK) "Part fillet" means a piece of flesh taken or cut from one side of a fish.

(LL) "Round" when used in describing fish means with head and tail intact.

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across 469
the entire width of the back, at the top and bottom of the cars in 470
all trap, crib, and fyke nets for the purpose of keeping the 471
meshes hanging squarely while the nets are fishing. 472

(OO) "Fishing guide" means any person who, for consideration 473
or hire, operates a boat, rents, leases, or otherwise furnishes 474
angling devices, ice fishing shanties or shelters of any kind, or 475
other fishing equipment, and accompanies, guides, directs, or 476
assists any other person in order for the other person to engage 477
in fishing. 478

(PP) "Net" means fishing devices with meshes composed of 479
twine or synthetic material and includes, but is not limited to, 480
trap nets, fyke nets, crib nets, carp aprons, dip nets, and 481
seines, except minnow seines and minnow dip nets. 482

(QQ) "Commercial fishing gear" means seines, trap nets, fyke 483
nets, dip nets, carp aprons, trotlines, other similar gear, and 484
any boat used in conjunction with that gear, but does not include 485
gill nets. 486

(RR) "Native wildlife" means any species of the animal 487
kingdom indigenous to this state. 488

(SS) "Gill net" means a single section of fabric or netting 489
seamed to a float line at the top and a lead line at the bottom, 490
which is designed to entangle fish in the net openings as they 491
swim into it. 492

(TT) "Tag fishing tournament" means a contest in which a 493
participant pays a fee, or gives other valuable consideration, for 494
a chance to win a prize by virtue of catching a tagged or 495
otherwise specifically marked fish within a limited period of 496
time. 497

(UU) "Tenant" means an individual who resides on land for 498
which the individual pays rent and whose annual income is 499

primarily derived from agricultural production conducted on that 500
land, as "agricultural production" is defined in section 929.01 of 501
the Revised Code. 502

(VV) "Nonnative wildlife" means any wild animal not 503
indigenous to this state, but does not include domestic deer. 504

(WW) "Reptiles" includes common musk turtle (*sternotherus* 505
odoratus), common snapping turtle (*Chelydra serpentina* 506
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 507
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 508
blandingii), common map turtle (*Graptemys geographica*), ouachita 509
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 510
painted turtle (*Chrysemys picta marginata*), red-eared slider 511
(*Trachemys scripta elegans*), eastern spiny softshell turtle 512
(*Apalone spinifera spinifera*), midland smooth softshell turtle 513
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 514
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 515
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 516
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 517
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 518
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 519
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 520
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 521
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 522
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 523
northern redbelly snake (*Storeria occipitomaculata* 524
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 525
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 526
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 527
(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis* 528
sauritus sauritus), northern ribbon snake (*Thamnophis sauritus* 529
septrionalis), eastern hognose snake (*Heterodon platirhinos*), 530
eastern smooth earth snake (*Virginia valeriae valeriae*), northern 531

ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake 532
(*Carphophis amoenus helenae*), eastern worm snake (*Carphophis* 533
amoenus amoenus), black racer (*Coluber constrictor constrictor*), 534
blue racer (*Coluber constrictor foxii*), rough green snake 535
(*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis* 536
vernalis), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox 537
snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis* 538
getula nigra), eastern milk snake (*Lampropeltis triangulum* 539
triangulum), northern copperhead (*Agkistrodon contortrix mokasen*), 540
eastern massasauga (*Sistrurus catenatus catenatus*), and timber 541
rattlesnake (*Crotalus horridus horridus*). 542

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus* 543
alleganiensis alleganiensis), mudpuppy (*Necturus maculosus* 544
maculosus), red-spotted newt (*Notophthalmus viridescens* 545
viridescens), Jefferson salamander (*Ambystoma jeffersonianum*), 546
spotted salamander (*Ambystoma maculatum*), blue-spotted salamander 547
(*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), 548
streamside salamander (*Ambystoma barbouri*), marbled salamander 549
(*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum* 550
tigrinum), northern dusky salamander (*Desmognathus fuscus fuscus*), 551
mountain dusky salamander (*Desmognathus ochrophaeus*), redback 552
salamander (*Plethodon cinereus*), ravine salamander (*Plethodon* 553
richmondi), northern slimy salamander (*Plethodon glutinosus*), 554
Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander 555
(*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus* 556
porphyriticus duryi), northern spring salamander (*Gyrinophilus* 557
porphyriticus porphyriticus), mud salamander (*Pseudotriton* 558
montanus), northern red salamander (*Pseudotriton ruber ruber*), 559
green salamander (*Aneides aeneus*), northern two-lined salamander 560
(*Eurycea bislineata*), longtail salamander (*Eurycea longicauda* 561
longicauda), cave salamander (*Eurycea lucifuga*), southern 562
two-lined salamander (*Eurycea cirrigera*), Fowler's toad (*Bufo* 563
woodhousii fowleri), American toad (*Bufo americanus*), eastern 564

spadefoot (*Scaphiopus holbrookii*), Blanchard's cricket frog (*Acris* 565
crepitans blanchardi), northern spring peeper (*Pseudacris crucifer* 566
crucifer), gray treefrog (*Hyla versicolor*), Cope's gray treefrog 567
(*Hyla chrysoscelis*), western chorus frog (*Pseudacris triseriata* 568
triseriata), mountain chorus frog (*Pseudacris brachyphona*), 569
bullfrog (*Rana catesbeiana*), green frog (*Rana clamitans melanota*), 570
northern leopard frog (*Rana pipiens*), pickerel frog (*Rana* 571
palustris), southern leopard frog (*Rana utricularia*), and wood 572
frog (*Rana sylvatica*). 573

(YY) "Deer" means white-tailed deer (*Odocoileus* 574
virginianus). 575

(ZZ) "Domestic deer" means nonnative deer that have been 576
legally acquired or their offspring and that are held in private 577
ownership for primarily agricultural purposes. 578

(AAA) "Migratory game bird" includes waterfowl (*Anatidae*); 579
doves (*Columbidae*); cranes (*Gruidae*); cormorants 580
(*Phalacrocoracidae*); rails, coots, and gallinules (*Rallidae*); and 581
woodcock and snipe (*Scolopacidae*). 582

(BBB) "Accompany" means to go along with another person while 583
staying within a distance from the person that enables 584
uninterrupted, unaided visual and auditory communication. 585

(CCC) "Electric-powered all-purpose vehicle" means any 586
battery-powered self-propelled electric vehicle that is designed 587
primarily for cross-country travel on land, water, or land and 588
water and that is steered by wheels, caterpillar treads, or a 589
combination of wheels and caterpillar treads and includes vehicles 590
that operate on a cushion of air, vehicles commonly known as 591
all-terrain vehicles, all-season vehicles, mini-bikes, and trail 592
bikes. "Electric-powered all-purpose vehicle" does not include a 593
utility vehicle as defined in section 4501.01 of the Revised Code, 594
any vehicle that is principally used in playing golf, any motor 595

vehicle or aircraft that is required to be registered under 596
Chapter 4503. or 4561. of the Revised Code, or any vehicle that is 597
excluded from the definition of "motor vehicle" as provided in 598
division (B) of section 4501.01 of the Revised Code. 599

(DDD) "Wholly enclosed preserve" means an area of land that 600
is surrounded by a fence that is at least six feet in height, 601
unless otherwise specified in division rule, and is constructed of 602
a woven wire mesh, or another enclosure that the division of 603
wildlife may approve, where game birds, game quadrupeds, reptiles, 604
amphibians, or fur-bearing animals are raised and may be sold 605
under the authority of a commercial propagating license or captive 606
white-tailed deer propagation license obtained under section 607
1533.71 of the Revised Code. 608

(EEE) "Commercial bird shooting preserve" means an area of 609
land where game birds are released and hunted by shooting as 610
authorized by a commercial bird shooting preserve license obtained 611
under section 1533.72 of the Revised Code. 612

(FFF) "Wild animal hunting preserve" means an area of land 613
where game, captive white-tailed deer, and nonnative wildlife, 614
other than game birds, are released and hunted as authorized by a 615
wild animal hunting preserve license obtained under section 616
1533.721 of the Revised Code. 617

(GGG) "Captive white-tailed deer" means legally acquired deer 618
that are held in private ownership at a facility licensed under 619
section 943.03 or 943.031 of the Revised Code and under section 620
1533.71 or 1533.721 of the Revised Code. 621

Sec. 1533.01. As used in this chapter, "person," "resident," 622
"nonresident," "division rule," "rule," "closed season," "open 623
season," "take or taking," "possession," "bag limit," "transport 624
and transportation," "sell and sale," "whole to include part," 625
"angling," "trotline," "fish," "measurement of fish," "wild 626

birds," "game," "game birds," "nongame birds," "wild quadrupeds," 627
"game quadrupeds," "fur-bearing animals," "wild animals," 628
"hunting," "trapping," "muskrat spear," "channels and passages," 629
"island," "reef," "fur farm," "waters," "crib," "car," "commercial 630
fish," "fishing," "fillet," "part fillet," "round," "migrate," 631
"spreader bar," "fishing guide," "net," "commercial fishing gear," 632
"native wildlife," "gill net," "tag fishing tournament," "tenant," 633
"nonnative wildlife," "reptiles," "amphibians," "deer," "domestic 634
deer," "migratory game bird," "accompany," ~~and~~ "electric-powered 635
all-purpose vehicle," "wholly enclosed preserve," "commercial bird 636
shooting preserve," "wild animal hunting preserve," and "captive 637
white-tailed deer" have the same meanings as in section 1531.01 of 638
the Revised Code. 639

Sec. 1533.71. (A) Unless otherwise provided in this section 640
or by division rule, any person desiring to engage in the business 641
of raising and selling game birds, game quadrupeds, reptiles, 642
amphibians, or fur-bearing animals in a wholly enclosed preserve 643
of which the person is the owner or lessee, or to have game birds, 644
game quadrupeds, reptiles, amphibians, or fur-bearing animals in 645
captivity, shall ~~apply in writing~~ submit an application to the 646
division of wildlife for a license to do so. This section does not 647
apply to a person who possesses wild animals under the authority 648
of a license for a wild animal hunting preserve or a commercial 649
bird shooting preserve. 650

The division, when it appears that the application is made in 651
good faith and the applicant is in compliance with division (B) of 652
this section, if applicable, and upon the payment of the fee for 653
each license, may issue to the applicant any of the following 654
licenses that may be applied for: 655

~~(A)(1)~~ "Commercial propagating license" permitting the 656
licensee to propagate game birds, game quadrupeds except captive 657

white-tailed deer, reptiles, amphibians, or fur-bearing animals in 658
the wholly enclosed preserve the location of which is stated in 659
the license and the application therefor, and to sell the 660
propagated game birds, game quadrupeds except captive white-tailed 661
deer, reptiles, amphibians, or fur-bearing animals and ship them 662
from the state alive at any time, and permitting the licensee and 663
the licensee's employees to kill the propagated game birds, game 664
quadrupeds except captive white-tailed deer, or fur-bearing 665
animals and sell the carcasses for food subject to sections 666
~~1533.70~~ 1533.71 to ~~1533.80~~ 1533.79 of the Revised Code. The fee 667
for such a license is forty dollars per annum. 668

~~(B)~~(2) "Noncommercial propagating license" permitting the 669
licensee to propagate game birds, game quadrupeds except captive 670
white-tailed deer, reptiles, amphibians, or fur-bearing animals 671
and to hold the animals in captivity. Game birds, game quadrupeds 672
except captive white-tailed deer, reptiles, amphibians, and 673
fur-bearing animals propagated or held in captivity by authority 674
of a noncommercial propagating license are for the licensee's own 675
use and shall not be sold. The fee for such a license is 676
twenty-five dollars per annum. 677

~~(C) A free "raise to release license" permitting duly~~ 678
~~organized clubs, associations, or individuals approved by the~~ 679
~~division to engage in the raising of game birds, game quadrupeds,~~ 680
~~or fur-bearing animals for release only and not for sale or~~ 681
~~personal use.~~ 682

(3) "Captive white-tailed deer propagation license" 683
permitting the licensee to propagate captive white-tailed deer, 684
hold the animals in captivity, and sell the animals and carcasses. 685
The fee for such a license is forty dollars. The license is valid 686
until a licensee ceases to hold captive white-tailed deer or the 687
license is revoked, whichever occurs earlier. 688

(B)(1) A person who wishes to obtain a captive white-tailed 689

deer propagation license, prior to applying for the license, shall 690
construct an authorized enclosure that is surrounded by a fence 691
that is eight feet in height with a minimal deviation not to 692
exceed four per cent, is constructed in a manner that prevents 693
ingress and egress of deer, and is constructed of materials that 694
are approved by the chief of the division of wildlife in 695
consultation with the animal and plant health inspection service 696
in the United States department of agriculture, the department of 697
agriculture, and representatives of the cervid industry in this 698
state. 699

(2) After constructing an authorized enclosure in accordance 700
with division (B)(1) of this section and division rules, the 701
person may submit an application for a captive white-tailed deer 702
propagation license. 703

(3) Not later than thirty days after the submission of the 704
application, a representative from the division shall inspect the 705
authorized enclosure to ensure compliance with division (B)(1) of 706
this section and division rules. If the applicant's authorized 707
enclosure is not in compliance with all of the applicable 708
requirements, the representative shall inform the applicant in 709
writing of the deficiencies not later than ten business days after 710
the inspection. If the applicant corrects the deficiencies, the 711
applicant shall request a reinspection. The reinspection shall be 712
conducted in accordance with this division not later than thirty 713
days after the request for reinspection. 714

If the applicant's authorized enclosure complies with all of 715
the applicable requirements, the chief shall review the 716
application and shall issue or deny the license. If the chief 717
denies the license, the chief shall return the application to the 718
applicant with an explanation of the reasons for denial. The 719
applicant may correct the deficiencies in the application and 720
submit a revised application. If the applicant corrects the 721

deficiencies, the chief shall issue the license as provided in 722
this section. 723

(4) Upon receipt of a captive white-tailed deer propagation 724
license, receipt of a license under section 943.03 or 943.031 of 725
the Revised Code, and a demonstration to the chief or the chief's 726
designee that each captive white-tailed deer held by the licensee 727
was legally acquired, the licensee may place all of the licensee's 728
deer in the authorized enclosure. The licensee thereafter shall 729
comply with this chapter and Chapter 1531. of the Revised Code, 730
division rules, sections 943.20 to 943.26 of the Revised Code, and 731
rules adopted under section 943.24 of the Revised Code. 732

(C) The division may inspect a facility to which a captive 733
white-tailed deer propagation license has been issued only at 734
reasonable times and when the inspection is in connection with a 735
criminal investigation. 736

(D) The chief, with the approval of the director of 737
agriculture, may suspend or revoke a captive white-tailed deer 738
propagation license issued to a person who also has been issued a 739
valid license under section 943.03 or 943.031 of the Revised Code 740
for the same facility if the person fails to comply with this 741
chapter and Chapter 1531. of the Revised Code, division rules, 742
sections 943.20 to 943.26 of the Revised Code, and rules adopted 743
under section 943.24 of the Revised Code. 744

(E) Except as provided by law, no person shall possess game 745
birds, game quadrupeds, or fur-bearing animals in closed season, 746
provided that municipal or governmental zoological parks are not 747
required to obtain the licenses provided for in this section. 748

~~All~~ (F) Except for a captive white-tailed deer propagation 749
license, all licenses issued under this section shall expire on 750
the fifteenth day of March of each year. 751

(G) The chief of the division of wildlife shall pay all 752

moneys received as fees for the issuance of licenses under this 753
section into the state treasury to the credit of the fund created 754
by section 1533.15 of the Revised Code for the use of the division 755
in the purchase, preservation, and protection of wild animals and 756
for the necessary clerical help and forms required by sections 757
~~1533.70~~ 1533.71 to ~~1533.80~~ 1533.79 of the Revised Code. 758

(H) This section does not authorize the taking or the release 759
for taking of the following: 760

(1) Game birds, without first obtaining a commercial bird 761
shooting preserve license issued under section 1533.72 of the 762
Revised Code; 763

(2) Game or nonnative wildlife, without first obtaining a 764
wild animal hunting preserve license issued under section 1533.721 765
of the Revised Code. 766

Sec. 1533.721. (A) Except as otherwise provided by division 767
rule, no person shall offer for hunting or hunt any nonnative 768
wildlife except in a licensed wild animal hunting preserve. No 769
person shall operate a wild animal hunting preserve without first 770
obtaining a wild animal hunting preserve license issued by the 771
chief of the ~~division~~ division of wildlife under this section. 772

(B) Application for a wild animal hunting preserve license 773
shall be made on a form prescribed by the chief and shall be 774
accompanied by ~~an annual license~~ a license application fee of 775
~~three hundred~~ one thousand dollars. The application shall contain 776
a list of which species of game and nonnative wildlife are to be 777
released for hunting in the preserve, ~~a description of the lands~~ 778
~~that are to constitute the preserve, a description of the tag and~~ 779
~~symbol identifying the preserve required under division (C) of~~ 780
~~section 1533.731 of the Revised Code,~~ and any other information 781
required by the chief. 782

(C) The chief, upon payment of the license application fee, 783
~~may~~ shall issue to the applicant a wild animal hunting preserve 784
license if all of the following conditions are met: 785

(1) The operation of the wild animal hunting preserve does 786
not conflict with a prior reasonable public interest~~;~~. 787

(2) The proposed wild animal hunting preserve meets the 788
requirements established in division (A) of section 1533.731 of 789
the Revised Code~~;~~. 790

(3) The applicant is the owner or lessee of the land 791
described in the application and maintains ~~his~~ that status as the 792
owner or lessee of the land until the license expires. 793

(4) The proposed wild animal hunting preserve has been 794
inspected by a representative of the division of wildlife to 795
ensure that all wild deer have been removed from the proposed wild 796
animal hunting preserve before any game or nonnative wildlife are 797
released into the preserve. 798

(D) Prior to an inspection of a proposed wild animal hunting 799
preserve for purposes of division (C)(4) of this section, an 800
applicant for a wild animal hunting preserve license shall remove 801
all wild deer from the proposed preserve using a method that is 802
approved by the chief. All wild deer that cannot be removed from 803
the proposed wild animal hunting preserve shall be killed, and the 804
applicant shall submit a restitution fee in accordance with 805
section 1531.201 of the Revised Code. 806

(E) Inspection of a proposed wild animal hunting preserve 807
shall be conducted and approval or disapproval of an initial 808
license for such a preserve shall be made between the first day of 809
January through the last day of March of the year in which the 810
applicant first intends to operate the preserve. 811

(F) Upon receipt of the initial license for a wild animal 812
hunting preserve, receipt of a license under section 943.03 or 813

943.031 of the Revised Code, and a demonstration to the chief or 814
the chief's designee that each captive white-tailed deer held by 815
the licensee was legally acquired, the licensee may place all of 816
the licensee's deer in the wild animal hunting preserve. A wild 817
animal hunting preserve licensee holding captive white-tailed deer 818
in the preserve shall comply with this chapter and Chapter 1531. 819
of the Revised Code, division rules, sections 943.20 to 943.26 of 820
the Revised Code, and rules adopted under section 943.24 of the 821
Revised Code. 822

All (G)(1) Except as otherwise provided in division (G)(2) of 823
this section, all licenses issued under this section shall expire 824
on the thirtieth day of April of each year. Any license holder 825
wishing to own or operate a wild animal hunting preserve in the 826
year following the expiration of ~~his~~ the license shall ~~apply for a~~ 827
~~new license under division (B) of this section~~ submit a license 828
renewal form prescribed by the chief and include an annual renewal 829
fee of two hundred dollars. 830

(2) A license issued under this section for a wild animal 831
hunting preserve in which only captive white-tailed deer are kept 832
does not expire unless the license is revoked by the chief under 833
division (H)(2) of this section. 834

~~(E) In~~ (H)(1) Except as otherwise provided in division (H)(2) 835
of this section, and in accordance with Chapter 119. of the 836
Revised Code, the chief may suspend or revoke a wild animal 837
hunting preserve license if ~~he~~ the chief finds that the license 838
holder has violated or is violating this chapter or Chapter 1531. 839
of the Revised Code or any division rule. 840

(2) The chief, with the approval of the director of 841
agriculture, may suspend or revoke a wild animal hunting preserve 842
license issued to a person who also has been issued a valid 843
license for that preserve under section 943.03 or 943.031 of the 844
Revised Code if the person fails to comply with this chapter and 845

Chapter 1531. of the Revised Code, division rules, sections 943.20 846
to 943.26 of the Revised Code, and rules adopted under section 847
943.24 of the Revised Code. 848

~~(F)~~(I) This section does not authorize the hunting of game 849
birds in a licensed wild animal hunting preserve unless the 850
licensee also possesses a valid commercial bird shooting preserve 851
license issued under section 1533.72 of the Revised Code for the 852
same land for which the wild animal hunting preserve license was 853
issued. 854

Sec. 1533.731. (A) No wild animal hunting preserve shall be 855
less than eighty acres in area. Each such preserve shall be in one 856
continuous block of land, except that the block of land may be 857
intersected by highways or roads. No wild animal hunting preserve 858
shall be located within one thousand five hundred feet of another 859
such preserve ~~or of a commercial bird shooting preserve licensed~~ 860
~~under section 1533.72 of the Revised Code.~~ 861

The boundaries of each wild animal hunting preserve shall be 862
clearly defined by posting, at intervals of not more than four 863
hundred feet, with signs prescribed by the division of wildlife. 864
Each wild animal hunting preserve shall be surrounded by a fence 865
at least ~~six~~ eight feet in height, with a minimal deviation not to 866
exceed four per cent, that is constructed of a woven wire mesh, or 867
such other enclosure approved by the chief of the division of 868
wildlife. 869

(B)(1) Except as provided in divisions (B)(2) and (3) of this 870
section, game and nonnative wildlife that have been approved by 871
the chief for such use, and that have been legally acquired or 872
propagated under the authority of a propagating license issued 873
under section 1533.71 of the Revised Code, ~~and that are marked and~~ 874
~~tagged as provided in division (C) of this section or propagated~~ 875
within the confines of a licensed wild animal hunting preserve may 876

be released and hunted within the confines of the licensed wild
animal hunting preserve between one-half hour before sunrise and
one-half hour after sunset, without regard to sex, bag limit, or
open season, by ~~licensed~~ hunters authorized by the holder of the
wild animal hunting preserve license to hunt on those lands. The
chief shall establish, by rule, the allowable methods of taking
game and nonnative wildlife in a wild animal hunting preserve.

(2) No game or nonnative wildlife on the federal endangered
species list established in accordance with the "Endangered
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended,
or the state endangered species list established in rules adopted
under section 1531.25 of the Revised Code, no bears native to
North America, and no large carnivores of the family Felidae shall
be released for hunting or hunted in any wild animal hunting
preserve in this state.

(3) No person shall release for hunting or hunt within a wild
animal hunting preserve any game or nonnative wildlife not listed
in the application for a license for that preserve.

(C) All Unless otherwise specified by division rule, all game
and nonnative wildlife released on a wild animal hunting preserve
shall be identified with a tag that shall bear upon it a symbol
identifying the preserve.

(D) No person shall remove living game or nonnative wildlife
from a wild animal hunting preserve unless the game or nonnative
wildlife are being transferred to another wild animal hunting
preserve in accordance with rules adopted by the director of
agriculture under section 943.24 of the Revised Code.

(E) The holder of a wild animal hunting preserve license
shall keep a record of all animals that have been released into
the preserve. The record shall include all of the following:

(1) The date on which each animal was released into the

<u>preserve;</u>	908
<u>(2) The number of each species of animals;</u>	909
<u>(3) The number of males and females of each species of</u> <u>animals;</u>	910 911
<u>(4) The name and address of each person from whom each animal</u> <u>was obtained.</u>	912 913
<u>The licensee shall record in a manner specified by the</u> <u>division the name and address of each person that takes any game</u> <u>or nonnative wildlife from the preserve. The licensee shall</u> <u>maintain those records for a period of two years and make them</u> <u>available for inspection by the division at all reasonable times</u> <u>in conjunction with an active criminal investigation.</u>	914 915 916 917 918 919
<u>(F) In addition to complying with the requirements</u> <u>established by division (E) of this section, the holder of a wild</u> <u>animal hunting preserve license who has captive white-tailed deer</u> <u>in the preserve shall keep a record of all known escapes of those</u> <u>deer, deaths of those deer that were not a result of hunting, and</u> <u>laboratory results for testing for chronic wasting disease of</u> <u>those deer that is required by section 943.21 of the Revised Code</u> <u>and rules adopted under section 943.24 of the Revised Code.</u>	920 921 922 923 924 925 926 927
<u>(G) For the purposes of division (B) of section 1533.02 of</u> <u>the Revised Code, the owner or operator of a wild animal hunting</u> <u>preserve shall furnish each person who takes any game or nonnative</u> <u>wildlife from the preserve a certificate bearing a description of</u> <u>the animal, the date the animal was taken, and the name of the</u> <u>preserve.</u>	928 929 930 931 932 933
<u>(E)(H) The holder of a wild animal hunting preserve license</u> <u>prominently shall display the license at the place of business</u> <u>that is specified in the license.</u>	934 935 936
<u>(I) The chief shall adopt rules under section 1531.10 of the</u>	937

Revised Code that provide for the safety of the public and for the 938
protection of the game and nonnative wildlife to be hunted in a 939
wild animal hunting preserve prior to their release in the 940
preserve. 941

~~(F)(J)~~ No holder of a wild animal hunting preserve license 942
shall violate this chapter or Chapter 1531. ~~or this chapter~~ of the 943
Revised Code or any division rule. 944

~~(G)(K)~~ This section does not authorize the hunting of game 945
birds in a licensed wild animal hunting preserve unless the 946
licensee also possesses a valid commercial bird shooting preserve 947
license issued under section 1533.72 of the Revised Code for the 948
same land for which the wild animal hunting preserve license was 949
issued. 950

Sec. 1533.74. No game birds, game quadrupeds, or fur-bearing 951
animals held under the authority of a license issued under section 952
1533.71, 1533.72, or 1533.721 of the Revised Code shall be sold 953
for food unless the carcass of each game bird, game quadruped, or 954
fur-bearing animal is tagged with a suitable tag or seal ~~supplied~~ 955
approved by the division of wildlife. Game birds, game quadrupeds, 956
and fur-bearing animals so killed and tagged may be possessed, 957
bought, or sold at any time. Common carriers shall receive and 958
transport game birds, game quadrupeds, and fur-bearing animals so 959
tagged, but to every package containing them shall be affixed a 960
tag or label upon which shall be plainly printed or written the 961
name of the person to whom the license was issued, the name of the 962
person to whom they are to be transported, the number of game 963
birds, game quadrupeds, or fur-bearing animals contained in the 964
package, and a statement to the effect that they were killed and 965
tagged in accordance with sections ~~1533.70~~ 1533.71 to ~~1533.80~~ 966
1533.79 of the Revised Code. 967

The chief of the division of wildlife may adopt rules under 968

section 1531.10 of the Revised Code necessary to administer this 969
section. 970

This section and rules adopted pursuant to it do not apply to 971
meat that has been inspected by the department of agriculture 972
under Chapter 918. of the Revised Code and rules adopted under it 973
and that has been marked with an official inspection mark, stamp, 974
or brand pursuant to that inspection. 975

Sec. 1533.76. No licensee shall ship any live pheasants 976
propagated in accordance with sections ~~1533.70~~ 1533.71 to ~~1533.80,~~ 977
~~inclusive,~~ 1533.79 of the Revised Code, from this state, until ~~he~~ 978
the licensee has first offered them to the division of wildlife at 979
a reasonable price, which price shall not exceed the price at 980
which ~~he~~ the licensee offers them for sale at any place outside 981
the state. 982

Sec. 1533.77. (A) Each holder of a noncommercial or 983
commercial propagating license issued under section 1533.71 of the 984
Revised Code shall keep ~~such~~ the license prominently displayed at 985
the place of business specified in ~~his~~ the license, and shall keep 986
accurate written records ~~which~~ that shall include the total number 987
of game birds, game quadrupeds, or fur-bearing animals possessed 988
on the date of application for the license, the number 989
subsequently propagated or acquired by purchase or gift, the 990
number that escaped, the number that were released, the number 991
that died, and the name and address of each person or corporation 992
from whom or to whom game birds, game quadrupeds or fur-bearing 993
animals were received as a gift or given as a gift or purchased or 994
sold alive or sold for food, and the date of each transaction. 995
These records shall be kept permanently on the premises stated in 996
the license, and shall be open for inspection by any authorized 997
representative of the division of wildlife at all reasonable 998
times. 999

(B) Each holder of a captive white-tailed deer propagation 1000
license issued under section 1533.71 of the Revised Code shall 1001
maintain all records that are required in rules adopted under 1002
section 943.24 of the Revised Code. The records shall be kept 1003
permanently on the premises stated in the license and shall be 1004
open for inspection by any authorized representative of the 1005
department of agriculture at all reasonable times and of the 1006
division of wildlife at all reasonable times in conjunction with 1007
an active criminal investigation. 1008

(C) The holder of a captive white-tailed deer propagation 1009
license shall not knowingly falsify any record or tag that is 1010
required in rules adopted under section 943.24 of the Revised Code 1011
or in rules adopted under section 1531.10 of the Revised Code. 1012

Sec. 1533.79. (A) The chief of the division of wildlife may 1013
adopt, amend, and rescind such rules as he the chief considers 1014
necessary to control or eradicate parasites and diseases of 1015
domesticated or semi-wild game birds, game quadrupeds other than 1016
captive white-tailed deer, fur-bearing animals, or nonnative 1017
wildlife on the lands subject to sections ~~1533.70~~ 1533.71 to 1018
~~1533.80~~ 1533.79 of the Revised Code. 1019

(B) This chapter and Chapter 1531. of the Revised Code and 1020
division rules do not supersede the authority of the director of 1021
agriculture under Chapter 941. of the Revised Code to prevent the 1022
spread of dangerously contagious or infectious diseases and to 1023
provide for the control and eradication of such diseases. 1024

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 1025
Revised Code is guilty of a misdemeanor of the third degree on a 1026
first offense and a misdemeanor of the second degree on each 1027
subsequent offense. In addition to any other sanction imposed 1028
under this division, on a second or subsequent offense occurring 1029

within a period of three consecutive years after the date of 1030
conviction of the immediately preceding violation of that section 1031
any firearms or other hunting implements in the possession or 1032
under the control of the offender at the time of the violation are 1033
subject to seizure in accordance with section 1531.20 of the 1034
Revised Code. If the offender persists in the offense after 1035
reasonable warning or request to desist, the offender is guilty of 1036
a misdemeanor of the second degree. 1037

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 1038
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 1039
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 1040
1533.73, 1533.74, ~~1533.75~~, 1533.76, 1533.77, or 1533.79, ~~or~~ 1041
~~1533.80~~, division ~~(F)~~(J) of section 1533.731, or division (B) or 1042
(C) of section 1533.97 of the Revised Code is guilty of a 1043
misdemeanor of the third degree. 1044

(C) Whoever violates division (B) of section 1533.03, section 1045
1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 1533.42, 1046
1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721, 1533.881, 1047
or 1533.882, division (B)(2) or (3) of section 1533.731, or 1048
division (A) of section 1533.97 of the Revised Code is guilty of a 1049
misdemeanor of the first degree. 1050

(D) Whoever violates division (D) of section 1533.97 of the 1051
Revised Code is guilty of a misdemeanor of the fourth degree. The 1052
court shall require any person who is convicted of or pleads 1053
guilty to the offense to refund to all participants in the fishing 1054
tournament operated by the person any entry fees paid by the 1055
participants. 1056

(E) Whoever violates division (C) or (D) of section 1533.632 1057
of the Revised Code is guilty of a felony of the fifth degree. 1058

(F) Whoever violates any section of this chapter for which no 1059
penalty is otherwise provided is guilty of a misdemeanor of the 1060

fourth degree. 1061

(G) A court that imposes sentence for a violation of any 1062
section of this chapter governing the holding, taking, or 1063
possession of wild animals may require the person who is convicted 1064
of or pleads guilty to the offense, in addition to any fine, term 1065
of imprisonment, seizure, and forfeiture imposed, to make 1066
restitution for the minimum value of the wild animal or animals 1067
illegally held, taken, or possessed as established under section 1068
1531.201 of the Revised Code. An officer who collects moneys paid 1069
as restitution under this section shall pay those moneys to the 1070
treasurer of state who shall deposit them in the state treasury to 1071
the credit of the wildlife fund established under section 1531.17 1072
of the Revised Code. 1073

Section 2. That existing sections 901.511, 918.12, 943.01, 1074
1531.01, 1533.01, 1533.71, 1533.721, 1533.731, 1533.74, 1533.76, 1075
1533.77, 1533.79, and 1533.99 and sections 1533.70, 1533.75, and 1076
1533.80 of the Revised Code are hereby repealed. 1077

Section 3. (A) As used in this section, "monitored captive 1078
deer," "captive deer with status," "captive deer with certified 1079
chronic wasting disease status," and "captive whitetail deer 1080
licensee" have the same meanings as in section 943.01 of the 1081
Revised Code. 1082

(B)(1) Notwithstanding rules adopted under section 943.24 of 1083
the Revised Code, as enacted by this act, a captive whitetail deer 1084
licensee that has tested each captive deer with status and captive 1085
deer with certified chronic wasting disease status in the 1086
licensee's herd for brucellosis and tuberculosis during the twelve 1087
months preceding the effective date of this act, but not prior to 1088
those twelve months, according to records maintained by the 1089
Department of Agriculture, shall test each such deer for 1090
brucellosis and tuberculosis one time during the twelve months 1091

immediately following the effective date of this act. Thereafter, 1092
a licensee shall have each captive deer with status and captive 1093
deer with certified chronic wasting disease status in the 1094
licensee's herd tested for brucellosis and tuberculosis in 1095
accordance with rules adopted under section 943.24 of the Revised 1096
Code, as enacted by this act. 1097

(2) Notwithstanding rules adopted under section 943.24 of the 1098
Revised Code, as enacted by this act, a captive whitetail deer 1099
licensee that has tested each captive deer with status and captive 1100
deer with certified chronic wasting disease status in the 1101
licensee's herd annually for brucellosis and tuberculosis for two 1102
or more years prior to the effective date of this act, according 1103
to records maintained by the Department of Agriculture, thereafter 1104
shall test such deer for brucellosis and tuberculosis in 1105
accordance with rules adopted under section 943.24 of the Revised 1106
Code, as enacted by this act. 1107

(C) The rules adopted under section 943.24 of the Revised 1108
Code, as enacted by this act, shall allow captive deer with status 1109
that have been certified or that are in the process of being 1110
certified pursuant to 9 C.F.R. parts 55 and 81 prior to the 1111
effective date of this act to retain that certification or to 1112
continue the process of certification, provided that the captive 1113
whitetail deer licensee who owns the deer continues to comply with 1114
9 C.F.R. parts 55 and 81 and sections 943.20 to 943.26 of the 1115
Revised Code, as enacted by this act, and rules adopted under 1116
section 943.24 of the Revised Code, as enacted by this act. 1117