

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

**129th General Assembly
Regular Session
2011-2012**

Sub. S. B. No. 310

Senator Balderson

Cosponsor: Senator Jones

—

A B I L L

To amend section 1533.71, to enact sections 935.01, 1
935.011, 935.02 to 935.10, 935.101, 935.11 to 2
935.26, and 935.99, and to repeal section 2927.21 3
of the Revised Code to establish requirements 4
governing the possession of dangerous wild animals 5
and restricted snakes. 6

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

Section 1. That section 1533.71 be amended and sections 7
935.01, 935.011, 935.02, 935.03, 935.04, 935.05, 935.06, 935.07, 8
935.08, 935.09, 935.10, 935.101, 935.11, 935.12, 935.13, 935.14, 9
935.15, 935.16, 935.17, 935.18, 935.19, 935.20, 935.21, 935.22, 10
935.23, 935.24, 935.25, 935.26, and 935.99 of the Revised Code be 11
enacted to read as follows: 12

Sec. 935.01. As used in this chapter: 13

(A) "Board of health" means the board of health of a city or 14
general health district or the authority having the duties of a 15
board of health in any city authorized by section 3709.05 of the 16
Revised Code. 17

(B) "Circus" means a traveling show to which all of the 18

<u>following apply:</u>	19
<u>(1) It is licensed by the United States department of agriculture under the federal animal welfare act.</u>	20 21
<u>(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival.</u>	22 23 24
<u>(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it. Division (B)(3) of this section does not apply to rides or other interactions between the public and an elephant, provided that such a ride or other interaction is under the direct supervision of an experienced animal handler.</u>	25 26 27 28 29 30
<u>(4) It is in the state for less than sixty-five days each year.</u>	31 32
<u>(C) "Dangerous wild animal" means any of the following, including hybrids unless otherwise specified:</u>	33 34
<u>(1) Hyenas;</u>	35
<u>(2) Gray wolves, excluding hybrids;</u>	36
<u>(3) Lions;</u>	37
<u>(4) Tigers;</u>	38
<u>(5) Jaguars;</u>	39
<u>(6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;</u>	40 41
<u>(7) All of the following, including hybrids with domestic cats unless otherwise specified:</u>	42 43
<u>(a) Cheetahs;</u>	44
<u>(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;</u>	45 46

<u>(c) Cougars, also known as pumas or mountain lions;</u>	47
<u>(d) Caracals;</u>	48
<u>(e) Servals, excluding hybrids with domestic cats commonly known as savannah cats.</u>	49 50
<u>(8) Bears;</u>	51
<u>(9) Elephants;</u>	52
<u>(10) Rhinoceroses;</u>	53
<u>(11) Hippopotamuses;</u>	54
<u>(12) Cape buffaloes;</u>	55
<u>(13) African wild dogs;</u>	56
<u>(14) Komodo dragons;</u>	57
<u>(15) Alligators;</u>	58
<u>(16) Crocodiles;</u>	59
<u>(17) Caimans, excluding dwarf caimans;</u>	60
<u>(18) Gharials;</u>	61
<u>(19) Nonhuman primates other than the nonhuman primates specified in division (C)(20) of this section;</u>	62 63
<u>(20) All of the following nonhuman primates:</u>	64
<u>(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;</u>	65 66 67
<u>(b) Pygmy, white-tufted-ear, silvery, and black-pencilled marmosets;</u>	68 69
<u>(c) Squirrel monkeys, including Central American squirrel monkeys;</u>	70 71
<u>(d) Southern and northern night monkeys;</u>	72
<u>(e) Dusky titi and masked titi monkeys;</u>	73

<u>(f) Muriquis;</u>	74
<u>(g) Goeldi's monkeys;</u>	75
<u>(h) Brown, white-faced, weeping, and white-fronted capuchins;</u>	76
<u>(i) White-faced, black-bearded, white-nose bearded, and monk sakis;</u>	77 78
<u>(j) Bald and black uakaris;</u>	79
<u>(k) Black-handed, white-bellied, brown-headed, and black spider monkeys;</u>	80 81
<u>(l) Common woolly monkeys;</u>	82
<u>(m) Red, black, and mantled howler monkeys.</u>	83
<u>(21) Any other animals designated by the director of agriculture in rules.</u>	84 85
<u>(D) "Federal animal welfare act" has the same meaning as in section 959.131 of the Revised Code.</u>	86 87
<u>(E) "Felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	88 89
<u>(F) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.</u>	90 91 92
<u>(G) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code.</u>	93 94
<u>(H) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper.</u>	95 96 97 98
<u>(I) "Natural resources law enforcement officers" means peace officers as specified in division (A)(6) of section 109.71 of the Revised Code and employees of the division of wildlife specified in sections 1531.13 and 1531.14 of the Revised Code.</u>	99 100 101 102

(J) "Offense of violence" has the same meaning as in section 103
2901.01 of the Revised Code. 104

(K) "Rescue facility" means a nonprofit organization as 105
described in section 170 of the "Internal Revenue Code of 1986," 106
100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place 107
of refuge where abused, neglected, unwanted, impounded, abandoned, 108
orphaned, or displaced dangerous wild animals are provided care 109
for their lifetime or released back to their natural habitat, and, 110
with respect to an animal possessed by the organization, that does 111
not do any of the following: 112

(1) Sell, trade, or barter the animal or the animal's body 113
parts; 114

(2) Use the animal in any manner for profit; 115

(3) Breed the animal; 116

(4) Allow the public the opportunity to come into contact 117
with the animal. 118

(L) "Restricted snake" means any of the following: 119

(1) All of the following constricting snakes that are twelve 120
feet or longer: 121

(a) Green anacondas; 122

(b) Yellow anacondas; 123

(c) Reticulated pythons; 124

(d) Indian pythons; 125

(e) Burmese pythons; 126

(f) North African rock pythons; 127

(g) South African rock pythons; 128

(h) Amethystine pythons. 129

(2) Species of the following families: 130

<u>(a) Atractaspididae;</u>	131
<u>(b) Elapidae;</u>	132
<u>(c) Viperidae.</u>	133
<u>(3) Boomslang snakes;</u>	134
<u>(4) Twig snakes;</u>	135
<u>(5) Any other snakes designated by the director in rules.</u>	136
<u>(M) "Rule" means a rule adopted under section 935.17 of the Revised Code.</u>	137 138
<u>(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code.</u>	139 140
<u>(O) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do any of the following:</u>	141 142 143 144 145 146 147 148 149 150
<u>(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit;</u>	151 152
<u>(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts;</u>	153 154
<u>(3) Use or allow the use of the animal or snake in any manner for profit;</u>	155 156
<u>(4) Breed the animal or snake;</u>	157
<u>(5) Allow the public the opportunity to come into physical contact with the animal or snake.</u>	158 159

Sec. 935.011. (A) The director of agriculture shall not adopt 160
rules designating species of animals to be included in the 161
definition of "dangerous wild animal" or species of snakes to be 162
included in the definition of "restricted snake" in section 935.01 163
of the Revised Code for at least two years after the effective 164
date of this section. 165

(B) If the director adopts rules designating species of 166
animals or snakes to be included in the definition of "dangerous 167
wild animal" or "restricted snake," as applicable, the director 168
shall specify the provisions of this chapter and rules that are 169
applicable to the animals or snakes. 170

Sec. 935.02. (A) No person shall possess a dangerous wild 171
animal on or after January 1, 2014. 172

(B)(1) Except as provided in divisions (G)(1) and (2) of 173
section 935.06 of the Revised Code, no person shall acquire, buy, 174
sell, trade, or transfer possession or ownership of a dangerous 175
wild animal on or after the effective date of this section. 176

(2) Notwithstanding division (B)(1) of this section, a person 177
that operates a rescue facility may buy or otherwise acquire 178
possession or ownership of a dangerous wild animal if one of the 179
following applies: 180

(a) Prior to January 1, 2014, the person is authorized to do 181
so by the director of agriculture in accordance with procedures 182
adopted by the director. 183

(b) On or after January 1, 2014, the person has obtained a 184
rescue facility permit under section 935.101 of the Revised Code. 185

Sec. 935.03. (A) Division (A) of section 935.02 of the 186
Revised Code does not apply to any of the following: 187

(1) A person to which all of the following apply: 188

<u>(a) The person possesses a dangerous wild animal.</u>	189
<u>(b) The person has been issued a license by the United States department of agriculture under the federal animal welfare act.</u>	190 191
<u>(c) The director of agriculture has determined that the person is in the process of becoming an accredited member of the zoological association of America.</u>	192 193 194
<u>(d) The director has informed the person that the person is exempt from division (A) of section 935.02 of the Revised Code.</u>	195 196
<u>(2) An organization to which all of the following apply:</u>	197
<u>(a) The organization possesses a dangerous wild animal.</u>	198
<u>(b) The director has determined that the organization is in the process of being accredited or verified by the global federation of animal sanctuaries as a wildlife sanctuary.</u>	199 200 201
<u>(c) The director has informed the organization that it is exempt from division (A) of section 935.02 of the Revised Code.</u>	202 203
<u>(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.</u>	204 205
<u>(B) This chapter does not apply to any of the following:</u>	206
<u>(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture under the federal animal welfare act;</u>	207 208 209 210
<u>(2) A research facility as defined in the federal animal welfare act;</u>	211 212
<u>(3) A research facility that is accredited by the association for the assessment and accreditation of laboratory animal care international;</u>	213 214 215
<u>(4) A circus;</u>	216
<u>(5) A wildlife rehabilitation facility that is issued a</u>	217

permit by the chief of the division of wildlife in rules adopted 218
under section 1531.08 of the Revised Code and that rehabilitates 219
dangerous wild animals or restricted snakes that are native to the 220
state for the purpose of reintroduction into the wild; 221

(6) A veterinarian that is providing temporary veterinary 222
care to a dangerous wild animal or restricted snake; 223

(7) A wildlife sanctuary; 224

(8) An individual who does not reside in this state, is 225
traveling through this state with a dangerous wild animal or 226
restricted snake, and does all of the following: 227

(a) Confines the animal or snake in a cage at all times; 228

(b) Confines the animal or snake in a cage that is not 229
accessible to the public; 230

(c) Does not exhibit the animal or snake; 231

(d) Is in the state not more than forty-eight hours unless 232
the animal or snake is receiving veterinary care. 233

(9) An educational institution that displays a single 234
dangerous wild animal as a sports mascot and that meets all of the 235
following criteria: 236

(a) An official of the educational institution has submitted 237
an affidavit attesting that the institution will care for the 238
animal as long as the animal lives and in a facility that is an 239
accredited member of the association of zoos and aquariums or the 240
zoological association of America. 241

(b) The educational institution maintains a liability 242
insurance policy with an insurer authorized or approved to write 243
such insurance in this state that covers claims for injury or 244
damage to persons or property caused by a dangerous wild animal. 245
The amount of the insurance coverage shall be not less than one 246
million dollars. 247

(c) During display and transport, the educational institution 248
confines the dangerous wild animal in a cage that does not permit 249
physical contact between the animal and the public. 250

(d) The educational institution began displaying a dangerous 251
wild animal as a mascot prior to the effective date of this 252
section. 253

(10) Any person who has been issued a permit under section 254
1533.08 of the Revised Code; 255

(11) Any person authorized to possess a dangerous wild animal 256
or restricted snake under section 1531.25 of the Revised Code or 257
rules adopted under it; 258

(12) A mobility impaired person as defined in section 955.011 259
of the Revised Code who possesses a dangerous wild animal 260
specified in division (C)(20)(h) of section 935.01 of the Revised 261
Code that has been trained by a nonprofit agency or is in such 262
training to assist the mobility impaired person; 263

(13) A deaf or hearing-impaired person who possesses a 264
dangerous wild animal specified in division (C)(20)(h) of section 265
935.01 of the Revised Code that has been trained by a nonprofit 266
agency or is in such training to assist the deaf or 267
hearing-impaired person; 268

(14) A person who is blind as defined in section 955.011 of 269
the Revised Code and possesses a dangerous wild animal specified 270
in division (C)(20)(h) of section 935.01 of the Revised Code that 271
has been trained by a nonprofit agency or is in such training to 272
assist the blind person. 273

Sec. 935.04. (A) A person that possesses a dangerous wild 274
animal on the effective date of this section shall register the 275
animal with the director of agriculture in accordance with this 276
section not later than sixty days after the effective date of this 277

<u>section.</u>	278
<u>(B) A person shall register a dangerous wild animal on a form</u>	279
<u>prescribed and provided by the director. The form shall include</u>	280
<u>all of the following:</u>	281
<u>(1) The name, address, social security number, and federal</u>	282
<u>employer identification number, if applicable, of the person</u>	283
<u>registering the dangerous wild animal;</u>	284
<u>(2) If different from the information provided under division</u>	285
<u>(B)(1) of this section, the name and address of the location where</u>	286
<u>the dangerous wild animal is confined;</u>	287
<u>(3) A description of the dangerous wild animal, including the</u>	288
<u>scientific and common names of the animal, the name that the</u>	289
<u>person has given the animal, the animal's sex, age, color, and</u>	290
<u>weight, and any distinguishing marks or coloration that would aid</u>	291
<u>in the identification of the animal;</u>	292
<u>(4) The name, address, and telephone number of the</u>	293
<u>veterinarian that provides veterinary care to the dangerous wild</u>	294
<u>animal;</u>	295
<u>(5) Any other information required by the director in rules.</u>	296
<u>(C) Beginning ninety days after the director adopts rules</u>	297
<u>under division (A) of section 935.17 of the Revised Code, a person</u>	298
<u>that has registered a dangerous wild animal under this section</u>	299
<u>shall comply with the applicable requirements regarding the care</u>	300
<u>and housing of dangerous wild animals established in those rules.</u>	301
<u>(D) A person that registers a dangerous wild animal under</u>	302
<u>this section shall have permanently implanted in the dangerous</u>	303
<u>wild animal a microchip at the time of registration. The microchip</u>	304
<u>shall have an identification number that is unique to the</u>	305
<u>microchip. In addition, the microchip shall contain a passive</u>	306
<u>integrated transponder, which shall have a frequency of one</u>	307

hundred twenty-five, one hundred thirty-four and two-tenths, or 308
four hundred kilohertz. 309

(E) A person that possesses a registered dangerous wild 310
animal on October 1, 2013, and that wishes to continue to possess 311
the dangerous wild animal on and after January 1, 2014, shall 312
obtain a wildlife shelter permit issued under section 935.06 of 313
the Revised Code or a wildlife propagation permit issued under 314
section 935.07 of the Revised Code. 315

Sec. 935.05. (A) A person that possesses a registered 316
dangerous wild animal in this state on October 1, 2013, that 317
wishes to continue to possess the dangerous wild animal on and 318
after January 1, 2014, and that does not intend to propagate the 319
animal shall apply for a wildlife shelter permit under this 320
section. 321

(B) An applicant for a wildlife shelter permit shall file an 322
application for a permit with the director of agriculture on a 323
form prescribed and provided by the director. An applicant need 324
apply for only one permit regardless of the number of dangerous 325
wild animals that the applicant possesses. The application shall 326
include all of the following: 327

(1) The name, date of birth, address, social security number, 328
and federal employer identification number, if applicable, of the 329
applicant; 330

(2) If different from the information provided under division 331
(B)(1) of this section, the name and address of the location where 332
each dangerous wild animal will be confined; 333

(3) A description of each dangerous wild animal, including 334
the scientific and common names, the name that the applicant has 335
given the animal, the animal's sex, age, color, and weight, and 336
any distinguishing marks or coloration that would aid in the 337

<u>identification of the animal;</u>	338
<u>(4) The identification number of the microchip that is</u>	339
<u>implanted in each dangerous wild animal and the frequency of the</u>	340
<u>passive integrated transponder contained in the microchip as</u>	341
<u>required in section 935.04 of the Revised Code;</u>	342
<u>(5) Proof of financial responsibility as required in division</u>	343
<u>(D) of this section;</u>	344
<u>(6) Except as otherwise provided in this section, proof that</u>	345
<u>the applicant has at least two years of experience in the care of</u>	346
<u>the species of dangerous wild animal or animals that are the</u>	347
<u>subject of the application. If an applicant cannot provide such</u>	348
<u>proof, the applicant shall pass a written examination regarding</u>	349
<u>the care of dangerous wild animals that is established and</u>	350
<u>administered in accordance with rules.</u>	351
<u>(7) A plan of action to be undertaken if a dangerous wild</u>	352
<u>animal escapes;</u>	353
<u>(8) Proof that the applicant has established a</u>	354
<u>veterinarian-client relationship as described in section 4741.04</u>	355
<u>of the Revised Code with regard to each dangerous wild animal;</u>	356
<u>(9) Any additional information required in rules.</u>	357
<u>An applicant shall submit a copy of the plan of action</u>	358
<u>required in division (B)(7) of this section to the sheriff of the</u>	359
<u>county and to the chief law enforcement officer of the township or</u>	360
<u>municipal corporation having jurisdiction where the dangerous wild</u>	361
<u>animal or animals are confined.</u>	362
<u>(C) An applicant shall submit one of the following fees, as</u>	363
<u>applicable, with an application:</u>	364
<u>(1) Five hundred dollars if the applicant possesses not more</u>	365
<u>than three dangerous wild animals;</u>	366
<u>(2) One thousand dollars if the applicant possesses at least</u>	367

<u>four, but not more than fifteen dangerous wild animals;</u>	368
<u>(3) Two thousand dollars if the applicant possesses sixteen</u>	369
<u>or more dangerous wild animals.</u>	370
<u>(D)(1) An applicant shall obtain and maintain proof of</u>	371
<u>financial responsibility in one of the following forms:</u>	372
<u>(a) A liability insurance policy with an insurer authorized</u>	373
<u>or approved to write such insurance in this state that covers</u>	374
<u>claims for injury or damage to persons or property caused by a</u>	375
<u>dangerous wild animal possessed by the applicant or any resulting</u>	376
<u>claims against the state;</u>	377
<u>(b) A surety bond, which shall be executed by a surety</u>	378
<u>company authorized to do business in this state that covers claims</u>	379
<u>for injury or damage to persons or property caused by a dangerous</u>	380
<u>wild animal possessed by the applicant or any resulting claims</u>	381
<u>against the state. The bond shall be in a form approved by the</u>	382
<u>director of agriculture.</u>	383
<u>(2) Proof of financial responsibility shall be in one of the</u>	384
<u>following amounts, as applicable:</u>	385
<u>(a) Two hundred fifty thousand dollars if the applicant</u>	386
<u>possesses not more than five dangerous wild animals;</u>	387
<u>(b) Five hundred thousand dollars if the applicant possesses</u>	388
<u>at least six, but not more than fifteen dangerous wild animals;</u>	389
<u>(c) One million dollars if the applicant possesses sixteen or</u>	390
<u>more dangerous wild animals.</u>	391
<u>The amounts specified in division (D)(2) of this section</u>	392
<u>shall be for each occurrence of injury or damage.</u>	393
Sec. 935.06. <u>(A) Not later than ninety days after receipt of</u>	394
<u>an application under section 935.05 of the Revised Code, the</u>	395
<u>director of agriculture shall issue or deny a wildlife shelter</u>	396

permit. The director shall issue a permit to an applicant only if 397
all of the following apply: 398

(1) The applicant is eighteen years of age or older. 399

(2) The applicant has registered the dangerous wild animal or 400
animals that are the subject of the application under section 401
935.04 of the Revised Code. 402

(3) The applicant is in compliance with the standards of care 403
established in rules adopted under division (A)(2) of section 404
935.17 of the Revised Code. 405

(4) The applicant has sterilized each male dangerous wild 406
animal that is possessed by the applicant. However, a dangerous 407
wild animal is not required to be sterilized if a veterinarian 408
that is qualified to provide veterinary care to the dangerous wild 409
animal determines that the sterilization is medically 410
contraindicated and the applicant has submitted a copy of the 411
veterinarian's written determination with the applicant's 412
application. 413

(5) The applicant has signed an affidavit attesting that the 414
applicant will not allow members of the public to be in physical 415
contact with a dangerous wild animal possessed by the applicant. 416
Division (A)(5) of this section does not apply to an employee of 417
the applicant or a volunteer who has entered into a written 418
agreement with the applicant to work for or volunteer for the 419
applicant and assists in the care of a dangerous wild animal or 420
animals specified in division (C)(20) of section 935.01 of the 421
Revised Code possessed by the applicant if the care is provided 422
under the direction of the applicant. 423

(6) The applicant has not been convicted of or pleaded guilty 424
to a felony drug abuse offense, an offense of violence that is a 425
felony, or a violation of section 959.13 or 959.131 of the Revised 426

Code or of section 2927.21 of the Revised Code as that section 427
existed prior to its repeal by S.B. 310 of the 129th general 428
assembly, as determined by a criminal records check performed in 429
accordance with division (B) of this section. 430

(7) The facility at which a dangerous wild animal or 431
dangerous wild animals will be maintained under the permit 432
consists of at least one acre. Division (A)(7) of this section 433
does not apply to either of the following: 434

(a) Dangerous wild animals specified in division (C)(20) of 435
section 935.01 of the Revised Code; 436

(b) An applicant to whom the director issues a written waiver 437
stating that the acreage requirement does not apply to the 438
applicant. 439

(8) The applicant has signed an affidavit attesting that the 440
facility at which a dangerous wild animal or dangerous wild 441
animals will be maintained under the permit and the conditions in 442
which each dangerous wild animal will be kept in that facility are 443
in compliance with this chapter and rules. 444

(9) The applicant has submitted a complete application that 445
meets the requirements established in section 935.05 of the 446
Revised Code. 447

(10) The applicant has submitted the applicable fee under 448
section 935.05 of the Revised Code. 449

If a permit is issued, the director shall assign a unique 450
identification number to the permit. 451

(B) Prior to issuing or denying a wildlife shelter permit, 452
the director shall submit a request to the bureau of criminal 453
identification and investigation in the office of the attorney 454
general for a criminal records check of the applicant for the 455
permit. Upon receipt of a request, the superintendent of the 456

bureau shall conduct a criminal records check in the manner 457
described in division (B) of section 109.572 of the Revised Code 458
to determine whether any information exists that indicates that 459
the applicant previously has been convicted of or pleaded guilty 460
to any of the following: 461

(1) A felony drug abuse offense; 462

(2) An offense of violence that is a felony; 463

(3) A violation of section 959.13 or 959.131 of the Revised 464
Code or of section 2927.21 of the Revised Code as that section 465
existed prior to its repeal by S.B. 310 of the 129th general 466
assembly. 467

The applicant is responsible for paying all costs associated 468
with the criminal records check. 469

(C) If a permit application is denied, two hundred fifty 470
dollars of the permit application fee shall be retained by the 471
director as payment for the reasonable expense of processing the 472
application, and the remainder of the fee shall be returned to the 473
applicant. 474

(D) Not later than the first day of December of each year, a 475
permit holder shall apply to the director, on a form prescribed 476
and provided by the director, for a renewal of the permit if the 477
permit holder intends to retain possession of the dangerous wild 478
animal or animals that are identified in the permit. Not later 479
than thirty days after receipt of an application for renewal, the 480
director shall renew or deny the renewal of the permit. The 481
director shall renew the permit if the permit holder complies with 482
this chapter and rules and pays a renewal fee in the same amount 483
as the fee established for the initial permit in section 935.05 of 484
the Revised Code. If a renewal permit is denied, two hundred fifty 485
dollars of the renewal fee shall be retained by the director as 486
payment for the reasonable expense of processing the application, 487

and the remainder of the renewal fee shall be returned to the 488
applicant. 489

(E) If the director denies an application for a permit or a 490
renewal of a permit, the director shall notify the person of the 491
denial, the grounds for the denial, and the person's right to an 492
adjudication under Chapter 119. of the Revised Code. 493

(F) If a person does not appeal the determination of the 494
director to deny an application for a permit or a renewal of a 495
permit or if the determination of the director is affirmed under 496
Chapter 119. of the Revised Code, not later than thirty days after 497
the decision not to appeal or after the determination is affirmed, 498
as applicable, the person shall transfer the dangerous wild animal 499
or animals that the person possesses to a humane society, wildlife 500
sanctuary, rescue facility, facility that is an accredited member 501
of either the association of zoos and aquariums or the zoological 502
association of America, or facility that is located in another 503
state and that complies with that state's applicable laws. After 504
the transfer has occurred, the person shall submit proof to the 505
director that the dangerous wild animal or animals were 506
transferred and shall specify the society, sanctuary, or facility 507
to which the animal or animals were transferred. 508

The person is responsible for all costs associated with the 509
transfer of the dangerous wild animal or animals. 510

(G) If a person that has been issued a wildlife shelter 511
permit under this section or a wildlife propagation permit under 512
section 935.07 of the Revised Code dies, the person's next of kin 513
shall do one of the following: 514

(1) If the next of kin wishes to possess the dangerous wild 515
animal or animals, obtain a wildlife shelter permit under this 516
section or a wildlife propagation permit under section 935.07 of 517
the Revised Code, as applicable. That next of kin shall comply 518

with this chapter and rules, except that, with respect to the next 519
of kin's initial permit, the person need not pay the applicable 520
permit application fee. 521

(2) If the deceased person has a last will and testament that 522
specifies that the dangerous wild animal or animals possessed by 523
the person are to be transferred to another person that has been 524
issued a wildlife shelter permit under this section or a wildlife 525
propagation permit issued under section 935.07 of the Revised 526
Code, transfer the dangerous wild animal or animals to the 527
applicable permit holder; 528

(3) Transfer the dangerous wild animal or animals that were 529
possessed by the deceased person in accordance with division (F) 530
of this section. 531

(H) All fees collected under this section shall be credited 532
to the dangerous and restricted animal fund created in section 533
935.25 of the Revised Code. 534

Sec. 935.07. (A) A person that possesses a registered 535
dangerous wild animal in this state on October 1, 2013, that 536
wishes to continue to possess the dangerous wild animal on and 537
after January 1, 2014, and that intends to propagate the animal 538
solely for the purposes of a species survival program that 539
complies with rules shall apply for a wildlife propagation permit 540
under this section. An applicant need apply for only one permit 541
regardless of the number of dangerous wild animals that the 542
applicant possesses. 543

(B) Except as otherwise provided in this section, an 544
applicant for a wildlife propagation permit shall comply with the 545
requirements and procedures established in sections 935.05 and 546
935.06 of the Revised Code. The application fee for a wildlife 547
propagation permit shall be one of the following, as applicable: 548

(1) One thousand dollars if the applicant possesses not more than fifty dangerous wild animals; 549
550

(2) Three thousand dollars if the applicant possesses more than fifty dangerous wild animals. 551
552

(C) The facility at which a dangerous wild animal or dangerous wild animals will be maintained under a wildlife propagation permit shall consist of at least two acres. Division (C) of this section does not apply to either of the following: 553
554
555
556

(1) Dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code; 557
558

(2) An applicant to whom the director of agriculture issues a written waiver stating that the acreage requirement does not apply to the applicant. 559
560
561

(D) All fees collected under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code. 562
563
564

Sec. 935.08. (A)(1) A person that possesses a restricted snake in this state prior to January 1, 2014, that wishes to continue to possess the restricted snake on and after that date, and that does not intend to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake possession permit under this section not later than January 1, 2014. 565
566
567
568
569
570

(2) A person that acquires a restricted snake in this state on or after January 1, 2014, and that does not intend to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake possession permit under this section not later than one hundred twenty days after acquiring the snake. 571
572
573
574
575

(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses. 576
577

(B) An applicant for a restricted snake possession permit 578

shall file an application for a permit with the director of 579
agriculture on a form prescribed and provided by the director. The 580
application shall include all of the following: 581

(1) The name, date of birth, address, social security number, 582
and federal employer identification number, if applicable, of the 583
applicant; 584

(2) If different from the information provided under division 585
(B)(1) of this section, the name and address of the location where 586
each restricted snake will be confined; 587

(3) A description of each restricted snake, including the 588
scientific and common names, the name that the applicant has given 589
the snake, the snake's sex, age, color, and weight, and any 590
distinguishing marks or coloration that would aid in the 591
identification of the snake; 592

(4) Proof of financial responsibility as required in division 593
(D) of this section; 594

(5) Except as otherwise provided in this section, proof that 595
the applicant has at least two years of experience in the care of 596
the species of restricted snake or snakes that are the subject of 597
the application. If an applicant cannot provide such proof, the 598
applicant shall pass a written examination regarding the care of 599
restricted snakes that is established and administered in 600
accordance with rules. The requirements of division (B)(5) of this 601
section do not apply with respect to a restricted snake specified 602
in division (L)(1) of section 935.01 of the Revised Code. 603

(6) A plan of action to be undertaken if a restricted snake 604
escapes; 605

(7) A written statement from a veterinarian stating that the 606
veterinarian is willing to provide veterinary care to an 607
applicant's restricted snake or snakes when the care is needed; 608

(8) Any additional information required in rules. 609

An applicant shall submit a copy of the plan of action 610
required in division (B)(6) of this section to the sheriff of the 611
county and to the chief law enforcement officer of the township or 612
municipal corporation having jurisdiction where the restricted 613
snake or snakes are confined. 614

(C) An applicant shall submit a fee of one hundred fifty 615
dollars with an application. 616

(D)(1) Except as provided in division (D)(3) of this section, 617
an applicant shall obtain and maintain proof of financial 618
responsibility in one of the following forms: 619

(a) A liability insurance policy with an insurer authorized 620
or approved to write such insurance in this state that covers 621
claims for injury or damage to persons or property caused by a 622
restricted snake possessed by the applicant or any resulting 623
claims against the state; 624

(b) A surety bond, which shall be executed by a surety 625
company authorized to do business in this state that covers claims 626
for injury or damage to persons or property caused by a restricted 627
snake possessed by the applicant or any resulting claims against 628
the state. The bond shall be in a form approved by the director of 629
agriculture. 630

(2) Proof of financial responsibility shall be in one of the 631
following amounts, as applicable: 632

(a) One hundred thousand dollars if the applicant possesses 633
not more than five restricted snakes; 634

(b) Two hundred fifty thousand dollars if the applicant 635
possesses at least six, but not more than fifteen restricted 636
snakes; 637

(c) Five hundred thousand dollars if the applicant possesses 638

sixteen or more restricted snakes. 639

The amounts specified in division (D)(2) of this section 640
shall be for each occurrence of injury or damage. 641

(3) Division (D)(1) of this section does not apply to an 642
applicant that possesses one or more restricted snakes specified 643
in division (L)(1) of section 935.01 of the Revised Code, but no 644
other restricted snakes. 645

Sec. 935.09. (A) Not later than ninety days after receipt of 646
an application under section 935.08 of the Revised Code, the 647
director of agriculture shall issue or deny a restricted snake 648
possession permit. The director shall issue a permit to an 649
applicant only if all of the following apply: 650

(1) The applicant is eighteen years of age or older. 651

(2) The applicant has signed an affidavit attesting that the 652
applicant will not allow members of the public to be in physical 653
contact with a restricted snake possessed by the applicant. 654

Division (A)(2) of this section does not apply to either of the 655
following: 656

(a) An applicant that displays a restricted snake or snakes 657
specified in division (L)(1) of section 935.01 of the Revised Code 658
to a primary or secondary school age student; 659

(b) An employee of the applicant or a volunteer who has 660
entered into a written agreement with the applicant to work for or 661
volunteer for the applicant and assists in the care of a 662
restricted snake or snakes possessed by the applicant if the care 663
is provided under the direction of the applicant. 664

(3) The applicant has not been convicted of or pleaded guilty 665
to a felony drug abuse offense, an offense of violence that is a 666
felony, or a violation of section 959.13 or 959.131 of the Revised 667
Code or of section 2927.21 of the Revised Code as that section 668

existed prior to its repeal by S.B. 310 of the 129th general assembly, as determined by a criminal records check performed in accordance with division (B) of this section. 669
670
671

(4) The applicant has signed an affidavit attesting that the facility at which a restricted snake or snakes will be maintained under the permit and the conditions in which each restricted snake will be kept in that facility are in compliance with this chapter and rules. 672
673
674
675
676

(5) The applicant has submitted a complete application that meets the requirements established in section 935.08 of the Revised Code. 677
678
679

(6) The applicant has submitted the application fee established in section 935.08 of the Revised Code. 680
681

If a permit is issued, the director shall assign a unique identification number to the permit. 682
683

(B) Prior to issuing or denying a restricted snake possession permit, the director shall submit a request to the bureau of criminal identification and investigation in the office of the attorney general for a criminal records check of the applicant for the permit. Upon receipt of a request, the superintendent of the bureau shall conduct a criminal records check in the manner described in division (B) of section 109.572 of the Revised Code to determine whether any information exists that indicates that the applicant previously has been convicted of or pleaded guilty to any of the following: 684
685
686
687
688
689
690
691
692
693

(1) A felony drug abuse offense; 694

(2) An offense of violence that is a felony; 695

(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. 310 of the 129th general 696
697
698

assembly. 699

The applicant is responsible for paying all costs associated 700
with the criminal records check. 701

(C) If a permit application is denied, seventy-five dollars 702
of the permit application fee shall be retained by the director as 703
payment for the reasonable expense of processing the application, 704
and the remainder of the fee shall be returned to the applicant. 705

(D) Not later than the first day of December of each year, a 706
permit holder shall apply to the director, on a form prescribed 707
and provided by the director, for a renewal of the permit if the 708
permit holder intends to retain possession of the restricted snake 709
or snakes that are identified in the permit. Not later than thirty 710
days after receipt of an application for renewal, the director 711
shall renew or deny the renewal of the permit. The director shall 712
renew the permit if the permit holder complies with this chapter 713
and rules and pays a renewal fee in the same amount as the fee 714
established for the initial permit in section 935.08 of the 715
Revised Code. If a renewal permit is denied, seventy-five dollars 716
of the renewal fee shall be retained by the director as payment 717
for the reasonable expense of processing the application, and the 718
remainder of the renewal fee shall be returned to the applicant. 719

(E) If the director denies an application for a permit or a 720
renewal of a permit, the director shall notify the person of the 721
denial, the grounds for the denial, and the person's right to an 722
adjudication under Chapter 119. of the Revised Code. 723

(F) If a person does not appeal the determination of the 724
director to deny an application for a permit or a renewal of a 725
permit or if the determination of the director is affirmed under 726
Chapter 119. of the Revised Code, not later than thirty days after 727
the decision not to appeal or after the determination is affirmed, 728
as applicable, the person shall transfer the restricted snake or 729

snakes that the person possesses to a humane society, wildlife 730
sanctuary, facility that is an accredited member of either the 731
association of zoos and aquariums or the zoological association of 732
America, or facility that is located in another state and that 733
complies with that state's applicable laws. After the transfer has 734
occurred, the person shall submit proof to the director that the 735
restricted snake or snakes were transferred and shall specify the 736
society, sanctuary, or facility to which the snake or snakes were 737
transferred. 738

The person is responsible for all costs associated with the 739
transfer of the restricted snake or snakes. 740

(G) If a person that has been issued a restricted snake 741
possession permit under this section or a restricted snake 742
propagation permit under section 935.10 of the Revised Code dies, 743
the person's next of kin shall do one of the following: 744

(1) If the next of kin wishes to possess the restricted snake 745
or snakes, obtain a restricted snake possession permit under this 746
section or a restricted snake propagation permit under section 747
935.10 of the Revised Code, as applicable. That next of kin shall 748
comply with this chapter and rules, except that, with respect to 749
the next of kin's initial permit, the person need not pay the 750
applicable permit application fee. 751

(2) If the deceased person has a last will and testament that 752
specifies that the restricted snake or snakes possessed by the 753
person are to be transferred to another person that has been 754
issued a restricted snake possession permit under this section or 755
a restricted snake propagation permit issued under section 935.10 756
of the Revised Code, transfer the restricted snake or snakes to 757
the applicable permit holder; 758

(3) Transfer the restricted snake or snakes that were 759
possessed by the deceased person in accordance with division (F) 760

of this section. 761

(H) All fees collected under this section shall be credited 762
to the dangerous and restricted animal fund created in section 763
935.25 of the Revised Code. 764

Sec. 935.10. (A)(1) A person that possesses a restricted 765
snake in this state prior to January 1, 2014, that wishes to 766
continue to possess the restricted snake on and after that date, 767
and that intends to propagate, sell, trade, or otherwise transfer 768
the snake shall obtain a restricted snake propagation permit under 769
this section not later than January 1, 2014. 770

(2) A person that acquires a restricted snake in this state 771
on or after January 1, 2014, and that intends to propagate, sell, 772
trade, or otherwise transfer the snake shall obtain a restricted 773
snake propagation permit under this section not later than one 774
hundred twenty days after acquiring the snake. 775

(3) An applicant need apply for only one permit regardless of 776
the number of restricted snakes that the applicant possesses. 777

(B) Except as otherwise provided in this section, an 778
applicant for a restricted snake propagation permit shall comply 779
with the requirements and procedures established in sections 780
935.08 and 935.09 of the Revised Code. The application fee for a 781
restricted snake propagation permit shall be three hundred 782
dollars. 783

(C) If a permit application is denied, one hundred fifty 784
dollars of the permit application fee shall be retained by the 785
director of agriculture as payment for the reasonable expense of 786
processing the application, and the remainder of the fee shall be 787
returned to the applicant. 788

(D) All fees collected under this section shall be credited 789
to the dangerous and restricted animal fund created in section 790

935.25 of the Revised Code. 791

Sec. 935.101. (A)(1) In lieu of obtaining any other permit 792
under this chapter, a person that operates a rescue facility in 793
this state prior to January 1, 2014, and that wishes to continue 794
to operate a rescue facility on and after that date shall obtain a 795
rescue facility permit under this section not later than January 796
1, 2014. 797

(2) A person that wishes to begin operation of a rescue 798
facility in this state on or after January 1, 2014, shall obtain a 799
rescue facility permit under this section not later than sixty 800
days prior to beginning operation. 801

(B)(1) An applicant for a rescue facility permit shall file 802
an application for a permit with the director of agriculture on a 803
form prescribed and provided by the director. The application 804
shall include information that the director requires in rules. 805

(2) An applicant for a rescue facility permit shall submit 806
one of the following fees, as applicable, with an application: 807

(a) Five hundred dollars if the applicant possesses not more 808
than three dangerous wild animals; 809

(b) One thousand dollars if the applicant possesses at least 810
four, but not more than fifteen dangerous wild animals; 811

(c) Two thousand dollars if the applicant possesses sixteen 812
or more dangerous wild animals. 813

(3) If a permit application is denied, two hundred fifty 814
dollars of the application fee shall be retained by the director 815
as payment for the reasonable expense of processing the 816
application and the remainder of the fee shall be returned to the 817
applicant. 818

(C) The director shall issue or deny a rescue facility permit 819
in accordance with rules. The director shall issue a rescue 820

facility permit only if the dangerous wild animal or animals that 821
are or are to be possessed by an applicant are sterilized. 822

(D) A person that has been issued a rescue facility permit 823
under this section shall comply with the requirements regarding 824
the care and housing of dangerous wild animals established in 825
rules adopted under division (G) of section 935.17 of the Revised 826
Code. 827

(E) A person that has been issued a rescue facility permit 828
under this section may buy or otherwise acquire possession or 829
ownership of a dangerous wild animal. 830

Sec. 935.11. (A) A person that possesses at least one 831
dangerous wild animal and at least one restricted snake shall 832
apply for both a wildlife shelter permit issued under section 833
935.06 of the Revised Code and a restricted snake possession 834
permit issued under section 935.09 of the Revised Code. 835

(B) A person that possesses at least one dangerous wild 836
animal and that intends to propagate the animal solely for the 837
purposes of a species survival program that complies with rules 838
and that possesses at least one restricted snake and that intends 839
to propagate, sell, trade, or otherwise transfer the snake shall 840
apply for both a wildlife propagation permit issued under section 841
935.07 of the Revised Code and a restricted snake propagation 842
permit issued under section 935.10 of the Revised Code. 843

(C) A person that possesses at least one dangerous wild 844
animal and does not intend to propagate the animal and that 845
possesses at least one restricted snake and intends to propagate, 846
sell, trade, or otherwise transfer the snake shall apply for both 847
a wildlife shelter permit issued under section 935.06 of the 848
Revised Code and a restricted snake propagation permit issued 849
under section 935.10 of the Revised Code. 850

(D) A person that possesses at least one dangerous wild animal and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules and that possesses at least one restricted snake and does not intend to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife propagation permit issued under section 935.07 of the Revised Code and a restricted snake possession permit issued under section 935.09 of the Revised Code.

Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules.

(B) A person that has been issued a wildlife shelter or wildlife propagation permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with both of the following:

(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act;

(2) The requirements regarding the housing of those animals established in rules.

(C) A person that has been issued a restricted snake possession or restricted snake propagation permit under this chapter shall comply with the requirements regarding the care and housing of those snakes established in standards adopted by the zoological association of America.

Sec. 935.13. The director of agriculture may suspend or revoke a permit issued under this chapter for a violation of this

chapter or rules. A person adversely affected by an order of 881
suspension or revocation may request an adjudication under Chapter 882
119. of the Revised Code. 883

Sec. 935.14. (A) The director of agriculture shall maintain a 884
database of both of the following: 885

(1) Until January 1, 2014, the name and address of each 886
person that possesses a dangerous wild animal and registers the 887
animal under section 935.04 of the Revised Code; 888

(2) On and after January 1, 2014, the name and address of 889
each person that has applied for and been issued a permit under 890
this chapter. 891

(B) The director shall allow the directors of health and 892
natural resources to have access to the database. 893

Sec. 935.15. (A) A person that has been issued a permit under 894
this chapter shall maintain records of all of the following 895
regarding each dangerous wild animal and each restricted snake 896
that the permit holder possesses: 897

(1) The scientific and common names of the animal or snake, 898
including the species; 899

(2) If the animal or snake was purchased or otherwise 900
acquired from another person, the name and address of the other 901
person; 902

(3) The date on which the animal or snake was acquired, if 903
applicable; 904

(4) If the permit holder propagates dangerous wild animals, 905
the date of birth of the animal if the animal was propagated by 906
the permit holder; 907

(5) If the permit holder propagates restricted snakes, the 908
date of birth of the snake if the snake was propagated by the 909

<u>permit holder;</u>	910
<u>(6) The name and address of the person to whom the animal or snake was sold or otherwise transferred, if applicable;</u>	911 912
<u>(7) The date on which the animal or snake died or escaped, if applicable;</u>	913 914
<u>(8) The identification number of the microchip that is implanted in the animal and the frequency of the passive integrated transponder contained in the microchip as required in section 935.04 of the Revised Code.</u>	915 916 917 918
<u>(B) A permit holder shall maintain the records in accordance with rules.</u>	919 920
<u>Sec. 935.16. (A) If a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately shall notify both of the following:</u>	921 922 923
<u>(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred;</u>	924 925 926
<u>(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that is maintained by the division.</u>	927 928 929
<u>(B)(1) A law enforcement officer or natural resources law enforcement officer may destroy a dangerous wild animal or restricted snake that has escaped and that poses a threat to public safety.</u>	930 931 932 933
<u>(2) A law enforcement officer or natural resources law enforcement officer that destroys an escaped dangerous wild animal or restricted snake pursuant to division (B)(1) of this section is not liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake.</u>	934 935 936 937 938 939

(C) The person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake. The person shall reimburse the political subdivision that employs the law enforcement officer who captured or destroyed the dangerous wild animal or restricted snake for the costs incurred in capturing or destroying the animal or snake. However, if the law enforcement officer is a state highway patrol trooper or if a natural resources law enforcement officer captured or destroyed the dangerous wild animal or restricted snake, the person shall reimburse the state highway patrol or department of natural resources, as applicable, for those costs.

(D)(1) Except as provided in division (D)(2) of this section, money collected under division (C) of this section shall be credited to a special fund, which is hereby created in the applicable political subdivision. Money in the special fund shall be used exclusively for the administration and enforcement of this chapter and rules.

(2) Money collected under division (C) of this section for costs incurred by a state highway patrol trooper or a natural resources law enforcement officer under this section shall be deposited in the state treasury to the credit of the dangerous and restricted animal fund created in section 935.25 of the Revised Code.

(3) If law enforcement officers from more than one jurisdiction assist in the capture or destruction of a dangerous wild animal or restricted snake, the money collected shall be proportionally distributed to each political subdivision's special fund and the dangerous and restricted animal fund, if applicable.

Sec. 935.17. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code that establish

<u>all of the following:</u>	971
<u>(A) Both of the following concerning the registration of</u>	972
<u>dangerous wild animals under section 935.04 of the Revised Code:</u>	973
<u>(1) Any additional information that must be included with a</u>	974
<u>registration;</u>	975
<u>(2) Standards for the care and housing of registered</u>	976
<u>dangerous wild animals, including standards for the proper care of</u>	977
<u>each species of dangerous wild animal and caging and fencing of</u>	978
<u>the animals.</u>	979
<u>The director shall adopt rules under division (A) of this</u>	980
<u>section not later than ninety days after the effective date of</u>	981
<u>this section.</u>	982
<u>(B) Standards for the care and well-being of dangerous wild</u>	983
<u>animals specified in divisions (C)(1) to (19) of section 935.01 of</u>	984
<u>the Revised Code that are possessed by the holders of wildlife</u>	985
<u>shelter permits and wildlife propagation permits issued under this</u>	986
<u>chapter. The standards shall govern at least sanitation for,</u>	987
<u>provision of health care for, and feeding, caging, housing, and</u>	988
<u>fencing of dangerous wild animals. In adopting rules under this</u>	989
<u>division, the director shall consider the following factors:</u>	990
<u>(1) Best management practices for the care and well-being of</u>	991
<u>dangerous wild animals;</u>	992
<u>(2) Public health and safety;</u>	993
<u>(3) Biosecurity;</u>	994
<u>(4) The prevention of disease;</u>	995
<u>(5) Animal morbidity and mortality data;</u>	996
<u>(6) Generally accepted veterinary medical practices;</u>	997
<u>(7) Standards adopted by the association of zoos and</u>	998
<u>aquariums;</u>	999

<u>(8) Standards adopted by the zoological association of</u>	1000
<u>America;</u>	1001
<u>(9) Standards established in the federal animal welfare act;</u>	1002
<u>(10) Ethical standards established by the American veterinary</u>	1003
<u>medical association;</u>	1004
<u>(11) Any other factors that the director considers necessary</u>	1005
<u>for the proper care and well-being of dangerous wild animals in</u>	1006
<u>this state.</u>	1007
<u>(C) Standards for the housing of dangerous wild animals</u>	1008
<u>specified in division (C)(20) of section 935.01 of the Revised</u>	1009
<u>Code that are possessed by the holders of wildlife shelter permits</u>	1010
<u>and wildlife propagation permits issued under this chapter;</u>	1011
<u>(D) All of the following concerning applications for permits</u>	1012
<u>issued under sections 935.06 and 935.07 of the Revised Code:</u>	1013
<u>(1) Any additional information that must be included with a</u>	1014
<u>permit application;</u>	1015
<u>(2) Criteria for determining what constitutes a species</u>	1016
<u>survival program for the purposes of division (A)(1) of section</u>	1017
<u>935.07 of the Revised Code and requirements and procedures that</u>	1018
<u>are necessary to determine if a program meets those criteria;</u>	1019
<u>(3) The content of the examination specified in division</u>	1020
<u>(B)(6) of section 935.05 of the Revised Code. The rules shall</u>	1021
<u>require the examination to test an applicant's knowledge on topics</u>	1022
<u>that include proper diet, health care, exercise needs, and housing</u>	1023
<u>of the species of dangerous wild animal or animals that are the</u>	1024
<u>subject of the application.</u>	1025
<u>(4) Procedures and requirements concerning the administration</u>	1026
<u>of the examination specified in division (B)(6) of section 935.05</u>	1027
<u>of the Revised Code.</u>	1028
<u>(E) All of the following concerning applications for permits</u>	1029

<u>issued under sections 935.09 and 935.10 of the Revised Code:</u>	1030
<u>(1) Any additional information that must be included with a permit application;</u>	1031
<u>(2) The content of the examination specified in division (B)(5) of section 935.08 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, and housing of the species of restricted snake or snakes that are the subject of the application.</u>	1032
<u>(3) Procedures and requirements concerning the administration of the examination specified in division (B)(5) of section 935.08 of the Revised Code.</u>	1033
<u>(F) Both of the following concerning applications for permits issued under section 935.101 of the Revised Code:</u>	1034
<u>(1) Information that must be included in a permit application;</u>	1035
<u>(2) Criteria and procedures for the issuance or denial of a permit.</u>	1036
<u>(G) Standards for the care and well-being of dangerous wild animals that are possessed by the holders of permits issued under section 935.101 of the Revised Code. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting the rules, the director may consider the standards of care and housing established in rules adopted under division (B) of this section and section 935.12 of the Revised Code.</u>	1037
<u>(H) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code;</u>	1038
<u>(I) Standards for signs that are required to be posted and displayed in accordance with section 935.18 of the Revised Code;</u>	1039
	1040
	1041
	1042
	1043
	1044
	1045
	1046
	1047
	1048
	1049
	1050
	1051
	1052
	1053
	1054
	1055
	1056
	1057
	1058
	1059

(J) The amount of civil penalties that may be assessed under section 935.24 of the Revised Code; 1060
1061

(K) Procedures and requirements governing the distribution of money under division (B)(4) of section 935.25 of the Revised Code from the dangerous and restricted animal fund created in that section; 1062
1063
1064
1065

(L) Any other provisions necessary to administer and enforce this chapter. 1066
1067

Sec. 935.18. (A) Except for a restricted snake specified in division (L)(1) of section 935.01 of the Revised Code, no person shall sell or offer for sale at auction a dangerous wild animal or restricted snake. 1068
1069
1070
1071

(B) Except for a microchip removed for purposes of a medical emergency by a veterinarian that is qualified to provide veterinary care to the dangerous wild animal, no person shall knowingly remove a microchip that is implanted in a dangerous wild animal as required in section 935.04 of the Revised Code. 1072
1073
1074
1075
1076

(C) No person that possesses a dangerous wild animal or restricted snake shall fail to post and display any of the following: 1077
1078
1079

(1) On each cage in which a dangerous wild animal is confined, signs warning the public that a dangerous wild animal is confined in the cage; 1080
1081
1082

(2) At each entrance to the property where a dangerous wild animal is confined, a sign warning the public that a dangerous wild animal is on the property; 1083
1084
1085

(3) On each container in which a restricted snake is confined, a sign warning the public that a restricted snake is in the container; 1086
1087
1088

(4) At the main entrance to each structure where a restricted 1089

snake is confined, a sign warning the public that a restricted 1090
snake is in the structure; 1091

(5) On a vehicle that is used to transport a dangerous wild 1092
animal or restricted snake, a sign warning that a dangerous wild 1093
animal or restricted snake, as applicable, is in the vehicle. 1094

The signs shall comply with standards established in rules. 1095

(D) No person shall knowingly release a dangerous wild animal 1096
or restricted snake into the wild. 1097

(E) No person shall allow a dangerous wild animal or 1098
restricted snake to roam off the property where it is confined. 1099

(F) No person shall remove any teeth or claws from a 1100
dangerous wild animal or restricted snake, as applicable, unless 1101
determined to be medically necessary by a veterinarian. 1102

(G) No person shall violate any other provisions of this 1103
chapter or rules. 1104

Sec. 935.19. (A)(1) The director of agriculture or the 1105
director's designee may enter at all reasonable times any premises 1106
at which a dangerous wild animal or restricted snake is confined, 1107
with the consent of the owner of the premises, for the purpose of 1108
determining compliance with this chapter and rules. 1109

(2) If the director or the director's designee is denied 1110
access to any such premises, and if the director reasonably 1111
suspects that the person who possesses the dangerous wild animal 1112
or restricted snake is not in compliance with this chapter or 1113
rules, the director may apply to a court of competent jurisdiction 1114
in the county in which the premises is located for a search 1115
warrant authorizing access to the premises for the purposes of 1116
this section. 1117

(3) The court shall issue the search warrant for the purposes 1118
requested if there is probable cause to believe that the person is 1119

not in compliance with this chapter or rules. The finding of 1120
probable cause may be based on hearsay, provided that there is a 1121
substantial basis for believing that the source of the hearsay is 1122
credible and that there is a factual basis for the information 1123
furnished. 1124

(B) The director may designate any of the following to 1125
conduct inspections under this section: 1126

(1) Employees of the department of agriculture; 1127

(2) Natural resources law enforcement officers with the 1128
consent of the director of natural resources; 1129

(3) Employees of the department of health with the consent of 1130
the director of health; 1131

(4) Employees of a board of health with the consent of the 1132
board; 1133

(5) Agents of a humane society appointed under section 1134
1717.06 of the Revised Code with the consent of the humane 1135
society. 1136

(C) If a person designated under division (B) of this section 1137
determines, while conducting an inspection, that a violation of 1138
this chapter or rules has occurred, is occurring, or may occur, 1139
the person shall immediately notify the director of agriculture. 1140
The director may proceed as provided in section 935.24 of the 1141
Revised Code. 1142

Sec. 935.20. (A) On and after January 1, 2014, the director 1143
of agriculture immediately shall cause an investigation to be 1144
conducted if the director has reason to believe that one of the 1145
following may be occurring: 1146

(1) A dangerous wild animal is possessed by a person who has 1147
not been issued a wildlife shelter permit, wildlife propagation 1148
permit, or rescue facility permit under this chapter. 1149

(2) A restricted snake is possessed by a person that has not 1150
been issued a restricted snake possession permit or restricted 1151
snake propagation permit under this chapter. 1152

(3) A dangerous wild animal or restricted snake is being 1153
treated or kept in a manner that is in violation of this chapter 1154
or rules. 1155

For purposes of the investigation, the director or the 1156
director's designee may order the animal or snake that is the 1157
subject of the notification to be quarantined or may order the 1158
transfer of the animal or snake to a facility that is on the list 1159
maintained by the director under this section. If the director's 1160
designee orders the animal or snake to be quarantined or 1161
transferred, the designee shall provide a copy of the order to the 1162
director. 1163

(B) The director shall attempt to notify the person owning or 1164
possessing an animal or snake that has been ordered to be 1165
quarantined or transferred under division (A) of this section. The 1166
notice shall be delivered in person or by certified mail. The 1167
director also may post a copy of a quarantine order at two 1168
conspicuous locations on the premises where the animal or snake is 1169
quarantined. The director shall maintain a copy of an order issued 1170
under this section and evidence that the director attempted to 1171
notify the person owning or possessing the animal or snake. 1172

(C) A quarantine or transfer order issued under this section 1173
shall contain all of the following: 1174

(1) The name and address of the person owning or possessing 1175
the animal or snake, if known; 1176

(2) A description of the quarantined or transferred animal or 1177
snake; 1178

(3) A description of the premises affected by the quarantine 1179
or transfer; 1180

<u>(4) The reason for the quarantine or transfer;</u>	1181
<u>(5) Any terms and conditions of the quarantine or transfer;</u>	1182
<u>(6) A notice that a person adversely affected by the order</u> <u>may request a hearing to review the order.</u>	1183 1184
<u>(D) A person that is adversely affected by a quarantine or</u> <u>transfer order pertaining to a dangerous wild animal or restricted</u> <u>snake owned or possessed by the person, within thirty days after</u> <u>the order is issued, may request in writing an adjudication in</u> <u>accordance with Chapter 119. of the Revised Code. A request for an</u> <u>adjudication does not stay a quarantine or transfer order.</u>	1185 1186 1187 1188 1189 1190
<u>(E) The owner of or person possessing a dangerous wild animal</u> <u>or restricted snake that was quarantined or transferred under</u> <u>division (A) of this section is responsible for all reasonable</u> <u>costs associated with the quarantine or transfer, including the</u> <u>costs of transportation, housing, food, and veterinary care for</u> <u>the animal or snake.</u>	1191 1192 1193 1194 1195 1196
<u>(F) If the state veterinarian determines that a dangerous</u> <u>wild animal or restricted snake that was quarantined or</u> <u>transferred under division (A) of this section is infected with or</u> <u>exposed to a dangerously contagious or infectious disease or is</u> <u>seriously injured, the state veterinarian shall so notify the</u> <u>director. The director may order the animal or snake to be</u> <u>humanely euthanized by a veterinarian if the state veterinarian</u> <u>has indicated that euthanization is medically necessary.</u>	1197 1198 1199 1200 1201 1202 1203 1204
<u>(G) A quarantine or transfer order issued under this section</u> <u>shall remain in effect until one of the following occurs:</u>	1205 1206
<u>(1) The director, after reviewing the results of the</u> <u>investigation conducted under division (A) of this section, issues</u> <u>a written notice of release.</u>	1207 1208 1209
<u>(2) A court of competent jurisdiction orders the quarantine</u>	1210

or transfer order to be terminated in a proceeding conducted under 1211
division (H) of this section. 1212

(3) A court of competent jurisdiction orders the seizure of 1213
the dangerous wild animal or restricted snake in a proceeding 1214
conducted under division (H) of this section. 1215

(H) If, after reviewing the results of an investigation 1216
concerning a dangerous wild animal or restricted snake conducted 1217
under division (A) of this section and after resolution of any 1218
proceeding conducted under division (D) of this section, the 1219
director determines that a circumstance described in division 1220
(A)(1), (2), or (3) of this section is or was occurring, the 1221
director shall initiate, in a court of competent jurisdiction, a 1222
proceeding for the permanent seizure of the animal or snake, as 1223
applicable. If the court affirms the director's determination that 1224
a circumstance described in division (A)(1), (2), or (3) of this 1225
section is or was occurring, the court shall order the animal or 1226
snake seized and shall order the method of disposition of the 1227
animal or snake. The court may order the person owning or 1228
possessing the animal or snake to pay all reasonable costs 1229
associated with the seizure and, if applicable, the costs 1230
associated with the quarantine or transfer of the animal or snake, 1231
including the costs of transportation, housing, food, and 1232
veterinary care of the animal or snake. If the court does not 1233
affirm the director's determination, the court shall order the 1234
quarantine or transfer order to be terminated and the animal or 1235
snake to be returned to the person owning or possessing it, if 1236
applicable. 1237

(I) The director may authorize any of the following to 1238
conduct an investigation and order the quarantine or transfer of a 1239
dangerous wild animal or restricted snake under division (A) of 1240
this section: 1241

(1) Employees of the department of agriculture; 1242

<u>(2) Natural resources law enforcement officers with the</u>	1243
<u>consent of the director of natural resources;</u>	1244
<u>(3) Employees of the department of health with the consent of</u>	1245
<u>the director of health;</u>	1246
<u>(4) Employees of a board of health with the consent of the</u>	1247
<u>board;</u>	1248
<u>(5) Agents of a humane society appointed under section</u>	1249
<u>1717.06 of the Revised Code with the consent of the humane</u>	1250
<u>society;</u>	1251
<u>(6) Law enforcement officers with the consent of the sheriff</u>	1252
<u>of the county or the chief law enforcement officer of the township</u>	1253
<u>or municipal corporation, as applicable, by whom the law</u>	1254
<u>enforcement officers are employed;</u>	1255
<u>(7) Law enforcement officers who are state highway patrol</u>	1256
<u>troopers with the consent of the superintendent of the state</u>	1257
<u>highway patrol.</u>	1258
<u>(J) Money collected for reimbursement of costs associated</u>	1259
<u>with the quarantine or transfer of dangerous wild animals and</u>	1260
<u>restricted snakes under this section shall be credited to one of</u>	1261
<u>the following funds, as applicable:</u>	1262
<u>(1) If the animal or snake was quarantined or transferred by</u>	1263
<u>an employee of the department of agriculture or the department of</u>	1264
<u>health, a natural resources law enforcement officer, or a law</u>	1265
<u>enforcement officer who is a state highway patrol trooper, the</u>	1266
<u>dangerous and restricted animal fund created in section 935.25 of</u>	1267
<u>the Revised Code;</u>	1268
<u>(2) If the animal or snake was quarantined or transferred by</u>	1269
<u>an employee of a board of health, a special fund, which is hereby</u>	1270
<u>created in each health district, that shall be used exclusively</u>	1271
<u>for the administration and enforcement of this chapter and rules;</u>	1272

(3) If the animal or snake was quarantined or transferred by 1273
an agent of a humane society, a special fund, which is hereby 1274
created in each county that has a humane society, that shall be 1275
used exclusively for the administration and enforcement of this 1276
chapter and rules; 1277

(4) If the animal or snake was quarantined or transferred by 1278
a law enforcement officer who is not a state highway patrol 1279
trooper, the special fund that is created in the political 1280
subdivision that employs the law enforcement officer in division 1281
(D) of section 935.16 of the Revised Code. 1282

(K) The director shall maintain a list of facilities inside 1283
and outside the state that the director determines are eligible to 1284
accept dangerous wild animals and restricted snakes for the 1285
purposes of this section. 1286

Sec. 935.21. The director of agriculture may request either 1287
of the following to accompany the director or an employee of the 1288
department of agriculture for purposes of investigations and 1289
inspections conducted under this chapter: 1290

(A) A law enforcement officer; 1291

(B) With the consent of the director of natural resources, a 1292
natural resources law enforcement officer. 1293

Sec. 935.22. An employee of an agency or political 1294
subdivision of the state that destroys a dangerous wild animal or 1295
restricted snake that is a threat to public safety is not liable 1296
for damages in a civil action for any injury, death, or loss to 1297
person or property that allegedly arises from the destruction of 1298
the animal or snake. 1299

Sec. 935.23. (A) The owner of a restricted snake specified in 1300
division (L)(2), (3), or (4) of section 935.01 of the Revised Code 1301

shall do both of the following: 1302

(1) Have access to antivenom for each species of snake that 1303
the person owns either at the location where each snake is 1304
confined or at a hospital, as defined in section 3727.01 of the 1305
Revised Code, with which the owner has entered into a written 1306
agreement to provide the antivenom. However, an owner may apply to 1307
the director of agriculture for a waiver to have access to 1308
antivenom in a location that is not specified in division (A)(1) 1309
of this section. 1310

(2) Submit proof of having access to the antivenom required 1311
by division (A)(1) of this section to the sheriff of the county 1312
and the chief law enforcement officer of the township or municipal 1313
corporation in which each snake that the person owns is confined. 1314

In addition, the owner shall submit a list that contains the 1315
name of each species of restricted snake specified in division 1316
(L)(2), (3), or (4) of section 935.01 of the Revised Code that the 1317
person owns to the sheriff of the county and the chief law 1318
enforcement officer of the township or municipal corporation in 1319
which each snake is confined. If the restricted snake or snakes 1320
owned by the person change, the owner shall submit an updated list 1321
to the sheriff of the county and the chief law enforcement officer 1322
of the township or municipal corporation in which each such snake 1323
is confined no later than seven days after the change occurs. 1324

(B) If a restricted snake specified in division (L)(2), (3), 1325
or (4) of section 935.01 of the Revised Code bites a person other 1326
than the snake's owner, the owner is liable for all costs 1327
associated with the treatment of the bite, including the cost of 1328
replacement of any antivenom that was used to treat the bite. 1329

Sec. 935.24. (A) The attorney general, upon request of the 1330
director of agriculture, shall bring an action for injunction 1331

against any person who has violated, is violating, or is 1332
threatening to violate this chapter or rules. The court of common 1333
pleas in which an action for injunction is filed has jurisdiction 1334
to and shall grant preliminary and permanent injunctive relief 1335
upon a showing that the person against whom the action is brought 1336
has violated, is violating, or is threatening to violate this 1337
chapter or rules. 1338

(B)(1) The director may assess a civil penalty against any 1339
person that the director determines is not in compliance with this 1340
chapter or rules. 1341

(2) The director shall afford the person an opportunity for 1342
an adjudication under Chapter 119. of the Revised Code to 1343
challenge the director's determination that the person is not in 1344
compliance with this chapter or rules. However, the person may 1345
waive the right to an adjudication. 1346

(3) If the opportunity for an adjudication is waived or if, 1347
after an adjudication, the director determines that a violation 1348
has occurred or is occurring, the director may issue an order and 1349
assess a civil penalty in an amount established in rules against 1350
the violator. The order and the assessment of the civil penalty 1351
may be appealed in accordance with section 119.12 of the Revised 1352
Code. 1353

(C) Notwithstanding any other section of the Revised Code, 1354
money resulting from any action taken under this section shall be 1355
credited to the dangerous and restricted animal fund created in 1356
section 935.25 of the Revised Code. 1357

Sec. 935.25. (A) There is hereby created in the state 1358
treasury the dangerous and restricted animal fund, which shall 1359
consist of all of the following: 1360

(1) Money collected from permit application fees under this 1361

<u>chapter;</u>	1362
<u>(2) Money credited to the fund under division (J)(1) of section 935.20 of the Revised Code;</u>	1363 1364
<u>(3) Money credited to the fund under division (D) of section 935.24 of the Revised Code.</u>	1365 1366
<u>(B) Money in the fund shall be used for any of the following purposes:</u>	1367 1368
<u>(1) Administration and enforcement of this chapter and rules;</u>	1369
<u>(2) Compensation of the department of natural resources or the state highway patrol for the costs incurred in capturing or destroying a dangerous wild animal or restricted snake pursuant to section 935.16 of the Revised Code;</u>	1370 1371 1372 1373
<u>(3) Compensation of the departments of natural resources and health and the state highway patrol for the costs incurred in conducting investigations and quarantining or transferring a dangerous wild animal or restricted snake pursuant to section 935.20 of the Revised Code;</u>	1374 1375 1376 1377 1378
<u>(4) Compensation of a facility that is on the list maintained by the director of agriculture under division (K) of section 935.20 of the Revised Code and that accepts a dangerous wild animal or restricted snake pursuant to that section.</u>	1379 1380 1381 1382
<u>(C) Investment earnings of the fund shall be credited to the fund.</u>	1383 1384
<u>Sec. 935.26. (A) There is hereby created the dangerous and restricted animals advisory board consisting of the following members:</u>	1385 1386 1387
<u>(1) The director of agriculture or the director's designee, who shall be the chairperson of the board;</u>	1388 1389
<u>(2) The director of natural resources or the director's</u>	1390

<u>designee;</u>	1391
<u>(3) The director of health or the director's designee;</u>	1392
<u>(4) The state veterinarian in the department of agriculture;</u>	1393
<u>(5) The following ten members who shall be appointed by the</u>	1394
<u>governor with the advice and consent of the senate and shall be</u>	1395
<u>residents of this state:</u>	1396
<u>(a) One member representing dangerous wild animal or</u>	1397
<u>restricted snake owners;</u>	1398
<u>(b) One member who is knowledgeable about dangerous wild</u>	1399
<u>animals or restricted snakes;</u>	1400
<u>(c) One member representing an accredited member of the</u>	1401
<u>association of zoos and aquariums that operates in this state;</u>	1402
<u>(d) One member representing an accredited member of the</u>	1403
<u>zoological association of America;</u>	1404
<u>(e) Two members who are veterinarians;</u>	1405
<u>(f) Two members representing the public;</u>	1406
<u>(g) One member representing the governor;</u>	1407
<u>(h) One member representing a humane society.</u>	1408
<u>(6) One member appointed by the speaker of the house of</u>	1409
<u>representatives who shall be a restricted snake owner;</u>	1410
<u>(7) One member appointed by the president of the senate who</u>	1411
<u>shall be a dangerous wild animal owner.</u>	1412
<u>Not more than seven members appointed to the board at any</u>	1413
<u>given time shall be members of the same political party.</u>	1414
<u>(B)(1) The governor, the speaker of the house of</u>	1415
<u>representatives, and the president of the senate shall make</u>	1416
<u>initial appointments to the board not later than forty-five days</u>	1417
<u>after the effective date of this section.</u>	1418

<u>(2) The following initial members of the board appointed by</u>	1419
<u>the governor shall be appointed for a term ending January 15,</u>	1420
<u>2013:</u>	1421
<u>(a) The member representing dangerous wild animal or</u>	1422
<u>restricted snake owners;</u>	1423
<u>(b) One of the members who is a veterinarian;</u>	1424
<u>(c) The member representing the governor;</u>	1425
<u>(d) The member representing an accredited member of the</u>	1426
<u>zoological association of America.</u>	1427
<u>(3) The following initial members of the board shall be</u>	1428
<u>appointed for a term ending January 15, 2014:</u>	1429
<u>(a) The member appointed by the speaker of the house of</u>	1430
<u>representatives;</u>	1431
<u>(b) The member who is knowledgeable about dangerous wild</u>	1432
<u>animals or restricted snakes;</u>	1433
<u>(c) The member representing a humane society;</u>	1434
<u>(d) One of the members representing the public.</u>	1435
<u>(4) The following initial members of the board shall be</u>	1436
<u>appointed for a term ending January 15, 2015:</u>	1437
<u>(a) The member appointed by the president of the senate;</u>	1438
<u>(b) The member representing an accredited member of the</u>	1439
<u>association of zoos and aquariums that operates in this state;</u>	1440
<u>(c) One of the members representing the public;</u>	1441
<u>(d) One of the members who is a veterinarian.</u>	1442
<u>Thereafter, terms of office of appointed members shall be for</u>	1443
<u>three years with each term ending on the same day of the same</u>	1444
<u>month as did the term that it succeeds. An appointed member shall</u>	1445
<u>hold office from the date of the member's appointment until the</u>	1446

end of the term for which the member was appointed. 1447

The terms of office of the director of agriculture, the 1448
director of natural resources, the director of health, their 1449
designees, and the state veterinarian shall coincide with the 1450
length of time that the person holds the position of director or 1451
state veterinarian or is a designee, as applicable. If a director, 1452
a designee, or the state veterinarian resigns or that person's 1453
employment is terminated, that person shall cease to serve on the 1454
board, and the successor of that person shall serve on the board 1455
in accordance with this section. 1456

(C) Vacancies on the board shall be filled in the manner 1457
provided for original appointments. A member appointed to fill a 1458
vacancy occurring prior to the expiration of the term for which 1459
the member's predecessor was appointed shall hold office for the 1460
remainder of that term. A member shall continue in office 1461
subsequent to the expiration date of the member's term until the 1462
member's successor takes office, or until a period of one hundred 1463
eighty days has elapsed, whichever occurs first. A member may be 1464
reappointed upon the expiration of the member's term. 1465

(D) The board shall hold at least three regular meetings each 1466
year and may hold additional meetings at times that the 1467
chairperson or a majority of the board members considers 1468
appropriate. At the first meeting of the board in each calendar 1469
year, the director of agriculture or the director's designee shall 1470
designate one member of the board to serve as its 1471
vice-chairperson. A majority of the board constitutes a quorum. 1472
The board may act only if a quorum is present and only by a 1473
majority vote of the members. 1474

(E) Serving as an appointed member of the board does not 1475
constitute holding a public office or position of employment under 1476
the laws of this state and does not constitute grounds for removal 1477
of public officers or employees from their offices or positions of 1478

employment. 1479

(F) Appointed members of the board shall receive no 1480
compensation for their services. Members shall be reimbursed for 1481
their actual and necessary expenses incurred in the performance of 1482
their duties as members. The expenses shall be paid from the 1483
dangerous and restricted animal fund created in section 935.25 of 1484
the Revised Code. The expenses shall be paid in accordance with 1485
the rules and requirements adopted by the department of 1486
administrative services that are applicable to state employees. 1487

(G) The board may create committees that it considers 1488
appropriate to make recommendations to the board. Committees may 1489
include members who do not serve on the board. 1490

(H) The board shall do both of the following: 1491

(1) Review the rules that have been or are proposed to be 1492
adopted under divisions (A)(2) and (B) of section 935.17 of the 1493
Revised Code; 1494

(2) Advise the director of agriculture on the administration 1495
of this chapter and rules. 1496

Sec. 935.99. (A) Whoever violates division (A), (B), (C), 1497
(E), (F), or (G) of section 935.18 of the Revised Code is guilty 1498
of a misdemeanor of the first degree on a first offense and a 1499
felony of the fifth degree on each subsequent offense. 1500

(B) Whoever violates division (D) of section 935.18 of the 1501
Revised Code is guilty of a felony of the fifth degree. 1502

Sec. 1533.71. (A) Unless otherwise provided by division rule, 1503
any person desiring to engage in the business of raising and 1504
selling game birds, game quadrupeds, reptiles, amphibians, or 1505
fur-bearing animals in a wholly enclosed preserve of which the 1506
person is the owner or lessee, or to have game birds, game 1507

quadrupeds, reptiles, amphibians, or fur-bearing animals in 1508
captivity, shall apply in writing to the division of wildlife for 1509
a license to do so. 1510

(B) The division, when it appears that the application is 1511
made in good faith and upon the payment of the fee for each 1512
license, may issue to the applicant any of the following licenses 1513
that may be applied for: 1514

~~(A)~~(1) "Commercial propagating license" permitting the 1515
licensee to propagate game birds, game quadrupeds, reptiles, 1516
amphibians, or fur-bearing animals in the wholly enclosed preserve 1517
the location of which is stated in the license and the application 1518
therefor, and to sell the propagated game birds, game quadrupeds, 1519
reptiles, amphibians, or fur-bearing animals and ship them from 1520
the state alive at any time, and permitting the licensee and the 1521
licensee's employees to kill the propagated game birds, game 1522
quadrupeds, or fur-bearing animals and sell the carcasses for food 1523
subject to sections 1533.70 to 1533.80 of the Revised Code. The 1524
fee for such a license is forty dollars per annum. 1525

~~(B)~~(2) "Noncommercial propagating license" permitting the 1526
licensee to propagate game birds, game quadrupeds, reptiles, 1527
amphibians, or fur-bearing animals and to hold the animals in 1528
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 1529
fur-bearing animals propagated or held in captivity by authority 1530
of a noncommercial propagating license are for the licensee's own 1531
use and shall not be sold. The fee for such a license is 1532
twenty-five dollars per annum. 1533

~~(C)~~(3) A free "raise to release license" permitting duly 1534
organized clubs, associations, or individuals approved by the 1535
division to engage in the raising of game birds, game quadrupeds, 1536
or fur-bearing animals for release only and not for sale or 1537
personal use. 1538

(C) Except as provided by law, no person shall possess game 1539
birds, game quadrupeds, or fur-bearing animals in closed season, 1540
provided that municipal or governmental zoological parks are not 1541
required to obtain the licenses provided for in this section. 1542

All licenses issued under this section shall expire on the 1543
fifteenth day of March of each year. 1544

The chief of the division of wildlife shall pay all moneys 1545
received as fees for the issuance of licenses under this section 1546
into the state treasury to the credit of the fund created by 1547
section 1533.15 of the Revised Code for the use of the division in 1548
the purchase, preservation, and protection of wild animals and for 1549
the necessary clerical help and forms required by sections 1533.70 1550
to 1533.80 of the Revised Code. 1551

(D) This section does not authorize the taking or the release 1552
for taking of the following: 1553

(1) Game birds, without first obtaining a commercial bird 1554
shooting preserve license issued under section 1533.72 of the 1555
Revised Code; 1556

(2) Game or nonnative wildlife, without first obtaining a 1557
wild animal hunting preserve license issued under section 1533.721 1558
of the Revised Code. 1559

(E) A license shall not be issued under this section to raise 1560
or sell a dangerous wild animal or restricted snake as defined in 1561
section 935.01 of the Revised Code. 1562

Section 2. That existing section 1533.71 and section 2927.21 1563
of the Revised Code are hereby repealed. 1564