

**As Reported by the House Agriculture and Natural Resources
Committee**

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

Sub. S. B. No. 310

Senator Balderson

**Cosponsors: Senators Jones, Bacon, Beagle, Burke, Gentile, Hite, Lehner,
Manning, Niehaus, Sawyer, Widener
Representatives Fedor, Heard, Murray, Okey**

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A B I L L

To amend section 1533.71, to enact sections 935.01, 1
935.011, 935.02 to 935.04, 935.041, 935.05 to 2
935.10, 935.101, 935.11 to 935.29, and 935.99, and 3
to repeal section 2927.21 of the Revised Code to 4
establish requirements governing the possession of 5
dangerous wild animals 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, 935.041, 935.05, 935.06, 8
935.07, 935.08, 935.09, 935.10, 935.101, 935.11, 935.12, 935.13, 9
935.14, 935.15, 935.16, 935.17, 935.18, 935.19, 935.20, 935.21, 10
935.22, 935.23, 935.24, 935.25, 935.26, 935.27, 935.28, 935.29, 11
and 935.99 of the Revised Code be 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

<u>Revised Code.</u>	17
<u>(B) "Circus" means a traveling show to which all of the</u>	18
<u>following apply:</u>	19
<u>(1) It is licensed by the United States department of</u>	20
<u>agriculture under the federal animal welfare act.</u>	21
<u>(2) It presents dangerous wild animals, restricted snakes, or</u>	22
<u>both in a public performance as its own event or as part of a fair</u>	23
<u>or carnival.</u>	24
<u>(3) It does not allow physical contact between the public and</u>	25
<u>the dangerous wild animals or restricted snakes possessed by it.</u>	26
<u>Division (B)(3) of this section does not apply to rides or other</u>	27
<u>interactions between the public and an elephant, provided that</u>	28
<u>such a ride or other interaction is under the direct supervision</u>	29
<u>of an experienced animal handler.</u>	30
<u>(4) It is in the state for less than sixty-five days each</u>	31
<u>year.</u>	32
<u>(C) "Dangerous wild animal" means any of the following,</u>	33
<u>including hybrids unless otherwise specified:</u>	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</u>	40
<u>leopards, and snow leopards;</u>	41
<u>(7) All of the following, including hybrids with domestic</u>	42
<u>cats unless otherwise specified:</u>	43
<u>(a) Cheetahs;</u>	44

<u>(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;</u>	45
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<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
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<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 lemurs and the nonhuman primates specified in division (C)(20) of this section;</u>	62
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<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
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<u>(b) Southern and northern night monkeys;</u>	68
<u>(c) Dusky titi and masked titi monkeys;</u>	69
<u>(d) Muriquis;</u>	70
<u>(e) Goeldi's monkeys;</u>	71

<u>(f) White-faced, black-bearded, white-nose bearded, and monk sakis;</u>	72
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<u>(g) Bald and black uakaris;</u>	74
<u>(h) Black-handed, white-bellied, brown-headed, and black spider monkeys;</u>	75
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<u>(i) Common woolly monkeys;</u>	77
<u>(j) Red, black, and mantled howler monkeys.</u>	78
<u>"Dangerous wild animal" does not include a domesticated animal that is considered livestock as defined in section 901.70 of the Revised Code.</u>	79
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<u>(D) "Federal animal welfare act" has the same meaning as in section 959.131 of the Revised Code.</u>	82
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<u>(E) "Felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	84
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<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>	86
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<u>(G) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code.</u>	89
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<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>	91
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<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>	95
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<u>(J) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.</u>	99
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(K) "Rescue facility" means a nonprofit organization as 101
described in section 170 of the "Internal Revenue Code of 1986," 102
100 Stat. 2085, 26 U.S.C. 170, as amended, that operates a place 103
of refuge where abused, neglected, unwanted, impounded, abandoned, 104
orphaned, or displaced dangerous wild animals are provided care 105
for their lifetime or released back to their natural habitat, and, 106
with respect to an animal possessed by the organization, that does 107
not do any of the following: 108

(1) Sell, trade, or barter the animal or the animal's body 109
parts; 110

(2) Use the animal in any manner for profit; 111

(3) Breed the animal; 112

(4) Allow the public the opportunity to come into contact 113
with the animal. 114

(L) "Restricted snake" means any of the following: 115

(1) All of the following constricting snakes that are twelve 116
feet or longer: 117

(a) Green anacondas; 118

(b) Yellow anacondas; 119

(c) Reticulated pythons; 120

(d) Indian pythons; 121

(e) Burmese pythons; 122

(f) North African rock pythons; 123

(g) South African rock pythons; 124

(h) Amethystine pythons. 125

(2) Species of the following families: 126

(a) Atractaspididae; 127

(b) Elapidae; 128

<u>(c) Viperidae.</u>	129
<u>(3) Boomslang snakes;</u>	130
<u>(4) Twig snakes.</u>	131
<u>(M) "Rule" means a rule adopted under section 935.17 of the Revised Code.</u>	132 133
<u>(N) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code.</u>	134 135
<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>	136 137 138 139 140 141 142 143 144 145
<u>(1) Use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit;</u>	146 147
<u>(2) Sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts;</u>	148 149
<u>(3) Use or allow the use of the animal or snake in any manner for profit;</u>	150 151
<u>(4) Breed the animal or snake;</u>	152
<u>(5) Allow the public the opportunity to come into physical contact with the animal or snake.</u>	153 154
<u>Sec. 935.011. The director of agriculture may recommend to the general assembly species of animals to be included in the definition of "dangerous wild animal" and species of snakes to be</u>	155 156 157

included in the definition of "restricted snake" in section 935.01 158
of the Revised Code. The director shall not add species of animals 159
to be included in the definition of "dangerous wild animal" and 160
species of snakes to be included in the definition of "restricted 161
snake" without the approval of the General Assembly. 162

Sec. 935.02. (A) No person shall possess a dangerous wild 163
animal on or after January 1, 2014. 164

(B)(1) Except as provided in divisions (G)(1) and (2) of 165
section 935.06 of the Revised Code, no person shall acquire, buy, 166
sell, trade, or transfer possession or ownership of a dangerous 167
wild animal on or after the effective date of this section. 168

(2) Notwithstanding division (B)(1) of this section, a person 169
that operates a rescue facility may acquire, except by purchase, 170
possession or ownership of a dangerous wild animal if one of the 171
following applies: 172

(a) Prior to January 1, 2014, the person is authorized to do 173
so by the director of agriculture in accordance with procedures 174
adopted by the director. 175

(b) On or after January 1, 2014, the person has obtained a 176
rescue facility permit under section 935.101 of the Revised Code. 177

Sec. 935.03. (A) Division (A) of section 935.02 of the 178
Revised Code does not apply to any of the following: 179

(1) A person to which all of the following apply: 180

(a) The person possesses a dangerous wild animal. 181

(b) The person has been issued a license by the United States 182
department of agriculture under the federal animal welfare act. 183

(c) The director of agriculture has determined that the 184
person is in the process of becoming an accredited member of the 185

<u>association of zoos and aquariums or the zoological association of</u>	186
<u>America.</u>	187
<u>(d) The director has informed the person that the person is</u>	188
<u>exempt from division (A) of section 935.02 of the Revised Code.</u>	189
<u>(2) An organization to which all of the following apply:</u>	190
<u>(a) The organization possesses a dangerous wild animal.</u>	191
<u>(b) The director has determined that the organization is in</u>	192
<u>the process of being accredited or verified by the global</u>	193
<u>federation of animal sanctuaries as a wildlife sanctuary.</u>	194
<u>(c) The director has informed the organization that it is</u>	195
<u>exempt from division (A) of section 935.02 of the Revised Code.</u>	196
<u>(3) A person whose possession of a dangerous wild animal is</u>	197
<u>authorized by an unexpired permit issued under this chapter.</u>	198
<u>(B) Except for the purposes of divisions (A) and (B) of</u>	199
<u>section 935.04 of the Revised Code, this chapter does not apply to</u>	200
<u>any of the following:</u>	201
<u>(1) A facility that is an accredited member of the</u>	202
<u>association of zoos and aquariums or the zoological association of</u>	203
<u>America and that is licensed by the United States department of</u>	204
<u>agriculture under the federal animal welfare act;</u>	205
<u>(2) A research facility as defined in the federal animal</u>	206
<u>welfare act;</u>	207
<u>(3) A research facility that is accredited by the association</u>	208
<u>for the assessment and accreditation of laboratory animal care</u>	209
<u>international;</u>	210
<u>(4) A circus;</u>	211
<u>(5) A wildlife rehabilitation facility that is issued a</u>	212
<u>permit by the chief of the division of wildlife in rules adopted</u>	213
<u>under section 1531.08 of the Revised Code and that rehabilitates</u>	214

<u>dangerous wild animals or restricted snakes that are native to the</u>	215
<u>state for the purpose of reintroduction into the wild;</u>	216
<u>(6) A veterinarian that is providing temporary veterinary</u>	217
<u>care to a dangerous wild animal or restricted snake;</u>	218
<u>(7) A wildlife sanctuary;</u>	219
<u>(8) An individual who does not reside in this state, is</u>	220
<u>traveling through this state with a dangerous wild animal or</u>	221
<u>restricted snake, and does all of the following:</u>	222
<u>(a) Confines the animal or snake in a cage at all times;</u>	223
<u>(b) Confines the animal or snake in a cage that is not</u>	224
<u>accessible to the public;</u>	225
<u>(c) Does not exhibit the animal or snake;</u>	226
<u>(d) Is in the state not more than forty-eight hours unless</u>	227
<u>the animal or snake is receiving veterinary care.</u>	228
<u>(9) An educational institution that displays a single</u>	229
<u>dangerous wild animal as a sports mascot and that meets all of the</u>	230
<u>following criteria:</u>	231
<u>(a) An official of the educational institution has submitted</u>	232
<u>an affidavit attesting that the institution will care for the</u>	233
<u>animal as long as the animal lives and in a facility that is an</u>	234
<u>accredited member of the association of zoos and aquariums or the</u>	235
<u>zoological association of America.</u>	236
<u>(b) The educational institution maintains a liability</u>	237
<u>insurance policy with an insurer authorized or approved to write</u>	238
<u>such insurance in this state that covers claims for injury or</u>	239
<u>damage to persons or property caused by a dangerous wild animal.</u>	240
<u>The amount of the insurance coverage shall be not less than one</u>	241
<u>million dollars.</u>	242
<u>(c) During display and transport, the educational institution</u>	243
<u>confines the dangerous wild animal in a cage that does not permit</u>	244

physical contact between the animal and the public. 245

(d) The educational institution began displaying a dangerous wild animal as a mascot prior to the effective date of this section. 246
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(10) Any person who has been issued a permit under section 1533.08 of the Revised Code; 249
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(11) Any person authorized to possess a dangerous wild animal or restricted snake under section 1531.25 of the Revised Code or rules adopted under it; 251
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(12) A mobility impaired person as defined in section 955.011 of the Revised Code who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the mobility impaired person; 254
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(13) A deaf or hearing-impaired person who possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the deaf or hearing-impaired person; 259
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(14) A person who is blind as defined in section 955.011 of the Revised Code and possesses a dangerous wild animal specified in division (C)(20)(h) of section 935.01 of the Revised Code that has been trained by a nonprofit agency or is in such training to assist the blind person. 264
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Sec. 935.04. (A) A person that possesses a dangerous wild animal on the effective date of this section shall register the animal with the director of agriculture in accordance with this section not later than sixty days after the effective date of this section. 269
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(B) A person shall register a dangerous wild animal on a form 274

prescribed and provided by the director. The form shall include 275
all of the following: 276

(1) The name, address, social security number, and federal 277
employer identification number, if applicable, of the person 278
registering the dangerous wild animal; 279

(2) If different from the information provided under division 280
(B)(1) of this section, the name and address of the location where 281
the dangerous wild animal is confined; 282

(3) A description of the dangerous wild animal, including the 283
scientific and common names of the animal, the name that the 284
person has given the animal, the animal's sex, age, color, and 285
weight, and any distinguishing marks or coloration that would aid 286
in the identification of the animal; 287

(4) The name, address, and telephone number of the 288
veterinarian that provides veterinary care to the dangerous wild 289
animal; 290

(5) Any other information required by the director in rules. 291

(C) Beginning ninety days after the director adopts rules 292
under division (A) of section 935.17 of the Revised Code, a person 293
that has registered a dangerous wild animal under this section 294
shall comply with the applicable requirements regarding the care 295
and housing of dangerous wild animals established in those rules. 296

(D) A person that registers a dangerous wild animal under 297
this section shall have permanently implanted in the dangerous 298
wild animal a microchip at the time of registration. The microchip 299
shall have an identification number that is unique to the 300
microchip. In addition, the microchip shall contain a passive 301
integrated transponder, which shall have a frequency of one 302
hundred twenty-five, one hundred thirty-four and two-tenths, or 303
four hundred kilohertz. 304

(E) A person that possesses a registered dangerous wild animal on October 1, 2013, and that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, shall obtain a wildlife shelter permit issued under section 935.06 of the Revised Code or a wildlife propagation permit issued under section 935.07 of the Revised Code. 305
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Sec. 935.041. A person that possesses any of the following animals shall register the animal in the same manner as provided in section 935.04 of the Revised Code: 311
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(A) Pygmy, white-tufted-ear, silvery, and black-pencilled marmosets; 314
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(B) Squirrel monkeys; 316

(C) Brown, white-faced, weeping, and white-fronted capuchins; 317

(D) Lemurs. 318

Sec. 935.05. (A) A person that possesses a registered dangerous wild animal in this state on October 1, 2013, that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that does not intend to propagate the animal shall apply for a wildlife shelter permit under this section. 319
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(B) An applicant for a wildlife shelter permit shall file an application for a permit with the director of agriculture on a form prescribed and provided by the director. An applicant need apply for only one permit regardless of the number of dangerous wild animals that the applicant possesses. The application shall include all of the following: 325
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(1) The name, date of birth, address, social security number, and federal employer identification number, if applicable, of the applicant; 331
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(2) If different from the information provided under division (B)(1) of this section, the name and address of the location where each dangerous wild animal will be confined; 334
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(3) A description of each dangerous wild animal, including the scientific and common names, the name that the applicant has given the animal, the animal's sex, age, color, and weight, and any distinguishing marks or coloration that would aid in the identification of the animal; 337
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(4) The identification number of the microchip that is implanted in each dangerous wild animal and the frequency of the passive integrated transponder contained in the microchip as required in section 935.04 of the Revised Code; 342
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(5) Proof of financial responsibility as required in division (D) of this section; 346
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(6) Except as otherwise provided in this section, proof that the applicant has at least two years of experience in the care of the species of dangerous wild animal or animals that are the subject of the application. If an applicant cannot provide such proof, the applicant shall pass a written examination regarding the care of dangerous wild animals that is established and administered in accordance with rules. 348
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(7) A plan of action to be undertaken if a dangerous wild animal escapes; 355
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(8) Proof that the applicant has established a veterinarian-client relationship as described in section 4741.04 of the Revised Code with regard to each dangerous wild animal; 357
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(9) Any additional information required in rules. 360

An applicant shall submit a copy of the plan of action required in division (B)(7) of this section to the sheriff of the county and to the chief law enforcement officer and fire chief of 361
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the township or municipal corporation having jurisdiction where 364
the dangerous wild animal or animals are confined. 365

(C) An applicant shall submit one of the following fees, as 366
applicable, with an application: 367

(1) Two hundred fifty dollars if the applicant possesses not 368
more than three dangerous wild animals; 369

(2) Five hundred dollars if the applicant possesses at least 370
four, but not more than ten dangerous wild animals; 371

(3) One thousand dollars if the applicant possesses at least 372
eleven, but not more than fifteen dangerous wild animals; 373

(4) One thousand dollars if the applicant possesses sixteen 374
or more dangerous wild animals plus an additional one hundred 375
twenty-five dollars for each animal that the applicant possesses 376
in an amount greater than fifteen dangerous wild animals. 377

(D)(1) An applicant shall obtain and maintain proof of 378
financial responsibility in one of the following forms: 379

(a) A liability insurance policy with an insurer authorized 380
or approved to write such insurance in this state that covers 381
claims for injury or damage to persons or property caused by a 382
dangerous wild animal possessed by the applicant or any resulting 383
claims against the state; 384

(b) A surety bond, which shall be executed by a surety 385
company authorized to do business in this state that covers claims 386
for injury or damage to persons or property caused by a dangerous 387
wild animal possessed by the applicant or any resulting claims 388
against the state. The bond shall be in a form approved by the 389
director of agriculture. 390

(2) Proof of financial responsibility shall be in one of the 391
following amounts, as applicable: 392

(a) Two hundred thousand dollars if the applicant possesses 393

not more than five dangerous wild animals; 394

(b) Five hundred thousand dollars if the applicant possesses 395
at least six, but not more than fifteen dangerous wild animals; 396

(c) One million dollars if the applicant possesses sixteen or 397
more dangerous wild animals. 398

The amounts specified in division (D)(2) of this section 399
shall be for each occurrence of injury or damage. 400

Sec. 935.06. (A) Not later than ninety days after receipt of 401
an application under section 935.05 of the Revised Code, the 402
director of agriculture shall issue or deny a wildlife shelter 403
permit. The director shall issue a permit to an applicant only if 404
all of the following apply: 405

(1) The applicant is eighteen years of age or older. 406

(2) The applicant has registered the dangerous wild animal or 407
animals that are the subject of the application under section 408
935.04 of the Revised Code. 409

(3) The applicant is in compliance with the standards of care 410
established in rules adopted under division (A)(2) of section 411
935.17 of the Revised Code. 412

(4) The applicant has sterilized each male dangerous wild 413
animal that is possessed by the applicant. However, a dangerous 414
wild animal is not required to be sterilized if a veterinarian 415
that is qualified to provide veterinary care to the dangerous wild 416
animal determines that the sterilization is medically 417
contraindicated and the applicant has submitted a copy of the 418
veterinarian's written determination with the applicant's 419
application. 420

(5) The applicant has signed an affidavit attesting that the 421
applicant will not allow members of the public to be in physical 422
contact with a dangerous wild animal possessed by the applicant. 423

Division (A)(5) of this section does not apply to an employee of the applicant or a volunteer who has entered into a written agreement with the applicant to work for or volunteer for the applicant and assists in the care of a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code possessed by the applicant if the care is provided under the direction of the applicant.

(6) The applicant has not been convicted of or pleaded guilty to a felony drug abuse offense, an offense of violence that is a felony, or 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 assembly, as determined by a criminal records check performed in accordance with division (B) of this section.

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

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

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

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

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

(10) The applicant has submitted the applicable fee under section 935.05 of the Revised Code. 455
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If a permit is issued, the director shall assign a unique identification number to the permit. 457
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(B) Prior to issuing or denying a wildlife shelter 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: 459
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(1) A felony drug abuse offense; 469

(2) An offense of violence that is a felony; 470

(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 assembly. 471
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The applicant is responsible for paying all costs associated with the criminal records check. 475
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(C) If a permit application is denied, two hundred fifty dollars of the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the fee shall be returned to the applicant. 477
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(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the 482
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permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.05 of the Revised Code. If a renewal permit is denied, two hundred fifty dollars of the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee shall be returned to the applicant.

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

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

The person is responsible for all costs associated with the

transfer of the dangerous wild animal or animals. 517

(G) If a person that has been issued a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code dies, the person's next of kin shall do one of the following: 518
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(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a wildlife shelter permit under this section or a wildlife propagation permit under section 935.07 of the Revised Code, as applicable. That next of kin shall comply with this chapter and rules, except that, with respect to the next of kin's initial permit, the person need not pay the applicable permit application fee. 522
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(2) If the deceased person has a last will and testament that specifies that the dangerous wild animal or animals possessed by the person are to be transferred to another person that has been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit issued under this chapter, transfer the dangerous wild animal or animals to the applicable permit holder; 529
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(3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in accordance with division (F) of this section. 535
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(H) 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. 538
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Sec. 935.07. (A) A person that possesses a registered dangerous wild animal in this state on October 1, 2013, that wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules shall apply for a wildlife propagation permit 541
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under this section. An applicant need apply for only one permit 547
regardless of the number of dangerous wild animals that the 548
applicant possesses. 549

(B) Except as otherwise provided in this section, an 550
applicant for a wildlife propagation permit shall comply with the 551
requirements and procedures established in sections 935.05 and 552
935.06 of the Revised Code. The application fee for a wildlife 553
propagation permit shall be one of the following, as applicable: 554

(1) One thousand dollars if the applicant possesses not more 555
than fifty dangerous wild animals; 556

(2) Three thousand dollars if the applicant possesses more 557
than fifty dangerous wild animals. 558

(C) The facility at which a dangerous wild animal or 559
dangerous wild animals will be maintained under a wildlife 560
propagation permit shall consist of at least two acres. Division 561
(C) of this section does not apply to either of the following: 562

(1) Dangerous wild animals specified in division (C)(20) of 563
section 935.01 of the Revised Code; 564

(2) An applicant to whom the director of agriculture issues a 565
written waiver stating that the acreage requirement does not apply 566
to the applicant. 567

(D) All fees collected under this section shall be credited 568
to the dangerous and restricted animal fund created in section 569
935.25 of the Revised Code. 570

Sec. 935.08. (A)(1) A person that possesses a restricted 571
snake in this state prior to January 1, 2014, that wishes to 572
continue to possess the restricted snake on and after that date, 573
and that does not intend to propagate, sell, trade, or otherwise 574
transfer the snake shall obtain a restricted snake possession 575

permit under this section not later than January 1, 2014. 576

(2) A person that acquires a restricted snake in this state 577
on or after January 1, 2014, and that does not intend to 578
propagate, sell, trade, or otherwise transfer the snake shall 579
obtain a restricted snake possession permit under this section not 580
later than one hundred twenty days after acquiring the snake. 581

(3) An applicant need apply for only one permit regardless of 582
the number of restricted snakes that the applicant possesses. 583

(B) An applicant for a restricted snake possession permit 584
shall file an application for a permit with the director of 585
agriculture on a form prescribed and provided by the director. The 586
application shall include all of the following: 587

(1) The name, date of birth, address, social security number, 588
and federal employer identification number, if applicable, of the 589
applicant; 590

(2) If different from the information provided under division 591
(B)(1) of this section, the name and address of the location where 592
each restricted snake will be confined; 593

(3) A description of each restricted snake, including the 594
scientific and common names, the name that the applicant has given 595
the snake, the snake's sex, age, color, and weight, and any 596
distinguishing marks or coloration that would aid in the 597
identification of the snake; 598

(4) Proof of financial responsibility as required in division 599
(D) of this section; 600

(5) Except as otherwise provided in this section, proof that 601
the applicant has at least two years of experience in the care of 602
the species of restricted snake or snakes that are the subject of 603
the application. If an applicant cannot provide such proof, the 604
applicant shall pass a written examination regarding the care of 605

restricted snakes that is established and administered in 606
accordance with rules. The requirements of division (B)(5) of this 607
section do not apply with respect to a restricted snake specified 608
in division (L)(1) of section 935.01 of the Revised Code. 609

(6) A plan of action to be undertaken if a restricted snake 610
escapes; 611

(7) A written statement from a veterinarian stating that the 612
veterinarian is willing to provide veterinary care to an 613
applicant's restricted snake or snakes when the care is needed; 614

(8) Any additional information required in rules. 615

An applicant shall submit a copy of the plan of action 616
required in division (B)(6) of this section to the sheriff of the 617
county and to the chief law enforcement officer and fire chief of 618
the township or municipal corporation having jurisdiction where 619
the restricted snake or snakes are confined. 620

(C) An applicant shall submit a fee of one hundred fifty 621
dollars with an application. 622

(D)(1) Except as provided in division (D)(3) of this section, 623
an applicant shall obtain and maintain proof of financial 624
responsibility in one of the following forms: 625

(a) A liability insurance policy with an insurer authorized 626
or approved to write such insurance in this state that covers 627
claims for injury or damage to persons or property caused by a 628
restricted snake possessed by the applicant or any resulting 629
claims against the state; 630

(b) A surety bond, which shall be executed by a surety 631
company authorized to do business in this state that covers claims 632
for injury or damage to persons or property caused by a restricted 633
snake possessed by the applicant or any resulting claims against 634
the state. The bond shall be in a form approved by the director of 635

agriculture. 636

(2) Proof of financial responsibility shall be in one of the 637
following amounts, as applicable: 638

(a) One hundred thousand dollars if the applicant possesses 639
not more than five restricted snakes; 640

(b) Two hundred fifty thousand dollars if the applicant 641
possesses at least six, but not more than fifteen restricted 642
snakes; 643

(c) Five hundred thousand dollars if the applicant possesses 644
sixteen or more restricted snakes. 645

The amounts specified in division (D)(2) of this section 646
shall be for each occurrence of injury or damage. 647

(3) Division (D)(1) of this section does not apply to an 648
applicant that possesses one or more restricted snakes specified 649
in division (L)(1) of section 935.01 of the Revised Code, but no 650
other restricted snakes. 651

Sec. 935.09. (A) Not later than ninety days after receipt of 652
an application under section 935.08 of the Revised Code, the 653
director of agriculture shall issue or deny a restricted snake 654
possession permit. The director shall issue a permit to an 655
applicant only if all of the following apply: 656

(1) The applicant is eighteen years of age or older. 657

(2) The applicant has signed an affidavit attesting that the 658
applicant will not allow members of the public to be in physical 659
contact with a restricted snake possessed by the applicant. 660

Division (A)(2) of this section does not apply to either of the 661
following: 662

(a) An applicant that displays a restricted snake or snakes 663
specified in division (L)(1) of section 935.01 of the Revised Code 664

to a primary or secondary school age student; 665

(b) An employee of the applicant or a volunteer who has 666
entered into a written agreement with the applicant to work for or 667
volunteer for the applicant and assists in the care of a 668
restricted snake or snakes possessed by the applicant if the care 669
is provided under the direction of the applicant. 670

(3) The applicant has not been convicted of or pleaded guilty 671
to a felony drug abuse offense, an offense of violence that is a 672
felony, or a violation of section 959.13 or 959.131 of the Revised 673
Code or of section 2927.21 of the Revised Code as that section 674
existed prior to its repeal by S.B. 310 of the 129th general 675
assembly, as determined by a criminal records check performed in 676
accordance with division (B) of this section. 677

(4) The applicant has signed an affidavit attesting that the 678
facility at which a restricted snake or snakes will be maintained 679
under the permit and the conditions in which each restricted snake 680
will be kept in that facility are in compliance with this chapter 681
and rules. 682

(5) The applicant has submitted a complete application that 683
meets the requirements established in section 935.08 of the 684
Revised Code. 685

(6) The applicant has submitted the application fee 686
established in section 935.08 of the Revised Code. 687

If a permit is issued, the director shall assign a unique 688
identification number to the permit. 689

(B) Prior to issuing or denying a restricted snake possession 690
permit, the director shall submit a request to the bureau of 691
criminal identification and investigation in the office of the 692
attorney general for a criminal records check of the applicant for 693
the permit. Upon receipt of a request, the superintendent of the 694
bureau shall conduct a criminal records check in the manner 695

described in division (B) of section 109.572 of the Revised Code 696
to determine whether any information exists that indicates that 697
the applicant previously has been convicted of or pleaded guilty 698
to any of the following: 699

(1) A felony drug abuse offense; 700

(2) An offense of violence that is a felony; 701

(3) A violation of section 959.13 or 959.131 of the Revised 702
Code or of section 2927.21 of the Revised Code as that section 703
existed prior to its repeal by S.B. 310 of the 129th general 704
assembly. 705

The applicant is responsible for paying all costs associated 706
with the criminal records check. 707

(C) If a permit application is denied, seventy-five dollars 708
of the permit application fee shall be retained by the director as 709
payment for the reasonable expense of processing the application, 710
and the remainder of the fee shall be returned to the applicant. 711

(D) Not later than the first day of December of each year, a 712
permit holder shall apply to the director, on a form prescribed 713
and provided by the director, for a renewal of the permit if the 714
permit holder intends to retain possession of the restricted snake 715
or snakes that are identified in the permit. Not later than thirty 716
days after receipt of an application for renewal, the director 717
shall renew or deny the renewal of the permit. The director shall 718
renew the permit if the permit holder complies with this chapter 719
and rules and pays a renewal fee in the same amount as the fee 720
established for the initial permit in section 935.08 of the 721
Revised Code. If a renewal permit is denied, seventy-five dollars 722
of the renewal fee shall be retained by the director as payment 723
for the reasonable expense of processing the application, and the 724
remainder of the renewal fee shall be returned to the applicant. 725

(E) If the director denies an application for a permit or a 726

renewal of a permit, the director shall notify the person of the 727
denial, the grounds for the denial, and the person's right to an 728
adjudication under Chapter 119. of the Revised Code. 729

(F) If a person does not appeal the determination of the 730
director to deny an application for a permit or a renewal of a 731
permit or if the determination of the director is affirmed under 732
Chapter 119. of the Revised Code, not later than thirty days after 733
the decision not to appeal or after the determination is affirmed, 734
as applicable, the person shall transfer the restricted snake or 735
snakes that the person possesses to a humane society, wildlife 736
sanctuary, facility that is an accredited member of either the 737
association of zoos and aquariums or the zoological association of 738
America, or facility that is located in another state and that 739
complies with that state's applicable laws. After the transfer has 740
occurred, the person shall submit proof to the director that the 741
restricted snake or snakes were transferred and shall specify the 742
society, sanctuary, or facility to which the snake or snakes were 743
transferred. 744

The person is responsible for all costs associated with the 745
transfer of the restricted snake or snakes. 746

(G) If a person that has been issued a restricted snake 747
possession permit under this section or a restricted snake 748
propagation permit under section 935.10 of the Revised Code dies, 749
the person's next of kin shall do one of the following: 750

(1) If the next of kin wishes to possess the restricted snake 751
or snakes, obtain a restricted snake possession permit under this 752
section or a restricted snake propagation permit under section 753
935.10 of the Revised Code, as applicable. That next of kin shall 754
comply with this chapter and rules, except that, with respect to 755
the next of kin's initial permit, the person need not pay the 756
applicable permit application fee. 757

(2) If the deceased person has a last will and testament that specifies that the restricted snake or snakes possessed by the person are to be transferred to another person that has been issued a restricted snake possession permit under this section or a restricted snake propagation permit issued under section 935.10 of the Revised Code, transfer the restricted snake or snakes to the applicable permit holder; 758
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(3) Transfer the restricted snake or snakes that were possessed by the deceased person in accordance with division (F) of this section. 765
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(H) 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. 768
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Sec. 935.10. (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 intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than January 1, 2014. 771
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(2) A person that acquires a restricted snake in this state on or after January 1, 2014, and that intends to propagate, sell, trade, or otherwise transfer the snake shall obtain a restricted snake propagation permit under this section not later than one hundred twenty days after acquiring the snake. 777
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(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses. 782
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(B) Except as otherwise provided in this section, an applicant for a restricted snake propagation permit shall comply with the requirements and procedures established in sections 935.08 and 935.09 of the Revised Code. The application fee for a 784
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restricted snake propagation permit shall be three hundred 788
dollars. 789

(C) If a permit application is denied, one hundred fifty 790
dollars of the permit application fee shall be retained by the 791
director of agriculture as payment for the reasonable expense of 792
processing the application, and the remainder of the fee shall be 793
returned to the applicant. 794

(D) All fees collected under this section shall be credited 795
to the dangerous and restricted animal fund created in section 796
935.25 of the Revised Code. 797

Sec. 935.101. (A)(1) In lieu of obtaining any other permit 798
under this chapter, a person that operates a rescue facility in 799
this state prior to January 1, 2014, and that wishes to continue 800
to operate a rescue facility on and after that date shall obtain a 801
rescue facility permit under this section not later than January 802
1, 2014. 803

(2) A person that wishes to begin operation of a rescue 804
facility in this state on or after January 1, 2014, shall obtain a 805
rescue facility permit under this section not later than sixty 806
days prior to beginning operation. 807

(B)(1) An applicant for a rescue facility permit shall file 808
an application for a permit with the director of agriculture on a 809
form prescribed and provided by the director. The application 810
shall include information that the director requires in rules. 811

(2) An applicant for a rescue facility permit shall submit 812
one of the following fees, as applicable, with an application: 813

(a) Five hundred dollars if the applicant possesses not more 814
than three dangerous wild animals; 815

(b) One thousand dollars if the applicant possesses at least 816
four, but not more than fifteen dangerous wild animals; 817

(c) Two thousand dollars if the applicant possesses sixteen or more dangerous wild animals. 818
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(3) If a permit application is denied, two hundred fifty dollars of the application fee shall be retained by the director as payment for the reasonable expense of processing the application and the remainder of the fee shall be returned to the applicant. 820
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(C) The director shall issue or deny a rescue facility permit in accordance with rules. The director shall issue a rescue facility permit only if the dangerous wild animal or animals that are or are to be possessed by an applicant are sterilized. 825
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(D) A person that has been issued a rescue facility permit under this section shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules adopted under division (G) of section 935.17 of the Revised Code. 829
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(E) A person that has been issued a rescue facility permit under this section may acquire, except by purchase, possession or ownership of a dangerous wild animal. 834
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Sec. 935.11. (A) A person that possesses at least one dangerous wild animal and at least one restricted snake shall apply for both a wildlife shelter permit issued under section 935.06 of the Revised Code and a restricted snake possession permit issued under section 935.09 of the Revised Code. 837
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(B) 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 that intends to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife propagation permit issued under section 842
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935.07 of the Revised Code and a restricted snake propagation permit issued under section 935.10 of the Revised Code. 848
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(C) A person that possesses at least one dangerous wild animal and does not intend to propagate the animal and that possesses at least one restricted snake and intends to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife shelter permit issued under section 935.06 of the Revised Code and a restricted snake propagation permit issued under section 935.10 of the Revised Code. 850
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(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. 857
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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. 865
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(B) A person that has been issued a wildlife shelter, wildlife propagation permit, or rescue facility 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: 870
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(1) The requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act; 875
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(2) The requirements regarding the housing of those animals established in rules. 878
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(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. 880
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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 suspension or revocation may request an adjudication under Chapter 119. of the Revised Code. 885
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Sec. 935.14. (A) The director of agriculture shall maintain a database of both of the following: 890
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(1) Until January 1, 2014, the name and address of each person that possesses a dangerous wild animal and registers the animal under section 935.04 of the Revised Code; 892
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(2) On and after January 1, 2014, the name and address of each person that has applied for and been issued a permit under this chapter. 895
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(B) The director shall allow the directors of health and natural resources to have access to the database. 898
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Sec. 935.15. (A) A person that has been issued a permit under this chapter shall maintain records of all of the following regarding each dangerous wild animal and each restricted snake that the permit holder possesses: 900
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(1) The scientific and common names of the animal or snake, including the species; 904
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(2) If the animal or snake was purchased or otherwise acquired from another person, the name and address of the other person; 906
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(3) The date on which the animal or snake was acquired, if applicable; 909
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(4) If the permit holder propagates dangerous wild animals, the date of birth of the animal if the animal was propagated by the permit holder; 911
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(5) If the permit holder propagates restricted snakes, the date of birth of the snake if the snake was propagated by the permit holder; 914
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(6) The name and address of the person to whom the animal or snake was sold or otherwise transferred, if applicable; 917
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(7) The date on which the animal or snake died or escaped, if applicable; 919
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(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. 921
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(B) A permit holder shall maintain the records in accordance with rules. 925
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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: 927
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(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred; 930
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(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that 933
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is maintained by the division. 935

(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. 936
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(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. 940
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(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. 946
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(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. 958
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(2) Money collected under division (C) of this section for costs incurred by a state highway patrol trooper or a natural 964
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resources law enforcement officer under this section shall be 966
deposited in the state treasury to the credit of the dangerous and 967
restricted animal fund created in section 935.25 of the Revised 968
Code. 969

(3) If law enforcement officers from more than one 970
jurisdiction assist in the capture or destruction of a dangerous 971
wild animal or restricted snake, the money collected shall be 972
proportionally distributed to each political subdivision's special 973
fund and the dangerous and restricted animal fund, if applicable. 974

Sec. 935.17. The director of agriculture shall adopt rules in 975
accordance with Chapter 119. of the Revised Code that establish 976
all of the following: 977

(A) Both of the following concerning the registration of 978
dangerous wild animals under section 935.04 of the Revised Code: 979

(1) Any additional information that must be included with a 980
registration; 981

(2) Standards for the care and housing of registered 982
dangerous wild animals, including standards for the proper care of 983
each species of dangerous wild animal and caging and fencing of 984
the animals. 985

The director shall adopt rules under division (A) of this 986
section not later than ninety days after the effective date of 987
this section. 988

(B) Standards for the care and well-being of dangerous wild 989
animals specified in divisions (C)(1) to (19) of section 935.01 of 990
the Revised Code that are possessed by the holders of wildlife 991
shelter permits and wildlife propagation permits issued under this 992
chapter. The standards shall govern at least sanitation for, 993
provision of health care for, and feeding, caging, housing, and 994
fencing of dangerous wild animals. In adopting rules under this 995

<u>division, the director shall consider the following factors:</u>	996
<u>(1) Best management practices for the care and well-being of dangerous wild animals;</u>	997
<u>(2) Public health and safety;</u>	998
<u>(3) Biosecurity;</u>	999
<u>(4) The prevention of disease;</u>	1000
<u>(5) Animal morbidity and mortality data;</u>	1001
<u>(6) Generally accepted veterinary medical practices;</u>	1002
<u>(7) Standards adopted by the association of zoos and aquariums;</u>	1003
<u>(8) Standards adopted by the zoological association of America;</u>	1004
<u>(9) Standards established in the federal animal welfare act;</u>	1005
<u>(10) Ethical standards established by the American veterinary medical association;</u>	1006
<u>(11) Any other factors that the director considers necessary for the proper care and well-being of dangerous wild animals in this state.</u>	1007
<u>(C) Standards for the housing of dangerous wild animals specified in division (C)(20) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter;</u>	1008
<u>(D) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code:</u>	1009
<u>(1) Any additional information that must be included with a permit application;</u>	1010
<u>(2) Criteria for determining what constitutes a species survival program for the purposes of division (A) of section</u>	1011
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<u>935.07 of the Revised Code and requirements and procedures that</u>	1024
<u>are necessary to determine if a program meets those criteria;</u>	1025
<u>(3) The content of the examination specified in division</u>	1026
<u>(B)(6) of section 935.05 of the Revised Code. The rules shall</u>	1027
<u>require the examination to test an applicant's knowledge on topics</u>	1028
<u>that include proper diet, health care, exercise needs, and housing</u>	1029
<u>of the species of dangerous wild animal or animals that are the</u>	1030
<u>subject of the application.</u>	1031
<u>(4) Procedures and requirements concerning the administration</u>	1032
<u>of the examination specified in division (B)(6) of section 935.05</u>	1033
<u>of the Revised Code.</u>	1034
<u>(E) All of the following concerning applications for permits</u>	1035
<u>issued under sections 935.09 and 935.10 of the Revised Code:</u>	1036
<u>(1) Any additional information that must be included with a</u>	1037
<u>permit application;</u>	1038
<u>(2) The content of the examination specified in division</u>	1039
<u>(B)(5) of section 935.08 of the Revised Code. The rules shall</u>	1040
<u>require the examination to test an applicant's knowledge on topics</u>	1041
<u>that include proper diet, health care, and housing of the species</u>	1042
<u>of restricted snake or snakes that are the subject of the</u>	1043
<u>application.</u>	1044
<u>(3) Procedures and requirements concerning the administration</u>	1045
<u>of the examination specified in division (B)(5) of section 935.08</u>	1046
<u>of the Revised Code.</u>	1047
<u>(F) Both of the following concerning applications for permits</u>	1048
<u>issued under section 935.101 of the Revised Code:</u>	1049
<u>(1) Information that must be included in a permit</u>	1050
<u>application;</u>	1051
<u>(2) Criteria and procedures for the issuance or denial of a</u>	1052
<u>permit.</u>	1053

(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. 1054
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(H) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code; 1062
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(I) Standards for signs that are required to be posted and displayed in accordance with section 935.18 of the Revised Code; 1064
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(J) The amount of civil penalties that may be assessed under section 935.24 of the Revised Code; 1066
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(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; 1068
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(L) Any other provisions necessary to administer and enforce this chapter. 1072
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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. 1074
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(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. 1078
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(C) No person that possesses a dangerous wild animal or 1083

restricted snake shall fail to post and display any of the 1084
following: 1085

(1) On each cage in which a dangerous wild animal is 1086
confined, signs warning the public that a dangerous wild animal is 1087
confined in the cage; 1088

(2) At each entrance to the property where a dangerous wild 1089
animal is confined, a sign warning the public that a dangerous 1090
wild animal is on the property; 1091

(3) On each container in which a restricted snake is 1092
confined, a sign warning the public that a restricted snake is in 1093
the container; 1094

(4) At the main entrance to each structure where a restricted 1095
snake is confined, a sign warning the public that a restricted 1096
snake is in the structure; 1097

(5) On a vehicle that is used to transport a dangerous wild 1098
animal or restricted snake, a sign warning that a dangerous wild 1099
animal or restricted snake, as applicable, is in the vehicle. 1100

The signs shall comply with standards established in rules. 1101

(D) No person shall knowingly release a dangerous wild animal 1102
or restricted snake into the wild. 1103

(E) No person shall allow a dangerous wild animal or 1104
restricted snake to roam off the property where it is confined. 1105

(F) No person shall remove any teeth or claws from a 1106
dangerous wild animal or restricted snake, as applicable, unless 1107
determined to be medically necessary by a veterinarian. 1108

(G) No person shall violate any other provisions of this 1109
chapter or rules. 1110

Sec. 935.19. (A)(1) The director of agriculture or the 1111
director's designee may enter at all reasonable times any premises 1112

at which a dangerous wild animal or restricted snake is confined, 1113
with the consent of the owner of the premises, for the purpose of 1114
determining compliance with this chapter and rules. 1115

(2) If the director or the director's designee is denied 1116
access to any such premises, and if the director reasonably 1117
suspects that the person who possesses the dangerous wild animal 1118
or restricted snake is not in compliance with this chapter or 1119
rules, the director may apply to a court of competent jurisdiction 1120
in the county in which the premises is located for a search 1121
warrant authorizing access to the premises for the purposes of 1122
this section. 1123

(3) The court shall issue the search warrant for the purposes 1124
requested if there is probable cause to believe that the person is 1125
not in compliance with this chapter or rules. The finding of 1126
probable cause may be based on hearsay, provided that there is a 1127
substantial basis for believing that the source of the hearsay is 1128
credible and that there is a factual basis for the information 1129
furnished. 1130

(B) The director may designate any of the following to 1131
conduct inspections under this section: 1132

(1) Employees of the department of agriculture; 1133

(2) Natural resources law enforcement officers with the 1134
consent of the director of natural resources; 1135

(3) Employees of the department of health with the consent of 1136
the director of health; 1137

(4) Employees of a board of health with the consent of the 1138
board; 1139

(5) Agents of a humane society appointed under section 1140
1717.06 of the Revised Code with the consent of the humane 1141
society. 1142

(C) If a person designated under division (B) of this section determines, while conducting an inspection, that a violation of this chapter or rules has occurred, is occurring, or may occur, the person shall immediately notify the director of agriculture. The director may proceed as provided in section 935.24 of the Revised Code. 1143
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Sec. 935.20. (A) On and after January 1, 2014, the director of agriculture immediately shall cause an investigation to be conducted if the director has reason to believe that one of the following may be occurring: 1149
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(1) A dangerous wild animal is possessed by a person who has not been issued a wildlife shelter permit, wildlife propagation permit, or rescue facility permit under this chapter. 1153
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(2) A restricted snake is possessed by a person that has not been issued a restricted snake possession permit or restricted snake propagation permit under this chapter. 1156
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(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of this chapter or rules. 1159
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For purposes of the investigation, the director or the director's designee may order the animal or snake that is the subject of the notification to be quarantined or may order the transfer of the animal or snake to a facility that is on the list maintained by the director under this section. If the director's designee orders the animal or snake to be quarantined or transferred, the designee shall provide a copy of the order to the director. 1162
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(B) The director shall attempt to notify the person owning or possessing an animal or snake that has been ordered to be quarantined or transferred under division (A) of this section. The 1170
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notice shall be delivered in person or by certified mail. The 1173
director also may post a copy of a quarantine order at two 1174
conspicuous locations on the premises where the animal or snake is 1175
quarantined. The director shall maintain a copy of an order issued 1176
under this section and evidence that the director attempted to 1177
notify the person owning or possessing the animal or snake. 1178

(C) A quarantine or transfer order issued under this section 1179
shall contain all of the following: 1180

(1) The name and address of the person owning or possessing 1181
the animal or snake, if known; 1182

(2) A description of the quarantined or transferred animal or 1183
snake; 1184

(3) A description of the premises affected by the quarantine 1185
or transfer; 1186

(4) The reason for the quarantine or transfer; 1187

(5) Any terms and conditions of the quarantine or transfer; 1188

(6) A notice that a person adversely affected by the order 1189
may request a hearing to review the order. 1190

(D) A person that is adversely affected by a quarantine or 1191
transfer order pertaining to a dangerous wild animal or restricted 1192
snake owned or possessed by the person, within thirty days after 1193
the order is issued, may request in writing an adjudication in 1194
accordance with Chapter 119. of the Revised Code. A request for an 1195
adjudication does not stay a quarantine or transfer order. 1196

(E) The owner of or person possessing a dangerous wild animal 1197
or restricted snake that was quarantined or transferred under 1198
division (A) of this section shall be responsible for all 1199
reasonable costs associated with the quarantine or transfer, 1200
including the costs of transportation, housing, food, and 1201
veterinary care for the animal or snake. If such an owner or 1202

person is unable to pay for the reasonable costs, the director 1203
shall certify the costs to the county auditor to be assessed 1204
against any property of the owner or person and thereby made a 1205
lien upon it and collected as other taxes. All money from the 1206
collection of liens under this division shall be credited in 1207
accordance with division (J) of this section. 1208

(F) If the state veterinarian determines that a dangerous 1209
wild animal or restricted snake that was quarantined or 1210
transferred under division (A) of this section is infected with or 1211
exposed to a dangerously contagious or infectious disease or is 1212
seriously injured, the state veterinarian shall so notify the 1213
director. The director may order the animal or snake to be 1214
humanely euthanized by a veterinarian if the state veterinarian 1215
has indicated that euthanization is medically necessary. 1216

(G) A quarantine or transfer order issued under this section 1217
shall remain in effect until one of the following occurs: 1218

(1) The director, after reviewing the results of the 1219
investigation conducted under division (A) of this section, issues 1220
a written notice of release. 1221

(2) A court of competent jurisdiction orders the quarantine 1222
or transfer order to be terminated in a proceeding conducted under 1223
division (H) of this section. 1224

(3) A court of competent jurisdiction orders the seizure of 1225
the dangerous wild animal or restricted snake in a proceeding 1226
conducted under division (H) of this section. 1227

(H) If, after reviewing the results of an investigation 1228
concerning a dangerous wild animal or restricted snake conducted 1229
under division (A) of this section and after resolution of any 1230
proceeding conducted under division (D) of this section, the 1231
director determines that a circumstance described in division 1232
(A)(1), (2), or (3) of this section is or was occurring, the 1233

director shall initiate, in a court of competent jurisdiction, a 1234
proceeding for the permanent seizure of the animal or snake, as 1235
applicable. If the court affirms the director's determination that 1236
a circumstance described in division (A)(1), (2), or (3) of this 1237
section is or was occurring, the court shall order the animal or 1238
snake seized and shall order the method of disposition of the 1239
animal or snake. The court may order the person owning or 1240
possessing the animal or snake to pay all reasonable costs 1241
associated with the seizure and, if applicable, the costs 1242
associated with the quarantine or transfer of the animal or snake, 1243
including the costs of transportation, housing, food, and 1244
veterinary care of the animal or snake. If the court does not 1245
affirm the director's determination, the court shall order the 1246
quarantine or transfer order to be terminated and the animal or 1247
snake to be returned to the person owning or possessing it, if 1248
applicable. 1249

(I) The director may authorize any of the following to 1250
conduct an investigation and order the quarantine or transfer of a 1251
dangerous wild animal or restricted snake under division (A) of 1252
this section: 1253

(1) Employees of the department of agriculture; 1254

(2) Natural resources law enforcement officers with the 1255
consent of the director of natural resources; 1256

(3) Employees of the department of health with the consent of 1257
the director of health; 1258

(4) Employees of a board of health with the consent of the 1259
board; 1260

(5) Agents of a humane society appointed under section 1261
1717.06 of the Revised Code with the consent of the humane 1262
society; 1263

(6) Law enforcement officers with the consent of the sheriff 1264

of the county or the chief law enforcement officer of the township 1265
or municipal corporation, as applicable, by whom the law 1266
enforcement officers are employed; 1267

(7) Law enforcement officers who are state highway patrol 1268
troopers with the consent of the superintendent of the state 1269
highway patrol. 1270

(J) Money collected for reimbursement of costs associated 1271
with the quarantine or transfer of dangerous wild animals and 1272
restricted snakes under this section shall be credited to one of 1273
the following funds, as applicable: 1274

(1) If the animal or snake was quarantined or transferred by 1275
an employee of the department of agriculture or the department of 1276
health, a natural resources law enforcement officer, or a law 1277
enforcement officer who is a state highway patrol trooper, the 1278
dangerous and restricted animal fund created in section 935.25 of 1279
the Revised Code; 1280

(2) If the animal or snake was quarantined or transferred by 1281
an employee of a board of health, a special fund, which is hereby 1282
created in each health district, that shall be used exclusively 1283
for the administration and enforcement of this chapter and rules; 1284

(3) If the animal or snake was quarantined or transferred by 1285
an agent of a humane society, a special fund, which is hereby 1286
created in each county that has a humane society, that shall be 1287
used exclusively for the administration and enforcement of this 1288
chapter and rules; 1289

(4) If the animal or snake was quarantined or transferred by 1290
a law enforcement officer who is not a state highway patrol 1291
trooper, the special fund that is created in the political 1292
subdivision that employs the law enforcement officer in division 1293
(D) of section 935.16 of the Revised Code. 1294

(K) The director shall maintain a list of facilities inside 1295

and outside the state that the director determines are eligible to 1296
accept dangerous wild animals and restricted snakes for the 1297
purposes of this section. 1298

Sec. 935.21. The director of agriculture may request either 1299
of the following to accompany the director or an employee of the 1300
department of agriculture for purposes of investigations and 1301
inspections conducted under this chapter: 1302

(A) A law enforcement officer; 1303

(B) With the consent of the director of natural resources, a 1304
natural resources law enforcement officer. 1305

Sec. 935.22. An employee of an agency or political 1306
subdivision of the state that destroys a dangerous wild animal or 1307
restricted snake that is a threat to public safety is not liable 1308
for damages in a civil action for any injury, death, or loss to 1309
person or property that allegedly arises from the destruction of 1310
the animal or snake. 1311

Sec. 935.23. (A) The owner of a restricted snake specified in 1312
division (L)(2), (3), or (4) of section 935.01 of the Revised Code 1313
shall do both of the following: 1314

(1) Have access to antivenom for each species of snake that 1315
the person owns either at the location where each snake is 1316
confined or at a hospital, as defined in section 3727.01 of the 1317
Revised Code, with which the owner has entered into a written 1318
agreement to provide the antivenom. However, an owner may apply to 1319
the director of agriculture for a waiver to have access to 1320
antivenom in a location that is not specified in division (A)(1) 1321
of this section. 1322

(2) Submit proof of having access to the antivenom required 1323
by division (A)(1) of this section to the sheriff of the county 1324

and the chief law enforcement officer of the township or municipal corporation in which each snake that the person owns is confined. 1325
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In addition, the owner shall submit a list that contains the name of each species of restricted snake specified in division (L)(2), (3), or (4) of section 935.01 of the Revised Code that the person owns to the sheriff of the county and the chief law enforcement officer of the township or municipal corporation in which each snake is confined. If the restricted snake or snakes owned by the person change, the owner shall submit an updated list to the sheriff of the county and the chief law enforcement officer of the township or municipal corporation in which each such snake is confined no later than seven days after the change occurs. 1327
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(B) If a restricted snake specified in division (L)(2), (3), or (4) of section 935.01 of the Revised Code bites a person other than the snake's owner, the owner is liable for all costs associated with the treatment of the bite, including the cost of replacement of any antivenom that was used to treat the bite. 1337
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Sec. 935.24. (A) The attorney general, upon request of the director of agriculture, shall bring an action for injunction against any person who has violated, is violating, or is threatening to violate this chapter or rules. The court of common pleas in which an action for injunction is filed has jurisdiction to and shall grant preliminary and permanent injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate this chapter or rules. 1342
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(B)(1) The director may assess a civil penalty against any person that the director determines is not in compliance with this chapter or rules. 1351
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(2) The director shall afford the person an opportunity for an adjudication under Chapter 119. of the Revised Code to 1354
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challenge the director's determination that the person is not in compliance with this chapter or rules. However, the person may waive the right to an adjudication. 1356
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(3) If the opportunity for an adjudication is waived or if, after an adjudication, the director determines that a violation has occurred or is occurring, the director may issue an order and assess a civil penalty in an amount established in rules against the violator. The order and the assessment of the civil penalty may be appealed in accordance with section 119.12 of the Revised Code. 1359
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(C) Notwithstanding any other section of the Revised Code, money resulting from any action taken under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code. 1366
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Sec. 935.25. (A) There is hereby created in the state treasury the dangerous and restricted animal fund, which shall consist of all of the following: 1370
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(1) Money collected from permit application fees under this chapter; 1373
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(2) Money credited to the fund under division (J)(1) of section 935.20 of the Revised Code; 1375
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(3) Money credited to the fund under division (D) of section 935.24 of the Revised Code. 1377
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(B) Money in the fund shall be used for any of the following purposes: 1379
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(1) Administration and enforcement of this chapter and rules; 1381

(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; 1382
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<u>(3) Compensation of the departments of natural resources and health, the state highway patrol, and boards of health 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>	1386 1387 1388 1389 1390
<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>	1391 1392 1393 1394
<u>(C) Investment earnings of the fund shall be credited to the fund.</u>	1395 1396
<u>Sec. 935.26. (A) There is hereby created the dangerous and restricted animals advisory board consisting of the following members:</u>	1397 1398 1399
<u>(1) The director of agriculture or the director's designee, who shall be the chairperson of the board;</u>	1400 1401
<u>(2) The director of natural resources or the director's designee;</u>	1402 1403
<u>(3) The director of health or the director's designee;</u>	1404
<u>(4) The state veterinarian in the department of agriculture;</u>	1405
<u>(5) The following eleven members who shall be appointed by the governor with the advice and consent of the senate and shall be residents of this state:</u>	1406 1407 1408
<u>(a) One member representing dangerous wild animal or restricted snake owners;</u>	1409 1410
<u>(b) One member who is knowledgeable about dangerous wild animals or restricted snakes;</u>	1411 1412
<u>(c) One member representing an accredited member of the association of zoos and aquariums that operates in this state;</u>	1413 1414

<u>(d) One member representing an accredited member of the zoological association of America;</u>	1415 1416
<u>(e) Two members who are veterinarians;</u>	1417
<u>(f) Two members representing the public;</u>	1418
<u>(g) One member representing the governor;</u>	1419
<u>(h) One member representing a humane society;</u>	1420
<u>(i) One member representing a board of health.</u>	1421
<u>(6) One member appointed by the speaker of the house of representatives who shall be a restricted snake owner;</u>	1422 1423
<u>(7) One member appointed by the president of the senate who shall be a dangerous wild animal owner.</u>	1424 1425
<u>Not more than seven members appointed to the board at any given time shall be members of the same political party.</u>	1426 1427
<u>(B)(1) The governor, the speaker of the house of representatives, and the president of the senate shall make initial appointments to the board not later than forty-five days after the effective date of this section.</u>	1428 1429 1430 1431
<u>(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 15, 2013:</u>	1432 1433 1434
<u>(a) The member representing dangerous wild animal or restricted snake owners;</u>	1435 1436
<u>(b) One of the members who is a veterinarian;</u>	1437
<u>(c) The member representing the governor;</u>	1438
<u>(d) The member representing an accredited member of the zoological association of America;</u>	1439 1440
<u>(e) The member representing a board of health.</u>	1441
<u>(3) The following initial members of the board shall be</u>	1442

<u>appointed for a term ending January 15, 2014:</u>	1443
<u>(a) The member appointed by the speaker of the house of representatives;</u>	1444
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<u>(b) The member who is knowledgeable about dangerous wild animals or restricted snakes;</u>	1446
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<u>(c) The member representing a humane society;</u>	1448
<u>(d) One of the members representing the public.</u>	1449
<u>(4) The following initial members of the board shall be appointed for a term ending January 15, 2015:</u>	1450
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<u>(a) The member appointed by the president of the senate;</u>	1452
<u>(b) The member representing an accredited member of the association of zoos and aquariums that operates in this state;</u>	1453
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<u>(c) One of the members representing the public;</u>	1455
<u>(d) One of the members who is a veterinarian.</u>	1456
<u>Thereafter, terms of office of appointed members shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. An appointed member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed.</u>	1457
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<u>The terms of office of the director of agriculture, the director of natural resources, the director of health, their designees, and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian or is a designee, as applicable. If a director, a designee, or the state veterinarian resigns or that person's employment is terminated, that person shall cease to serve on the board, and the successor of that person shall serve on the board in accordance with this section.</u>	1462
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<u>(C) Vacancies on the board shall be filled in the manner</u>	1471

provided for original appointments. A member appointed to fill a 1472
vacancy occurring prior to the expiration of the term for which 1473
the member's predecessor was appointed shall hold office for the 1474
remainder of that term. A member shall continue in office 1475
subsequent to the expiration date of the member's term until the 1476
member's successor takes office, or until a period of one hundred 1477
eighty days has elapsed, whichever occurs first. A member may be 1478
reappointed upon the expiration of the member's term. 1479

(D) The board shall hold at least three regular meetings each 1480
year and may hold additional meetings at times that the 1481
chairperson or a majority of the board members considers 1482
appropriate. At the first meeting of the board in each calendar 1483
year, the director of agriculture or the director's designee shall 1484
designate one member of the board to serve as its 1485
vice-chairperson. A majority of the board constitutes a quorum. 1486
The board may act only if a quorum is present and only by a 1487
majority vote of the members. 1488

(E) Serving as an appointed member of the board does not 1489
constitute holding a public office or position of employment under 1490
the laws of this state and does not constitute grounds for removal 1491
of public officers or employees from their offices or positions of 1492
employment. 1493

(F) Appointed members of the board shall receive no 1494
compensation for their services. Members shall be reimbursed for 1495
their actual and necessary expenses incurred in the performance of 1496
their duties as members. The expenses shall be paid from the 1497
dangerous and restricted animal fund created in section 935.25 of 1498
the Revised Code. The expenses shall be paid in accordance with 1499
the rules and requirements adopted by the department of 1500
administrative services that are applicable to state employees. 1501

(G) The board may create committees that it considers 1502
appropriate to make recommendations to the board. Committees may 1503

<u>include members who do not serve on the board.</u>	1504
<u>(H) The board shall do both of the following:</u>	1505
<u>(1) Review the rules that have been or are proposed to be adopted under divisions (A)(2) and (B) of section 935.17 of the Revised Code;</u>	1506 1507 1508
<u>(2) Advise the director of agriculture on the administration of this chapter and rules.</u>	1509 1510
<u>Sec. 935.27. (A) There is hereby created the dangerous wild animal state emergency response commission consisting of all of the following:</u>	1511 1512 1513
<u>(1) The director of agriculture or the director's designee, who shall be the chairperson of the commission;</u>	1514 1515
<u>(2) The director of natural resources or the director's designee;</u>	1516 1517
<u>(3) The director of health or the director's designee;</u>	1518
<u>(4) The executive director of the emergency management agency or the executive director's designee;</u>	1519 1520
<u>(5) A member of the house of representatives appointed by the speaker of the house of representatives;</u>	1521 1522
<u>(6) A member of the senate appointed by the president of the senate;</u>	1523 1524
<u>(7) Both of the following members who shall be appointed by the governor with the advice and consent of the senate:</u>	1525 1526
<u>(a) A person representing a local law enforcement agency;</u>	1527
<u>(b) A person representing the owners of dangerous wild animals.</u>	1528 1529
<u>(B) Not later than thirty days after the effective date of this section, the governor shall make appointments to the</u>	1530 1531

commission. Of the initial appointments, one shall serve for a 1532
term of two years and one shall serve for a term of three years. 1533
Thereafter, terms of office shall be for three years, with each 1534
term ending on the same day of the same month as did the term that 1535
it succeeds. Each member shall hold office from the date of 1536
appointment until the end of the term for which the member was 1537
appointed. 1538

Members may be reappointed. Vacancies shall be filled in the 1539
manner provided for original appointments. Any member appointed to 1540
fill a vacancy occurring prior to the expiration date of the term 1541
for which the member's predecessor was appointed shall hold office 1542
for the remainder of that term. A member shall continue in office 1543
subsequent to the expiration date of the member's term until the 1544
member's successor takes office or until a period of sixty days 1545
has elapsed, whichever occurs first. 1546

The commission shall meet at times that the chairperson or a 1547
majority of the commission members considers appropriate, provided 1548
that no meeting shall be held on the call of the chairperson 1549
unless at least seven days' written notice first is provided to 1550
all members of the commission. At the first meeting of the 1551
commission in each calendar year, the director of agriculture 1552
shall designate one member of the commission to serve as its 1553
vice-chairperson. A majority vote of the members of the commission 1554
is necessary to take action on any matter. A vacancy on the 1555
commission does not impair the right of the other members to 1556
exercise all of the commission's powers. 1557

Appointed members of the commission shall serve without 1558
compensation for attending commission meetings. Members of the 1559
commission shall be reimbursed for their actual and necessary 1560
expenses incurred in the performance of official duties as members 1561
of the commission. 1562

The department of agriculture shall provide the commission 1563

with the personnel, office space, and incidentals necessary for it 1564
to perform its duties and exercise its powers. 1565

(C) The commission shall do the following: 1566

(1) Establish a state dangerous wild animal emergency 1567
response plan for escaped dangerous wild animals in this state; 1568

(2) By resolution, appoint members to a dangerous wild animal 1569
county emergency response team for each county. A county emergency 1570
response team shall consist of the number of members that the 1571
commission considers appropriate, but shall include 1572
representatives from each of the following groups or 1573
organizations: elected local officials, law enforcement personnel, 1574
emergency management personnel, firefighting personnel, first aid 1575
personnel, health personnel, broadcast and print media personnel, 1576
and persons that possess dangerous wild animals. 1577

(3) Examine and approve or reject emergency response plans 1578
submitted to the commission by each county's dangerous wild animal 1579
county emergency response team. 1580

The commission shall establish procedures and requirements 1581
for the preparation and examination and the approval or rejection 1582
of a county's emergency response plan. 1583

Sec. 935.28. The dangerous wild animal county emergency 1584
response team of a county established under section 935.27 of the 1585
Revised Code shall prepare an emergency response plan for the 1586
county. The plan shall include the methods and procedures that 1587
will be utilized in the county in the event of an escaped 1588
dangerous wild animal in the county. The emergency response team 1589
shall submit the plan to the dangerous wild animal emergency 1590
response commission established in section 935.27 of the Revised 1591
Code for the commission's approval. The emergency response team 1592
shall update the plan on an annual basis and shall submit the 1593

updated plan to the commission for approval. 1594

Sec. 935.29. (A) For the purposes of this section, ordinances 1595
to control dangerous wild animals, restricted snakes, or both 1596
include, but are not limited to, ordinances concerned with the 1597
acquisition or possession of dangerous wild animals or restricted 1598
snakes, dangerous wild animals or restricted snakes as public 1599
nuisances, and dangerous wild animals or restricted snakes as a 1600
threat to public health, safety, and welfare. 1601

(B) A municipal corporation may adopt and enforce ordinances 1602
that are more stringent than the requirements established by this 1603
chapter and rules in order to control dangerous wild animals, 1604
restricted snakes, or both within the municipal corporation. 1605

(C) No person shall violate an ordinance adopted under this 1606
section. 1607

Sec. 935.99. (A) Whoever violates division (A), (B), (C), 1608
(E), (F), or (G) of section 935.18 of the Revised Code is guilty 1609
of a misdemeanor of the first degree on a first offense and a 1610
felony of the fifth degree on each subsequent offense. 1611

(B) Whoever violates division (D) of section 935.18 of the 1612
Revised Code is guilty of a felony of the fifth degree. 1613

(C) Whoever violates division (C) of section 935.29 of the 1614
Revised Code is guilty of a minor misdemeanor. Each day of 1615
continued violation constitutes a separate offense. Fines levied 1616
and collected for violations of that division shall be distributed 1617
by the mayor or clerk of the municipal court in accordance with 1618
section 733.40 or division (F) of section 1901.31 of the Revised 1619
Code to the treasury of the municipal corporation whose ordinance 1620
was violated. 1621

Sec. 1533.71. (A) Unless otherwise provided by division rule, 1622
any person desiring to engage in the business of raising and 1623
selling game birds, game quadrupeds, reptiles, amphibians, or 1624
fur-bearing animals in a wholly enclosed preserve of which the 1625
person is the owner or lessee, or to have game birds, game 1626
quadrupeds, reptiles, amphibians, or fur-bearing animals in 1627
captivity, shall apply in writing to the division of wildlife for 1628
a license to do so. 1629

(B) The division, when it appears that the application is 1630
made in good faith and upon the payment of the fee for each 1631
license, may issue to the applicant any of the following licenses 1632
that may be applied for: 1633

~~(A)~~(1) "Commercial propagating license" permitting the 1634
licensee to propagate game birds, game quadrupeds, reptiles, 1635
amphibians, or fur-bearing animals in the wholly enclosed preserve 1636
the location of which is stated in the license and the application 1637
therefor, and to sell the propagated game birds, game quadrupeds, 1638
reptiles, amphibians, or fur-bearing animals and ship them from 1639
the state alive at any time, and permitting the licensee and the 1640
licensee's employees to kill the propagated game birds, game 1641
quadrupeds, or fur-bearing animals and sell the carcasses for food 1642
subject to sections 1533.70 to 1533.80 of the Revised Code. The 1643
fee for such a license is forty dollars per annum. 1644

~~(B)~~(2) "Noncommercial propagating license" permitting the 1645
licensee to propagate game birds, game quadrupeds, reptiles, 1646
amphibians, or fur-bearing animals and to hold the animals in 1647
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 1648
fur-bearing animals propagated or held in captivity by authority 1649
of a noncommercial propagating license are for the licensee's own 1650
use and shall not be sold. The fee for such a license is 1651
twenty-five dollars per annum. 1652

~~(C)~~(3) A free "raise to release license" permitting duly 1653
organized clubs, associations, or individuals approved by the 1654
division to engage in the raising of game birds, game quadrupeds, 1655
or fur-bearing animals for release only and not for sale or 1656
personal use. 1657

(C) Except as provided by law, no person shall possess game 1658
birds, game quadrupeds, or fur-bearing animals in closed season, 1659
provided that municipal or governmental zoological parks are not 1660
required to obtain the licenses provided for in this section. 1661

All licenses issued under this section shall expire on the 1662
fifteenth day of March of each year. 1663

The chief of the division of wildlife shall pay all moneys 1664
received as fees for the issuance of licenses under this section 1665
into the state treasury to the credit of the fund created by 1666
section 1533.15 of the Revised Code for the use of the division in 1667
the purchase, preservation, and protection of wild animals and for 1668
the necessary clerical help and forms required by sections 1533.70 1669
to 1533.80 of the Revised Code. 1670

(D) This section does not authorize the taking or the release 1671
for taking of the following: 1672

(1) Game birds, without first obtaining a commercial bird 1673
shooting preserve license issued under section 1533.72 of the 1674
Revised Code; 1675

(2) Game or nonnative wildlife, without first obtaining a 1676
wild animal hunting preserve license issued under section 1533.721 1677
of the Revised Code. 1678

(E) A license shall not be issued under this section to raise 1679
or sell a dangerous wild animal or restricted snake as defined in 1680
section 935.01 of the Revised Code. 1681

Section 2. That existing section 1533.71 and section 2927.21 1682

of the Revised Code are hereby repealed.

1683