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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, Bubp, Carney, Clyde,  
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Senators Hite, Schaffer, Balderson, Beagle, Burke, Cafaro, Coley, Faber,  
Gentile, LaRose, Niehaus, Patton, Seitz, Wagoner**

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### 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:**

<b>Section 1.</b> 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

<del>Revised Code</del> <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, <del>and</del> 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
<del>or</del> 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 407  
muskrats. 408

(BB) "Channels and passages" means those narrow bodies of 409  
water lying between islands or between an island and the mainland 410  
in Lake Erie. 411

(CC) "Island" means a rock or land elevation above the waters 412  
of Lake Erie having an area of five or more acres above water. 413

(DD) "Reef" means an elevation of rock, either broken or in 414  
place, or gravel shown by the latest United States chart to be 415  
above the common level of the surrounding bottom of the lake, 416  
other than the rock bottom, or in place forming the base or 417  
foundation rock of an island or mainland and sloping from the 418  
shore of it. "Reef" also means all elevations shown by that chart 419  
to be above the common level of the sloping base or foundation 420  
rock of an island or mainland, whether running from the shore of 421  
an island or parallel with the contour of the shore of an island 422  
or in any other way and whether formed by rock, broken or in 423  
place, or from gravel. 424

(EE) "Fur farm" means any area used exclusively for raising 425  
fur-bearing animals or in addition thereto used for hunting game, 426  
the boundaries of which are plainly marked as such. 427

(FF) "Waters" includes any lake, pond, reservoir, stream, 428  
channel, lagoon, or other body of water, or any part thereof, 429  
whether natural or artificial. 430

(GG) "Crib" or "car" refers to that particular compartment of 431  
the net from which the fish are taken when the net is lifted. 432

(HH) "Commercial fish" means those species of fish permitted 433  
to be taken, possessed, bought, or sold unless otherwise 434  
restricted by the Revised Code or division rule and are alewife 435  
(*Alosa pseudoharengus*), American eel (*Anguilla rostrata*), bowfin 436  
(*Amia calva*), burbot (*Lota lota*), carp (*Cyprinus carpio*), 437

smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus* 438  
*cyprinellus*), black bullhead (*Ictalurus melas*), yellow bullhead 439  
(*Ictalurus natalis*), brown bullhead (*Ictalurus nebulosus*), channel 440  
catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis* 441  
*olivaris*), whitefish (*Coregonus* sp.), cisco (*Coregonus* sp.), 442  
freshwater drum or sheepshead (*Aplodinotus grunniens*), gar 443  
(*Lepisosteus* sp.), gizzard shad (*Dorosoma cepedianum*), goldfish 444  
(*Carassius auratus*), lake trout (*Salvelinus namaycush*), mooneye 445  
(*Hiodon tergisus*), quillback (*Carpiodes cyprinus*), smelt 446  
(*Allosmerus elongatus*, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* 447  
sp.), sturgeon (*Acipenser* sp., *Scaphirhynchus* sp.), sucker other 448  
than buffalo and quillback (*Carpiodes* sp., *Catostomus* sp., 449  
*Hypentelium* sp., *Minytrema* sp., *Moxostoma* sp.), white bass (*Morone* 450  
*chrysops*), white perch (*Roccus americanus*), and yellow perch 451  
(*Perca flavescens*). When the common name of a fish is used in this 452  
chapter or Chapter 1533. of the Revised Code, it refers to the 453  
fish designated by the scientific name in this definition. 454

(II) "Fishing" means taking or attempting to take fish by any 455  
method, and all other acts such as placing, setting, drawing, or 456  
using any device commonly used to take fish whether resulting in a 457  
taking or not. 458

(JJ) "Fillet" means the pieces of flesh taken or cut from 459  
both sides of a fish, joined to form one piece of flesh. 460

(KK) "Part fillet" means a piece of flesh taken or cut from 461  
one side of a fish. 462

(LL) "Round" when used in describing fish means with head and 463  
tail intact. 464

(MM) "Migrate" means the transit or movement of fish to or 465  
from one place to another as a result of natural forces or 466  
instinct and includes, but is not limited to, movement of fish 467  
induced or caused by changes in the water flow. 468



(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  
*septentrionalis*), 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 ~~divison~~ 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 877  
animal hunting preserve between one-half hour before sunrise and 878  
one-half hour after sunset, without regard to sex, bag limit, or 879  
open season, by ~~licensed~~ hunters authorized by the holder of the 880  
wild animal hunting preserve license to hunt on those lands. The 881  
chief shall establish, by rule, the allowable methods of taking 882  
game and nonnative wildlife in a wild animal hunting preserve. 883

(2) No game or nonnative wildlife on the federal endangered 884  
species list established in accordance with the "Endangered 885  
Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 1531, as amended, 886  
or the state endangered species list established in rules adopted 887  
under section 1531.25 of the Revised Code, no bears native to 888  
North America, and no large carnivores of the family Felidae shall 889  
be released for hunting or hunted in any wild animal hunting 890  
preserve in this state. 891

(3) No person shall release for hunting or hunt within a wild 892  
animal hunting preserve any game or nonnative wildlife not listed 893  
in the application for a license for that preserve. 894

(C) All Unless otherwise specified by division rule, all game 895  
and nonnative wildlife released on a wild animal hunting preserve 896  
shall be identified with a tag that shall bear upon it a symbol 897  
identifying the preserve. 898

(D) No person shall remove living game or nonnative wildlife 899  
from a wild animal hunting preserve unless the game or nonnative 900  
wildlife are being transferred to another wild animal hunting 901  
preserve in accordance with rules adopted by the director of 902  
agriculture under section 943.24 of the Revised Code. 903

(E) The holder of a wild animal hunting preserve license 904  
shall keep a record of all animals that have been released into 905  
the preserve. The record shall include all of the following: 906

(1) The date on which each animal was released into the 907

preserve; 908

(2) The number of each species of animals; 909

(3) The number of males and females of each species of 910  
animals; 911

(4) The name and address of each person from whom each animal 912  
was obtained. 913

The licensee shall record in a manner specified by the 914  
division the name and address of each person that takes any game 915  
or nonnative wildlife from the preserve. The licensee shall 916  
maintain those records for a period of two years and make them 917  
available for inspection by the division at all reasonable times 918  
in conjunction with an active criminal investigation. 919

(F) In addition to complying with the requirements 920  
established by division (E) of this section, the holder of a wild 921  
animal hunting preserve license who has captive white-tailed deer 922  
in the preserve shall keep a record of all known escapes of those 923  
deer, deaths of those deer that were not a result of hunting, and 924  
laboratory results for testing for chronic wasting disease of 925  
those deer that is required by section 943.21 of the Revised Code 926  
and rules adopted under section 943.24 of the Revised Code. 927

(G) For the purposes of division (B) of section 1533.02 of 928  
the Revised Code, the owner or operator of a wild animal hunting 929  
preserve shall furnish each person who takes any game or nonnative 930  
wildlife from the preserve a certificate bearing a description of 931  
the animal, the date the animal was taken, and the name of the 932  
preserve. 933

~~(E)~~(H) The holder of a wild animal hunting preserve license 934  
prominently shall display the license at the place of business 935  
that is specified in the license. 936

(I) The chief shall adopt rules under section 1531.10 of the 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 license issued under section 1533.71 of the Revised Code shall maintain all records that are required in rules adopted under section 943.24 of the Revised Code. The records shall be kept permanently on the premises stated in the license and shall be open for inspection by any authorized representative of the department of agriculture at all reasonable times and of the division of wildlife at all reasonable times in conjunction with an active criminal investigation.

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

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

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

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

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