



# Ohio Legislative Service Commission

## Final Analysis

Jeff Grim

### Sub. S.B. 310

129th General Assembly  
(As Passed by the General Assembly)

**Sens.** Balderson, Jones, Bacon, Beagle, Burke, Gentile, Hite, Lehner, Manning, Niehaus, Sawyer, Widener

**Reps.** Fedor, Heard, Murray, Okey, Antonio, Barnes, Beck, Boyd, Carney, Celebrezze, Clyde, Driehaus, Fende, Garland, Grossman, Hill, Lundy, Mallory, McClain, Milkovich, O'Brien, Phillips, Ramos, Thompson, Yuko, Batchelder

**Effective date:** September 5, 2012

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## ACT SUMMARY

### General prohibitions; exemptions

- Prohibits a person from possessing a dangerous wild animal on or after January 1, 2014, but states that the prohibition does not apply to a person whose possession of a dangerous wild animal is authorized by an unexpired wildlife shelter permit or a wildlife propagation permit issued under the act or to certain other persons.
- Defines "dangerous wild animal" to include big cats, bears, certain nonhuman primates, and other specified animals, and specifically excludes livestock.
- With specified exceptions, prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the act's effective date.
- Defines "restricted snake" to include certain anacondas and pythons, boomslang snakes, twig snakes, and other specified venomous snakes.
- States that 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 included in the definition of "restricted snake," and prohibits the Director from adding animals or snakes to the applicable definition without the approval of the General Assembly.

- Generally exempts specified individuals, institutions, and facilities, including zoos and certain wildlife sanctuaries, from the act's provisions, but requires them to register the dangerous wild animals that they possess.

### **Registration of dangerous wild animals**

- Until January 1, 2014, requires a person that possesses a dangerous wild animal on the act's effective date to register the animal with the Director not later than 60 days after the act's effective date.
- Requires the registration form to include certain information, including the name and address of the person registering the dangerous wild animal and a description of the animal.
- Requires a microchip to be implanted in a dangerous wild animal at the time of registration.
- Requires a person that possesses a registered dangerous wild animal on October 1, 2013, and that wishes to continue to possess the animal on and after January 1, 2014, to apply for the applicable permit issued under the act.

### **Registration only of specified monkeys and lemurs**

- Requires a person that possesses any of certain marmosets or capuchins, a squirrel monkey, or a lemur only to register the primate in the same manner as provided for registration of dangerous wild animals.

### **Wildlife shelter permit**

- Requires a person that possesses a registered dangerous wild animal on October 1, 2013, that wishes to continue to possess the animal on and after January 1, 2014, and that does not intend to propagate the animal to apply for an annual wildlife shelter permit and pay an application fee.
- Requires an application for such a permit to include specified information, including a plan of action to be undertaken if a dangerous wild animal escapes and proof of financial responsibility.
- Requires the Director, within 90 days of receiving an application, to issue a wildlife shelter permit if certain criteria are met, including a requirement that the applicant has not been convicted of or pleaded guilty to committing certain crimes.
- Establishes additional permit requirements.

- Specifies that if the Director denies an initial application or renewal application, the applicant must transfer the dangerous wild animal or animals that the person possesses to one of any specified facilities.

### **Wildlife propagation permit**

- Requires a person that possesses a registered dangerous wild animal and that wishes to continue to possess the animal on the dates specified above and intends to propagate the animal solely for the purposes of a species survival program to apply for an annual wildlife propagation permit and pay an application fee.
- Generally requires an applicant for a wildlife propagation permit to comply with the act's requirements and procedures governing application for and issuance of wildlife shelter permits.

### **Restricted snake possession permit**

- Requires a person that possesses a restricted snake prior to January 1, 2014, that wishes to continue to possess the snake on and after that date, and that does not intend to propagate, sell, trade, or otherwise transfer the snake to obtain an annual restricted snake possession permit and pay an application fee not later than January 1, 2014, and requires a person that acquires a restricted snake on or after that date to obtain such a permit not later than 120 days after acquiring the snake.
- Establishes application and permit requirements that are generally the same as those for wildlife shelter permits, but establishes different application fees and amounts of required proof of financial responsibility.
- Additionally, states that an applicant may allow certain individuals, including primary and secondary school age students, to be in physical contact with a restricted snake or snakes possessed by the applicant under specified circumstances.

### **Restricted snake propagation permit**

- Requires a person that possesses a restricted snake and that wishes to continue to possess the snake, or that acquires a restricted snake, on the applicable dates specified above and that intends to propagate, sell, trade, or otherwise transfer the snake to apply for an annual restricted snake propagation permit and pay an application fee.
- Generally requires an applicant for a restricted snake propagation permit to comply with the act's requirements and procedures governing application for and issuance of restricted snake possession permits.

## **Dual permitting application requirements**

- Requires a person that possesses or propagates both dangerous wild animals and restricted snakes to apply for all applicable permits.

## **Rescue facility permit**

- Requires a person that operates a rescue facility prior to January 1, 2014, or that wishes to begin operation on or after that date to obtain a rescue facility permit from the Director, and establishes requirements and procedures governing the issuance or denial of a permit.

## **Permit suspension or revocation**

- Authorizes the Director to suspend or revoke a permit issued under the act for a violation of the act or rules, and allows a permit holder to appeal the suspension or revocation.

## **Licenses to keep or raise certain wild animals under continuing law**

- Specifies that commercial propagating, noncommercial propagating, and raise to release licenses authorized under continuing law cannot be issued to raise or sell dangerous wild animals or restricted snakes.

## **Standards of care and housing**

- Requires the Director to adopt rules establishing standards of care for registered dangerous wild animals, and requires a person that possesses a registered dangerous wild animal to comply with the applicable rules.
- Requires the Director to adopt rules establishing standards of care for certain dangerous wild animals, such as big cats and crocodiles, that are possessed by wildlife shelter or wildlife propagation permit holders, and requires permit holders that possess those animals to comply with those standards.
- Requires permit holders that possess monkeys or restricted snakes to comply with standards of care that are established in regulations adopted under the federal Animal Welfare Act or standards adopted by the Zoological Association of America, respectively.

## **Records**

- Requires a permit holder to maintain certain records regarding each dangerous wild animal and each restricted snake that the permit holder possesses.

## **Escape of dangerous wild animals and restricted snakes**

- Requires a person that possesses a dangerous wild animal or restricted snake that escapes to notify immediately applicable local law enforcement officers and the Division of Animal Health in the Department of Agriculture.
- Authorizes a law enforcement officer or a natural resources law enforcement officer to destroy a dangerous wild animal or restricted snake that has escaped and poses a threat to public safety, and provides civil immunity for such an officer for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake.
- Specifies that 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.
- Eliminates a provision of law that required the owner or keeper of a nonnative animal that escaped to report the escape to specified local law enforcement officers and certain local government officials within one hour of the escape.

## **Additional responsibilities and duties of Director of Agriculture**

- Requires the Director to adopt rules necessary to administer and enforce the act.
- Requires the Director to maintain a database of the name and address of each person that possesses a registered dangerous wild animal until January 1, 2014, and of each person issued a permit under the act on and after that date.

## **Enforcement**

- Prohibits a person from selling or offering for sale at auction a dangerous wild animal or a venomous snake.
- Prohibits a person from allowing a dangerous wild animal or restricted snake to roam off the property where it is confined.
- Establishes several other prohibitions, including a prohibition against removing the teeth or claws of a dangerous wild animal or restricted snake and a prohibition against failing to comply with signage requirements.
- Specifies that violation of the above prohibitions is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.

- Prohibits a person from knowingly releasing a dangerous wild animal or restricted snake into the wild, and specifies that violation is a fifth degree felony.
- Authorizes the Director or the Director's designee to enter any premises at which a dangerous wild animal or restricted snake is confined to determine compliance with the act and rules, and authorizes the Director to apply for a search warrant if necessary.
- Requires the Director to immediately investigate if the Director has reason to believe that a dangerous wild animal or restricted snake is possessed by a person that does not have a permit issued under the act or that a dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of the act or rules.
- Establishes requirements and procedures that the Director or the Director's designee must follow to quarantine or transfer to a qualified facility a dangerous wild animal or restricted snake while determining if one of the above circumstances is occurring, and states that the owner or possessor of the animal or snake is responsible for all reasonable costs associated with the quarantine or transfer.
- If either of the circumstances is occurring, requires the Director to initiate in court a proceeding for permanent seizure of a dangerous wild animal or restricted snake.
- Authorizes a court that orders the seizure of a dangerous wild animal or restricted snake under such a proceeding to order the person owning or possessing the animal or snake to pay all reasonable costs associated with the seizure and, if applicable, the costs associated with the quarantine or transfer of the animal or snake.
- With regard to such investigations, quarantines, and transfers, authorizes the Director to designate employees of certain state agencies or political subdivisions and State Highway Patrol troopers to conduct investigations and order the quarantine or transfer of a dangerous wild animal or restricted snake, including natural resources law enforcement officers.
- Requires money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals or restricted snakes to be credited to the Dangerous and Restricted Animal Fund created by the act or to a designated fund of the appropriate political subdivision whose employee ordered the quarantine or transfer of a dangerous wild animal or restricted snake, as applicable.
- Authorizes the Director to request a law enforcement officer or, with the consent of the Director of Natural Resources, a natural resources law enforcement officer to accompany the Director of Agriculture or an employee of the Department of Agriculture for purposes of investigations and inspections conducted under the act.

- Requires the Attorney General, upon request of the Director, to bring an action for injunction against any person who has violated, is violating, or is threatening to violate the act or rules adopted under it.
- Authorizes the Director to assess a civil penalty against any person that is not in compliance with the act or rules.

### **Ordinances adopted by municipal corporations**

- Authorizes a municipal corporation to adopt and enforce ordinances that are more stringent than the requirements established by the act and rules adopted under it in order to control dangerous wild animals, restricted snakes, or both within the municipal corporation.

### **Dangerous and Restricted Animal Fund**

- Creates the Dangerous and Restricted Animal Fund consisting of money from permit application fees, reimbursement of costs associated with the quarantine and transfer of dangerous wild animals and restricted snakes, and civil penalties.
- Requires the Fund to be used to pay for the administration and enforcement of the act and rules adopted under it, for compensation of the State Highway Patrol, the Departments of Natural Resources and Health, and boards of health for costs incurred in capturing or destroying a dangerous wild animal or restricted snake and in conducting investigations and quarantining or transferring an animal or snake pursuant to the act, as applicable, and for compensation of qualified facilities that accept quarantined or transferred animals or snakes.

### **Dangerous and Restricted Animals Advisory Board**

- Creates the Dangerous and Restricted Animals Advisory Board, and requires it to review the rules that have been proposed to be adopted under the act governing the care of dangerous wild animals and to advise the Director of Agriculture on the administration of the act and rules.

### **Dangerous Wild Animal State Emergency Response Commission**

- Creates the Dangerous Wild Animal State Emergency Response Commission, and requires it to do all of the following:
  - establish a state dangerous wild animal emergency response plan for escaped dangerous wild animals;

--appoint members to a dangerous wild animal county emergency response team for each county; and

--approve or reject emergency response plans submitted to it by each county's dangerous wild animal county emergency response team.

## Miscellaneous

- Provides civil immunity for an employee of an agency or political subdivision that destroys a dangerous wild animal or restricted snake that is a threat to public safety.
- Generally requires the owner of a venomous snake to have access to antivenom for each species of snake at the location where each snake is confined or at a hospital, and requires such an owner to submit proof of having access to the antivenom and a list that contains the names of each species of venomous snake that the person owns to local law enforcement officers.
- States that an owner of a venomous snake is liable for all costs associated with treatment of a bite.

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## CONTENT AND OPERATION

### Overview

The act generally prohibits the possession of dangerous wild animals on or after January 1, 2014, except in compliance with the act. Until that date, a person that possesses a dangerous wild animal must register the animal with the Director of Agriculture. A person that possesses a registered dangerous wild animal on October 1, 2013, and wishes to retain the animal on and after January 1, 2014, must obtain a wildlife shelter permit or a wildlife propagation permit. A person that possesses a restricted snake prior to January 1, 2014, and wishes to retain the snake on and after that date must obtain a restricted snake possession permit or a restricted snake propagation permit by January 1, 2014. A person that acquires a restricted snake on or after the above date for purposes of possession or propagation must obtain the appropriate restricted snake permit not later than 120 days after acquiring the snake. The act also requires permit holders to comply with certain requirements regarding the care and housing of the dangerous wild animals or restricted snakes that they possess. Finally, it generally prohibits the acquisition, buying, selling, trading, or transferring possession or ownership of dangerous wild animals on and after the act's effective date, but allows those activities with regard to restricted snakes.

### Species considered dangerous wild animals and restricted snakes

The act defines "dangerous wild animal" as any of the following, including hybrids unless otherwise specified:

- (1) Hyenas;
- (2) Gray wolves, excluding hybrids;
- (3) Lions;

- (4) Tigers;
- (5) Jaguars;
- (6) Leopards, including clouded leopards, Sunda clouded leopards, and snow leopards;
- (7) All of the following, including hybrids with domestic cats unless otherwise specified:
  - (a) Cheetahs;
  - (b) Lynxes, including Canadian lynxes, Eurasian lynxes, and Iberian lynxes;
  - (c) Cougars, also known as pumas or mountain lions;
  - (d) Caracals; and
  - (e) Servals, excluding hybrids with domestic cats commonly known as Savannah cats.
- (8) Bears;
- (9) Elephants;
- (10) Rhinoceroses;
- (11) Hippopotamuses;
- (12) Cape buffaloes;
- (13) African wild dogs;
- (14) Komodo dragons;
- (15) Alligators;
- (16) Crocodiles;
- (17) Caimans, excluding dwarf caimans;
- (18) Gharials;
- (19) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;

- (20) Southern and northern night monkeys;
- (21) Dusky titi and masked titi monkeys;
- (22) Muriquis;
- (23) Goeldi's monkeys;
- (24) White-faced, black-bearded, white-nose bearded, and monk sakis;
- (25) Bald and black uakaris;
- (26) Black-handed, white-bellied, brown-headed, and black spider monkeys;
- (27) Common woolly monkeys;
- (28) Red, black, and mantled howler monkeys; and
- (29) Any other nonhuman primates other than lemurs. (See **APPENDIX**.)

The act specifically excludes from the term a domesticated animal that is considered livestock as defined in the Department of Agriculture Law.<sup>1</sup>

The act defines "restricted snake" as any of the following:

- (1) All of the following constricting snakes that are 12 feet or longer:
  - (a) Green and yellow anacondas; and
  - (b) Reticulated, Indian, Burmese, North African rock, South African rock, and amethystine pythons.
- (2) Species of the family atractaspididae;
- (3) Species of the family elapidae;
- (4) Species of the family viperidae;
- (5) Boomslang snakes; and
- (6) Twig snakes.<sup>2</sup> (See **APPENDIX**.)

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<sup>1</sup> R.C. 935.01(C).

<sup>2</sup> R.C. 935.01(L).

## **Addition of species of dangerous wild animals or restricted snakes**

The act states that 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 included in the definition of "restricted snake" established in the act. The Director cannot add species of animals or snakes to the applicable definition without the approval of the General Assembly.<sup>3</sup>

### **General prohibitions; exemptions**

The act prohibits a person from possessing a dangerous wild animal on or after January 1, 2014.<sup>4</sup> However, the prohibition does not apply to any of the following:

- (1) A person to which all of the following apply:
  - (a) The person possesses a dangerous wild animal;
  - (b) The person has been issued a license by the U.S. Department of Agriculture under the federal Animal Welfare Act;
  - (c) The Director has determined that the person is in the process of becoming an accredited member of the Association of Zoos and Aquariums or the Zoological Association of America; and
  - (d) The Director has informed the person that the person is exempt from the prohibition.
- (2) An organization to which all of the following apply:
  - (a) The organization possesses a dangerous wild animal;
  - (b) The Director has determined that the organization is in the process of being accredited or verified by the Global Federation of Animal Sanctuaries as a wildlife sanctuary; and
  - (c) The Director has informed the organization that it is exempt from the prohibition.

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<sup>3</sup> R.C. 935.011.

<sup>4</sup> R.C. 935.02(A).

(3) A person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under the act (see "**Wildlife shelter permit**," "**Wildlife propagation permit**," and "**Rescue facility permit**," below).<sup>5</sup>

Under the act, a wildlife sanctuary is a nonprofit organization 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: (1) use or allow the use of the animal or snake for any type of entertainment or in a traveling exhibit, (2) sell, trade, lease, loan, or barter the animal or snake or the animal's or snake's body parts, (3) use or allow the use of the animal or snake in any manner for profit, (4) breed the animal or snake, or (5) allow the public the opportunity to come into physical contact with the animal or snake.<sup>6</sup>

Additionally, the act generally prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the act's effective date. However, it states that the prohibition does not apply when the next of kin of a person who dies and possesses a dangerous wild animal or animals wants to keep the animal or animals or when such a person has a last will and testament that specifies that the person's dangerous wild animal or animals are to be transferred to another person that has been issued a wildlife shelter permit or wildlife propagation permit under the act (see "**Wildlife shelter permit; Disposition on death of permittee**," below). Additionally, a person that operates a rescue facility may acquire, except by purchase, possession or ownership of a dangerous wild animal if one of the following applies:

(1) Prior to January 1, 2014, the person is authorized to do so by the Director in accordance with procedures adopted by the Director; or

(2) On or after January 1, 2014, the person has obtained a rescue facility permit under the act (see below).<sup>7</sup>

Under the act, a rescue facility is a nonprofit organization that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals are provided care for their lifetime or released back

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<sup>5</sup> R.C. 935.03(A).

<sup>6</sup> R.C. 935.01(O).

<sup>7</sup> R.C. 935.02(B).

to their natural habitat and, with respect to an animal possessed by the organization, that does not do any of the following: (1) sell, trade, or barter the animal or the animal's body parts, (2) use the animal in any manner for profit, (3) breed the animal, or (4) allow the public the opportunity to come into contact with the animal.<sup>8</sup>

The act then exempts all of the following from its provisions except as discussed below:

(1) A facility that is an accredited member of either the Association of Zoos and Aquariums or the Zoological Association of America and that is licensed by the U.S. Department of Agriculture under the federal Animal Welfare Act;

(2) A research facility as defined in the federal Animal Welfare Act;

(3) A research facility that is accredited by the Association for the Assessment and Accreditation of Laboratory Animal Care International;

(4) A circus;

(5) A veterinarian that is licensed under the Veterinarians Law and that is providing temporary veterinary care to a dangerous wild animal or restricted snake;

(6) A wildlife sanctuary;

(7) An individual who is not an Ohio resident, is traveling through Ohio with a dangerous wild animal or restricted snake, and does all of the following:

(a) Confines the animal or snake in a cage at all times that is not accessible to the public;

(b) Does not exhibit the animal or snake; and

(c) Is in the state not more than 48 hours unless the animal or snake is receiving veterinary care.

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

(a) An official of the educational institution has submitted an affidavit attesting that the institution will care for the animal as long as the animal lives and in a facility that is an accredited member of the Association of Zoos and Aquariums or the Zoological Association of America;

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<sup>8</sup> R.C. 935.01(K).

(b) The educational institution maintains a liability insurance policy with an insurer authorized or approved to write such insurance in Ohio that covers claims for injury or damage to persons or property caused by a dangerous wild animal. The amount of the insurance coverage must be not less than \$1 million.

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

(d) The educational institution began displaying a dangerous wild animal as a mascot prior to the act's effective date.

(9) A wildlife rehabilitation facility that is issued a permit by the Chief of the Division of Wildlife in the Department of Natural Resources in rules adopted under the Division of Wildlife Law and that rehabilitates dangerous wild animals or restricted snakes that are native to Ohio for the purpose of reintroduction into the wild;

(10) Any person who has been issued a scientific, educational, or rehabilitation permit for wild animals by the Chief under the Division of Wildlife Law;

(11) Any person authorized by the Chief under the Division of Wildlife Law or rules adopted under it to possess a dangerous wild animal or restricted snake that is native to Ohio and that is endangered; and

(12) A mobility impaired person or a person who is blind, as those persons are defined in the law governing assistance dogs, or a deaf or hearing impaired person who possesses a capuchin monkey that has been trained by a nonprofit agency or is in such training to assist the person.<sup>9</sup>

Under the act, a circus is a traveling show to which all of the following apply:

(1) It is licensed by the U.S. Department of Agriculture under the federal Animal Welfare Act;

(2) It presents dangerous wild animals, restricted snakes, or both in a public performance as its own event or as part of a fair or carnival;

(3) It does not allow physical contact between the public and the dangerous wild animals or restricted snakes possessed by it. However, physical contact may occur during rides or other interactions between the public and an elephant, provided that

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<sup>9</sup> R.C. 935.03(B).

such a ride or other interaction is under the direct supervision of an experienced animal handler.

(4) It is in Ohio for less than 65 days each year.<sup>10</sup>

The act requires all of the above exempt individuals, institutions, and facilities to register their dangerous wild animals. However, they are not required to comply with specified standards of care or have their animals microchipped (see "**Registration of dangerous wild animals**," below).<sup>11</sup>

## **Registration of dangerous wild animals**

Under the act, a person that possesses a dangerous wild animal on the act's effective date must register the animal with the Director of Agriculture not later than 60 days after the act's effective date.<sup>12</sup> The person must do so on a form prescribed and provided by the Director, which must include all of the following:

(1) The name, address, Social Security number, and federal employer identification number, if applicable, of the person registering the dangerous wild animal;

(2) If different from the name and address provided above, the name and address of the location where the dangerous wild animal is confined;

(3) A description of the dangerous wild animal, including the scientific and common names of the animal, the name that the person 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;

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

(5) Any other information required by the Director in rules adopted under the act (hereafter "rules") (see "**Rules**," below).<sup>13</sup>

A person that registers a dangerous wild animal must have permanently implanted in the animal a microchip at the time of registration. The microchip must

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<sup>10</sup> R.C. 935.01(B).

<sup>11</sup> R.C. 935.03(B).

<sup>12</sup> R.C. 935.04(A).

<sup>13</sup> R.C. 935.04(B).



have an identification number that is unique to the microchip. In addition, the microchip must contain a passive integrated transponder, which must have a frequency of 125, 134.2, or 400 kHz.<sup>14</sup>

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, must obtain either a wildlife shelter permit or a wildlife propagation permit issued under the act (see below).<sup>15</sup>

### **Registration only of specified monkeys and lemurs**

Under the act, a person that possesses any of the following animals only must register the animal in the same manner as provided for registration of dangerous wild animals under the act:

- (1) Pygmy, white-tufted-ear, silvery, and black-pencilled marmosets;
- (2) Squirrel monkeys;
- (3) Brown, white-faced, weeping, and white-fronted capuchins; and
- (4) Lemurs.<sup>16</sup> (See **APPENDIX**.)

### **Wildlife shelter permit**

#### **Application**

Under the act, a person that possesses a registered dangerous wild animal in Ohio 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 must apply for a wildlife shelter permit. A permit applicant must file an application with the Director 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 must include all of the following:

- (1) The applicant's name, date of birth, address, Social Security number, and federal employer identification number, if applicable;

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<sup>14</sup> R.C. 935.04(D).

<sup>15</sup> R.C. 935.04(E).

<sup>16</sup> R.C. 935.041.

(2) If different from the name and address provided above, the name and address of the location where each dangerous wild animal will be confined;

(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;

(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 by the act;

(5) Proof of financial responsibility as required by the act (see below);

(6) 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. However, if an applicant cannot provide such proof, the applicant must pass a written examination regarding the care of dangerous wild animals that is established and administered in accordance with rules (see below).

(7) A plan of action to be undertaken if a dangerous wild animal escapes. An applicant must submit a copy of the plan of action for an escaped dangerous wild animal to the sheriff of the county and to the chief law enforcement officer and fire chief of the township or municipal corporation having jurisdiction where the dangerous wild animal or animals are confined.

(8) Proof that the applicant has established a veterinarian-client relationship as described in the Veterinarians Law with regard to each dangerous wild animal; and

(9) Any additional information required by the Director in rules.<sup>17</sup>

An applicant must submit one of the following fees, as applicable, with an application:

(1) \$250 if the applicant possesses not more than three dangerous wild animals;

(2) \$500 if the applicant possesses at least four, but not more than ten dangerous wild animals;

(3) \$1,000 if the applicant possesses at least 11, but not more than 15 dangerous wild animals; or

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<sup>17</sup> R.C. 935.05(A) and (B).

(4) \$1,000 if the applicant possesses 16 or more dangerous wild animals plus an additional \$125 for each animal that the applicant possesses in an amount greater than 15 dangerous wild animals.<sup>18</sup>

Additionally, an applicant must obtain and maintain proof of financial responsibility in one of the following forms:

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

(2) A surety bond, which must be executed by a surety company authorized to do business in this state that covers claims for injury or damage to persons or property caused by a dangerous wild animal possessed by the applicant or any resulting claims against the state. The bond must be in a form approved by the Director.

Proof of financial responsibility must be in one of the following amounts, as applicable:

(1) \$200,000 if the applicant possesses not more than five dangerous wild animals;

(2) \$500,000 if the applicant possesses at least six, but not more than 15 dangerous wild animals; or

(3) \$1 million if the applicant possesses 16 or more dangerous wild animals.

The amounts specified above must be for each occurrence of injury or damage.<sup>19</sup>

### **Issuance or denial; renewal**

Not later than 90 days after receipt of an application for a wildlife shelter permit, the Director must issue or deny the permit. The Director must issue a permit only if all of the following apply:

(1) The applicant is at least 18 years old;

(2) The applicant has registered the dangerous wild animal or animals that are the subject of the application;

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<sup>18</sup> R.C. 935.05(C).

<sup>19</sup> R.C. 935.05(D).

(3) The applicant is in compliance with the standards of care established in rules (see "**Standards of care and housing**," below);

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

(5) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant. However, an applicant may allow 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 monkey or monkeys possessed by the applicant to be in physical contact with a monkey 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 as defined in the Criminal Code, an offense of violence that is a felony under the Criminal Code, or a violation of animal cruelty statutes, or of the statute repealed by the act that required an owner to report the escape of an animal that was not indigenous to Ohio (see "**Escape of dangerous wild animals and restricted snakes**," below), as determined by a criminal records check performed by the Bureau of Criminal Identification and Investigation in the Office of the Attorney General in accordance with the act (see below);

(7) The facility at which a dangerous wild animal or animals will be maintained under the permit consists of at least one acre. The requirement does not apply to facilities at which monkeys will be maintained under the permit or if the Director issues a waiver.

(8) The applicant has signed an affidavit attesting that the facility at which a dangerous wild animal or 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 the act and rules;

(9) The applicant has submitted a complete application that meets the act's requirements; and

(10) The applicant has submitted the appropriate application fee.

If a permit is issued, the Director must assign a unique identification number to it.<sup>20</sup>

Prior to issuing or denying a wildlife shelter permit, the Director must submit a request to the Bureau of Criminal Identification and Investigation for a criminal records check of the applicant. Upon receipt of a request, the Superintendent of the Bureau must conduct a criminal records check in the manner described in continuing law governing criminal background checks to determine whether any information exists that indicates that the applicant previously has been convicted of or pleaded guilty to any of the offenses specified in item (6), above. The applicant is responsible for paying all costs associated with the criminal records check.<sup>21</sup>

If a permit application is denied, \$250 of the permit application fee must be retained by the Director as payment for the reasonable expense of processing the application, and the remainder of the fee must be returned to the applicant.<sup>22</sup>

Not later than December 1 each year, a permit holder must apply to the Director, on a form prescribed and provided by the Director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than 30 days after receipt of an application for renewal, the Director must renew the permit or deny the renewal. The Director must renew the permit if the permit holder complies with the act and rules and pays a renewal fee in the same amount as the fee established for the initial permit. If a renewal permit is denied, \$250 of the renewal fee must be retained by the Director as payment for the reasonable expense of processing the application, and the remainder of the renewal fee must be returned to the applicant.<sup>23</sup>

If the Director denies an application for a permit or a renewal of a permit, the Director must notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under the Administrative Procedure Act. If a person does not appeal the Director's determination to deny an application for a permit or a renewal of a permit or if the Director's determination is affirmed under the Administrative Procedure Act, not later than 30 days after the decision not to appeal or after the determination is affirmed, as applicable, the person must transfer the animal or animals that the person possesses to a county humane society, wildlife sanctuary,

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<sup>20</sup> R.C. 935.06(A).

<sup>21</sup> R.C. 935.06(B).

<sup>22</sup> R.C. 935.06(C).

<sup>23</sup> R.C. 935.06(D).

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 must submit proof to the Director that the dangerous wild animal or animals were transferred and must 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.<sup>24</sup>

### **Disposition on death of permittee**

If a person that has been issued a wildlife shelter permit or a wildlife propagation permit (see below) dies, the person's next of kin must do one of the following:

(1) If the next of kin wishes to possess the dangerous wild animal or animals, obtain a wildlife shelter permit or a wildlife propagation permit, as applicable. That next of kin must comply with the act and rules, except that, with respect to the next of kin's initial permit, the person need not pay the permit application fee for the applicable permit.

(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 under the act, transfer the dangerous wild animal or animals to the applicable permit holder; or

(3) Transfer the dangerous wild animal or animals that were possessed by the deceased person in the same manner as prescribed in the provisions governing the disposition of dangerous wild animals whose possessor is denied a wildlife shelter permit (see above).<sup>25</sup>

### **Crediting of permit fees**

The act requires all fees collected for the issuance and renewal of wildlife shelter permits to be credited to the Dangerous and Restricted Animal Fund created by the act (see "**Dangerous and Restricted Animal Fund**," below).<sup>26</sup>

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<sup>24</sup> R.C. 935.06(E) and (F).

<sup>25</sup> R.C. 935.06(G).

<sup>26</sup> R.C. 935.06(H).

## **Wildlife propagation permit**

A person that possesses a registered dangerous wild animal in Ohio 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 (see below) must apply for a wildlife propagation permit issued by the Director. An applicant need apply for only one permit regardless of the number of dangerous wild animals that the applicant possesses.<sup>27</sup>

Except as otherwise provided in the act (see below), an applicant for a wildlife propagation permit must comply with the requirements and procedures established by the act governing the application for and issuance of wildlife shelter permits. The application fee for a wildlife propagation permit must be one of the following, as applicable:

- (1) \$1,000 if the applicant possesses not more than 50 dangerous wild animals; or
- (2) \$3,000 if the applicant possesses more than 50 dangerous wild animals.

The fees are to be credited to the Dangerous and Restricted Animal Fund created by the act.<sup>28</sup>

The facility at which a dangerous wild animal or animals will be maintained under a wildlife propagation permit must consist of at least two acres. The requirement does not apply to facilities at which monkeys will be maintained under the permit or if the Director issues a waiver.<sup>29</sup>

## **Restricted snake possession permit**

### **Application**

The act requires a person that possesses a restricted snake to apply for a restricted snake possession permit and establishes requirements for application for and procedures for the issuance or denial of such a permit. Under the act, a person that possesses a restricted snake in Ohio prior to January 1, 2014, that wishes to continue to possess the restricted snake on and after that date, and that does not intend to propagate, sell, trade, or otherwise transfer the snake must obtain a restricted snake

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<sup>27</sup> R.C. 935.07(A).

<sup>28</sup> R.C. 935.07(B) and (D).

<sup>29</sup> R.C. 935.07(C).

possession permit not later than January 1, 2014. A person that acquires a restricted snake in Ohio on or after January 1, 2014, and that does not intend to propagate, sell, trade, or otherwise transfer the snake must obtain a restricted snake possession permit not later than 120 days after acquiring the snake. An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses.

The application requirements and procedures for obtaining a restricted snake possession permit are identical to those established by the act for obtaining a wildlife shelter permit (see above) with the following exceptions:

(1) An applicant is not required to have a restricted snake microchipped.

(2) If an applicant possesses a constricting snake, the applicant does not need to have two years of experience in the care of the snake's species.

(3) An applicant must provide a written statement from a veterinarian stating that the veterinarian is willing to provide veterinary care to an applicant's restricted snake or snakes when the care is needed.

(4) An applicant must submit a \$150 application fee.<sup>30</sup>

If a permit application is denied, \$75 of the application fee must be retained by the Director as payment for the reasonable expense of processing the application, and the remainder of the fee must be returned to the applicant.<sup>31</sup>

(5) Except with regard to constricting snakes, the proof of financial responsibility must be in one of the following amounts, as applicable:

(a) \$100,000 if the applicant possesses not more than five restricted snakes;

(b) \$250,000 if the applicant possesses at least six, but not more than 15 restricted snakes; or

(c) \$500,000 if the applicant possesses 16 or more restricted snakes.

An applicant that possesses one or more constricting snakes, but no other restricted snakes, is not required to obtain and maintain proof of financial responsibility.<sup>32</sup>

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<sup>30</sup> R.C. 935.08.

<sup>31</sup> R.C. 935.09(C).

<sup>32</sup> R.C. 935.08.



## **Issuance or denial; renewal; disposition on death of permittee**

The act also establishes identical requirements and procedures governing the issuance or denial of a restricted snake possession permit, the renewal of such a permit, and the disposition of a restricted snake on the death of a permittee with the following exceptions:

- (1) An applicant is not required to register the restricted snake or snakes that are the subject of the application.
- (2) An applicant may allow a primary or secondary school age student to whom the applicant displays the restricted snake or snakes to be in physical contact with a restricted snake or snakes possessed by the applicant.
- (3) An applicant does not need to have male snakes sterilized.
- (4) The act does not establish acreage requirements for snakes.<sup>33</sup>

## **Restricted snake propagation permit**

The act requires a person that possesses a restricted snake and that intends to propagate, sell, trade, or otherwise transfer the snake to apply for a restricted snake propagation permit. A person that possesses a restricted snake in Ohio prior to January 1, 2014, that wishes to continue to possess the snake on and after that date, and that intends to propagate, sell, trade, or otherwise transfer the snake must obtain a restricted snake propagation permit not later than January 1, 2014. A person that acquires a restricted snake in Ohio on or after January 1, 2014, and that intends to propagate, sell, trade, or otherwise transfer the snake must obtain a restricted snake propagation permit not later than 120 days after acquiring the snake. An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses.

Except as otherwise provided in the act (see below), an applicant for a restricted snake propagation permit must comply with the requirements and procedures established by the act governing the application for and issuance of restricted snake possession permits. The application fee for a restricted snake propagation permit is \$300. If a permit application is denied, \$150 of the application fee must be retained by the Director as payment for the reasonable expense of processing the application, and the remainder of the fee must be returned to the applicant.<sup>34</sup>

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<sup>33</sup> R.C. 935.09.

<sup>34</sup> R.C. 935.10.

## Dual permitting application requirements

Under the act, a person that possesses at least one dangerous wild animal and at least one restricted snake must apply for both a wildlife shelter permit and a restricted snake possession permit. Similarly, a person that possesses at least one dangerous wild animal and intends to propagate the animal solely for the purposes of a species survival program that complies with rules (see below) and that possesses at least one restricted snake and intends to propagate, sell, trade, or otherwise transfer the snake must apply for both a wildlife propagation permit and a restricted snake propagation permit.

Additionally, 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 must apply for both a wildlife shelter permit and a restricted snake propagation permit. Similarly, a person that possesses at least one dangerous wild animal and 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 must apply for both a wildlife propagation permit and a restricted snake possession permit.<sup>35</sup>

## Rescue facility permit

The act states that, in lieu of obtaining any other permit under the act, a person that operates a rescue facility in Ohio prior to January 1, 2014, and that wishes to continue to operate a rescue facility on and after that date must obtain a rescue facility permit under the act not later than January 1, 2014. Additionally, a person that wishes to begin operation of a rescue facility in this state on or after January 1, 2014, must obtain a rescue facility permit under the act not later than 60 days prior to beginning operation.<sup>36</sup>

An applicant for a rescue facility permit must file an application for a permit with the Director on a form prescribed and provided by the Director. The application must include information that the Director requires in rules. An applicant for a rescue facility permit must submit one of the following fees, as applicable, with an application:

- (1) \$500 if the applicant possesses not more than three dangerous wild animals;
- (2) \$1,000 if the applicant possesses at least four, but not more than 15 dangerous wild animals; or

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<sup>35</sup> R.C. 935.11.

<sup>36</sup> R.C. 935.101(A).

(3) \$2,000 if the applicant possesses 16 or more dangerous wild animals.

If a permit application is denied, \$250 of the application fee must be retained by the Director as payment for the reasonable expense of processing the application and the remainder of the fee must be returned to the applicant.<sup>37</sup> The Director must issue or deny a rescue facility permit in accordance with rules.<sup>38</sup> The act precludes the Director from issuing a permit unless the dangerous wild animal or animals that are or will be possessed by the applicant are sterilized.

A person that has been issued a rescue facility permit must comply with the requirements regarding the care and housing of dangerous wild animals established in rules (see below). A person that has been issued a rescue facility permit may acquire, except by purchase, possession or ownership of a dangerous wild animal.<sup>39</sup>

### **Permit suspension or revocation**

The act authorizes the Director to suspend or revoke a permit issued under the act for a violation of the act or rules. A person adversely affected by an order of suspension or revocation may request an adjudication under the Administrative Procedure Act.<sup>40</sup>

### **Licenses to keep or raise certain wild animals under continuing law**

The act specifies that a commercial propagating, noncommercial propagating, or raise to release license authorized under continuing law cannot be issued to a person to raise or sell a dangerous wild animal or restricted snake. The Division of Wildlife in the Department of Natural Resources issues those licenses. Under a commercial propagating license, a licensee may propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in a wholly enclosed preserve, sell the propagated birds and animals and ship them from the state alive at any time, or kill them and sell the carcasses for food. The annual fee for such a license is \$40. Under a noncommercial propagating license, a licensee may propagate game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals and hold them in captivity only for the licensee's own use. Such a licensee cannot sell the birds or animals. The annual fee for such a license is \$25. Under the free raise to release license, a licensee may engage in the raising of game birds, game quadrupeds, or fur bearing animals for release and not for

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<sup>37</sup> R.C. 935.101(B).

<sup>38</sup> R.C. 935.101(C).

<sup>39</sup> R.C. 935.101(D) and (E).

<sup>40</sup> R.C. 935.13.

sale or personal use. "Game birds," "game quadrupeds," "reptiles," "amphibians," and "fur-bearing animals" are defined in the Division of Wildlife Law.<sup>41</sup>

## **Standards of care and housing**

The act requires the Director of Agriculture to adopt rules in accordance with the Administrative Procedure Act that establish standards for the care and housing of dangerous wild animals registered under the act, including standards for the proper care of each species of dangerous wild animal and caging and fencing of the animals. The Director must adopt the rules not later than 90 days after the act's effective date.<sup>42</sup> Beginning 90 days after the Director adopts the rules, a person that possesses a registered dangerous wild animal must comply with the applicable rules.<sup>43</sup>

In addition, the Director must adopt rules that establish standards for the care and well-being of big cats, bears, hyenas, wolves, rhinoceroses, elephants, hippopotamuses, cape buffaloes, African wild dogs, Komodo dragons, alligators, crocodiles, caimans, gharials, and nonhuman primates that are not monkeys that are possessed by wildlife shelter or wildlife propagation permit holders. The standards must 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 must consider the following factors: (1) best management practices for the care and well-being of dangerous wild animals, (2) public health and safety, (3) biosecurity, (4) the prevention of disease, (5) animal morbidity and mortality data, (6) generally accepted veterinary medical practices, (7) standards adopted by the Association of Zoos and Aquariums, (8) standards adopted by the Zoological Association of America, (9) standards established in the federal Animal Welfare Act, (10) ethical standards established by the American Veterinary Medical Association, and (11) any other factors that the Director considers necessary for the proper care and well-being of dangerous wild animals in this state.<sup>44</sup>

Finally, the act requires the Director to adopt rules establishing standards for the care and well-being of dangerous wild animals that are possessed by rescue facilities issued permits under the act. The standards must 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 care and housing

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<sup>41</sup> R.C. 1533.71.

<sup>42</sup> R.C. 935.17(A)(2).

<sup>43</sup> R.C. 935.04(C).

<sup>44</sup> R.C. 935.17(B).

standards established in rules for the holders of wildlife shelter and wildlife propagation permits (see above).<sup>45</sup>

Except as otherwise provided (see below), the act requires a person that has been issued a permit under the act for a dangerous wild animal or animals to comply with the requirements regarding the care and housing of dangerous wild animals established by the Director in rules.<sup>46</sup>

The act requires persons issued wildlife shelter, wildlife propagation, or rescue facility permits under the act that possess monkeys to comply with different standards of care and housing for those animals. A permit holder that possesses one or more monkeys must comply with both of the following:

(1) The requirements regarding the care of those animals that are established in regulations adopted under the federal Animal Welfare Act; and

(2) The requirements regarding the housing of those animals established in rules.<sup>47</sup>

Under the act, restricted snake possession and restricted snake propagation permit holders that possess one or more restricted snakes must comply with the requirements regarding the care and housing of those snakes that are established in standards adopted by the Zoological Association of America.<sup>48</sup>

## **Records**

The act requires a person that has been issued a permit under the act to maintain records, in accordance with rules, of all of the following regarding each dangerous wild animal and each restricted snake that the permit holder possesses:

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

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

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

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<sup>45</sup> R.C. 935.17(G).

<sup>46</sup> R.C. 935.12(A).

<sup>47</sup> R.C. 935.12(B).

<sup>48</sup> R.C. 935.12(C).

(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;

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

(6) The name and address of the person to whom the animal or snake was sold or otherwise transferred, if applicable;

(7) The date on which the animal or snake died or escaped, if applicable; and

(8) The identification number of the microchip that is implanted in a dangerous wild animal and the frequency of the passive integrated transponder contained in the microchip as required by the act.<sup>49</sup>

### **Escape of dangerous wild animals and restricted snakes**

Under the act, if a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately must notify both of the following:

(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred; and

(2) The Division of Animal Health in the Department of Agriculture by means of the 24-hour telephone number that is maintained by the Division.<sup>50</sup>

A law enforcement officer or a 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. The law enforcement officer or natural resources law enforcement officer 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.<sup>51</sup>

For purposes of the act, a law enforcement officer is 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.<sup>52</sup> In addition, a natural resources law enforcement officer is an employee of the Department of Natural

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<sup>49</sup> R.C. 935.15.

<sup>50</sup> R.C. 935.16(A).

<sup>51</sup> R.C. 935.16(B).

<sup>52</sup> R.C. 935.01(H).

Resources who is one of the following: (1) a natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer, (2) a Division of Wildlife employee who is designated by the Chief of the Division of Wildlife to enforce all laws pertaining to wild animals, or (3) a Division employee who conducts research and investigations or engages in restocking of game or fish, in restoration projects, or in the enforcement of applicable laws governing wildlife.<sup>53</sup>

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 must 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 must reimburse the State Highway Patrol or the Department of Natural Resources, as applicable, for those costs.<sup>54</sup>

Except as discussed below, money collected by the political subdivision must be credited to a special fund created by the act in the applicable political subdivision. Money in the special fund must be used exclusively for the administration and enforcement of the act and rules adopted under it. Money collected by the State Highway Patrol or the Department of Natural Resources must be credited to the Dangerous and Restricted Animal Fund created by the act (see below). If law enforcement officers from more than one jurisdiction assist in the capture or destruction of a dangerous wild animal or restricted snake, the money collected must be proportionally distributed to each political subdivision's special fund and the Dangerous and Restricted Animal Fund, if applicable.<sup>55</sup>

The act eliminates a provision of law that required the owner or keeper of any member of a species of the animal kingdom that escaped from the owner's or keeper's custody or control and that was not indigenous to Ohio or presented a risk of serious physical harm to persons or property, or both, to report it, within one hour after the owner or keeper discovered or reasonably should have discovered the escape, to

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<sup>53</sup> R.C. 935.01(I).

<sup>54</sup> R.C. 935.16(C).

<sup>55</sup> R.C. 935.16(D).



specified law enforcement officers and certain municipal corporation or township officials, as applicable. Failure to report the escape was a first degree misdemeanor.<sup>56</sup>

## **Additional responsibilities and duties of Director of Agriculture**

### **Rules**

The act requires the Director of Agriculture to adopt rules in accordance with the Administrative Procedure Act that establish all of the following in addition to rules establishing standards of care and housing as discussed above:

(1) Any additional information that must be included with a registration of a dangerous wild animal. As discussed above, the Director must adopt the rules not later than 90 days after the act's effective date.<sup>57</sup>

(2) All of the following concerning applications for wildlife shelter permits and wildlife propagation permits issued under the act:

(a) Any additional information that must be included with a permit application;

(b) Criteria for determining what constitutes a species survival program for the purposes of wildlife propagation permits and requirements and procedures that are necessary to determine if a program meets those criteria;

(c) The content of the examination to be taken if an applicant does not provide 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. The rules must require the examination to test an applicant's knowledge on topics that include proper diet, health care, exercise needs, and housing of the applicable species.

(d) Procedures and requirements concerning the administration of the examination.

(3) All of the following concerning applications for restricted snake possession permits and restricted snake propagation permits issued under the act:

(a) Any additional information that must be included with a permit application;

(b) The content of the examination to be taken if an applicant does not provide proof that the applicant has at least two years of experience in the care of the species of

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<sup>56</sup> R.C. 2927.21, repealed.

<sup>57</sup> R.C. 935.17(A)(1).



restricted snake or snakes that are the subject of the application. The rules must require the examination to test an applicant's knowledge on topics that include proper diet, health care, and housing of the applicable species.

(c) Procedures and requirements concerning the administration of the examination.

(4) Procedures and requirements governing the maintenance of records required to be maintained by holders of permits issued under the act;

(5) Standards for signs that are required to be posted and displayed by persons that possess dangerous wild animals or restricted snakes (see "**Prohibitions**," below);

(6) The amount of civil penalties that may be assessed by the Director for violation of the act and rules (see "**Enforcement**," below);

(7) Procedures and requirements governing the distribution of money from the Dangerous and Restricted Animal Fund created by the act for the compensation of facilities that accept a dangerous wild animal or restricted snake that is quarantined or transferred under the act (see below); and

(8) Any other provisions necessary to administer and enforce the act.<sup>58</sup>

### **Maintenance of database**

The act requires the Director to maintain a database of both of the following:

(1) Until January 1, 2014, the name and address of each person that possesses a dangerous wild animal and registers the animal under the act; and

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

The Director must allow the Directors of Health and Natural Resources to have access to the database.<sup>59</sup>

## **Enforcement**

### **Prohibitions**

The act prohibits any person from doing any of the following:

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<sup>58</sup> R.C. 935.17(C) to (I).

<sup>59</sup> R.C. 935.14.

(1) Selling or offering for sale at auction a dangerous wild animal or a venomous snake;

(2) 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, knowingly removing a microchip that is implanted in a dangerous wild animal as required by the act;

(3) Allowing a dangerous wild animal or restricted snake to roam off the property where it is confined;

(4) Removing any teeth or claws from a dangerous wild animal or restricted snake, as applicable, unless determined to be medically necessary by a veterinarian; or

(5) Violating any other provisions established by the act or rules.<sup>60</sup>

Additionally, the act prohibits a person that possesses a dangerous wild animal or restricted snake from failing to post and display any of the following:

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

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

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

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

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

The signs must comply with standards established in rules.<sup>61</sup>

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<sup>60</sup> R.C. 935.18(A), (B), (E), (F), and (G).

<sup>61</sup> R.C. 935.18(C).

Violation of any of the above prohibitions is a first degree misdemeanor on a first offense and a fifth degree felony on each subsequent offense.<sup>62</sup>

Finally, the act prohibits a person from knowingly releasing a dangerous wild animal or restricted snake into the wild.<sup>63</sup> Violation of the prohibition is a fifth degree felony.<sup>64</sup>

### **Inspection authority**

The act authorizes the Director of Agriculture or the Director's designee to enter at all reasonable times any premises at which a dangerous wild animal or restricted snake is confined, with the consent of the owner of the premises, for the purpose of determining compliance with the act and rules. If the Director or the Director's designee is denied access to any such premises, and if the Director reasonably suspects that the person who possesses the dangerous wild animal or restricted snake is not in compliance with the act or rules, the Director may apply to a court of competent jurisdiction in the county in which the premises is located for a search warrant authorizing access to the premises for the purpose of an inspection.

The court must issue the search warrant if there is probable cause to believe that the person is not in compliance with the act or rules. The finding of probable cause may be based on hearsay, provided that there is a substantial basis for believing that the source of the hearsay is credible and that there is a factual basis for the information furnished.<sup>65</sup>

The Director may designate any of the following to conduct inspections:

- (1) Employees of the Department of Agriculture;
- (2) Natural resources law enforcement officers with the consent of the Director of Natural Resources;
- (3) Employees of the Department of Health with the consent of the Director of Health;
- (4) Employees of a board of health with the consent of the board; and

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<sup>62</sup> R.C. 935.99(A).

<sup>63</sup> R.C. 935.18(D).

<sup>64</sup> R.C. 935.99(B).

<sup>65</sup> R.C. 935.19(A).

(5) Agents of a humane society appointed under the Humane Societies Law with the consent of the humane society.<sup>66</sup>

If a person designated by the Director of Agriculture determines, while conducting an inspection, that a violation of the act or rules has occurred, is occurring, or may occur, the person must immediately notify the Director. The Director may proceed as provided in the act (see "**Enforcement actions**," below).<sup>67</sup>

### **Quarantine, transfer, or seizure**

The act requires the Director, on and after January 1, 2014, to immediately cause an investigation to be conducted if the Director has reason to believe that one of the following may be occurring:

(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 the act;

(2) A restricted snake is possessed by a person that has not been issued a restricted snake possession permit or a restricted snake propagation permit under the act; or

(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of the act or rules.

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 a list that is maintained by the Director. The list must include facilities inside and outside Ohio that the Director determines are eligible to accept dangerous wild animals or restricted snakes for the purposes of those provisions.<sup>68</sup> If the Director's designee orders the animal or snake to be quarantined or transferred, the designee must provide a copy of the order to the Director.<sup>69</sup>

The Director must attempt to notify the person owning or possessing an animal or snake that has been ordered to be quarantined or transferred. The notice must be

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<sup>66</sup> R.C. 935.19(B).

<sup>67</sup> R.C. 935.19(C).

<sup>68</sup> R.C. 935.20(K).

<sup>69</sup> R.C. 935.20(A).

delivered in person or by certified mail. The Director also may post a copy of a quarantine order at two conspicuous locations on the premises where the animal or snake is quarantined. The Director must maintain a copy of the order and evidence that the Director attempted to notify the person owning or possessing the animal or snake.<sup>70</sup>

A quarantine or transfer order must contain all of the following:

- (1) The name and address of the person owning or possessing the animal or snake, if known;
- (2) A description of the quarantined or transferred animal or snake;
- (3) A description of the premises affected by the quarantine or transfer;
- (4) The reason for the quarantine or transfer;
- (5) Any terms and conditions of the quarantine or transfer; and
- (6) A notice that a person adversely affected by the order may request a hearing to review the order.<sup>71</sup>

A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within 30 days after the order is issued, may request in writing an adjudication in accordance with the Administrative Procedure Act. A request for an adjudication does not stay a quarantine or transfer order.<sup>72</sup>

The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred must be responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. If such an owner or person is unable to pay for the reasonable costs, the Director must certify the costs to the county auditor to be assessed against any property of the owner or person and thereby made a lien upon it and collected as other taxes. All money from the collection of liens must be credited in accordance with the act's provisions governing the crediting of

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<sup>70</sup> R.C. 935.20(B).

<sup>71</sup> R.C. 935.20(C).

<sup>72</sup> R.C. 935.20(D).

money collected for reimbursement of costs associated with a quarantine or transfer of a dangerous wild animal or restricted snake under the act (see below).<sup>73</sup>

If the State Veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred is infected with or exposed to a dangerously contagious or infectious disease or is seriously injured, the State Veterinarian must so notify the Director. The Director may order the animal or snake to be humanely euthanized by a veterinarian if the State Veterinarian has indicated that euthanization is medically necessary.

A quarantine or transfer order must remain in effect until one of the following occurs:

(1) The Director, after reviewing the results of the investigation conducted under the act, issues a written notice of release;

(2) A court of competent jurisdiction orders the quarantine or transfer order to be terminated in a proceeding as discussed below; or

(3) A court of competent jurisdiction orders the seizure of the dangerous wild animal or restricted snake in a proceeding as discussed below.<sup>74</sup>

If, after reviewing the results of an investigation concerning a dangerous wild animal or restricted snake conducted under the act and after resolution of any proceeding requested by the person owning or possessing the animal or snake, the Director determines that a circumstance described above is or was occurring, the Director must initiate, in a court of competent jurisdiction, a proceeding for the permanent seizure of the animal or snake. If the court affirms the Director's determination, the court must order the animal or snake seized and must order the method of disposition of the animal or snake. The court may order the person owning or possessing the animal or snake to pay all reasonable costs associated with the seizure and, if applicable, the costs associated with the quarantine or transfer of the animal or snake, including the costs of transportation, housing, food, and veterinary care of the animal or snake. If the court does not affirm the Director's determination, the court must order the quarantine or transfer order to be terminated and the animal or snake to be returned to the person owning or possessing it, if applicable.<sup>75</sup>

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<sup>73</sup> R.C. 935.20(E).

<sup>74</sup> R.C. 935.20(F) and (G).

<sup>75</sup> R.C. 935.20(H).

The Director may authorize any of the following to conduct an investigation and order the quarantine or transfer of a dangerous wild animal or restricted snake under the act:

- (1) Employees of the Department of Agriculture;
- (2) Natural resources law enforcement officers with the consent of the Director of Natural Resources;
- (3) Employees of the Department of Health with the consent of the Director of Health;
- (4) Employees of a board of health with the consent of the board;
- (5) Agents of a humane society with the consent of the humane society;
- (6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed; and
- (7) Law enforcement officers who are State Highway Patrol troopers with the consent of the Superintendent of the State Highway Patrol.<sup>76</sup>

Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes must be credited to one of the following funds, as applicable:

(1) If the animal or snake was quarantined or transferred by an employee of the Department of Agriculture or the Department of Health, a natural resources law enforcement officer, or a law enforcement officer who is a State Highway Patrol trooper, the Dangerous and Restricted Animal Fund created by the act (see below);

(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund that the act creates in each health district and that must be used exclusively for the administration and enforcement of the act and rules adopted under it;

(3) If the animal or snake was quarantined or transferred by an agent of a humane society, a special fund that the act creates in each county having a humane society and that must be used exclusively for the administration and enforcement of the act and rules adopted under it; or

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<sup>76</sup> R.C. 935.20(I).

(4) If the animal or snake was quarantined or transferred by a law enforcement officer who is not a State Highway Patrol trooper, the special fund that is created by the act in the political subdivision that employs the law enforcement officer (see above).<sup>77</sup>

### **Request for assistance**

The act authorizes the Director of Agriculture to request either of the following to accompany the Director or an employee of the Department of Agriculture for purposes of investigations and inspections conducted under the act:

(1) A law enforcement officer; or

(2) With the consent of the Director of Natural Resources, a natural resources law enforcement officer.<sup>78</sup>

### **Enforcement actions**

Under the act, the Attorney General, upon request of the Director of Agriculture, must bring an action for injunction against any person who has violated, is violating, or is threatening to violate the act or rules. The court of common pleas in which an action for injunction is filed has jurisdiction to and must 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 the act or rules.<sup>79</sup>

The Director may assess a civil penalty against any person that the Director determines is not in compliance. The Director must afford the person an opportunity for an adjudication under the Administrative Procedure Act to challenge the Director's determination that the person is not in compliance. However, the person may waive the right to an adjudication. 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.<sup>80</sup> The act specifies that notwithstanding any other statute, money resulting from any enforcement action taken under the act must be credited to the Dangerous and Restricted Animal Fund created by the act (see below).<sup>81</sup>

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<sup>77</sup> R.C. 935.20(J).

<sup>78</sup> R.C. 935.21.

<sup>79</sup> R.C. 935.24(A).

<sup>80</sup> R.C. 935.24(B).

<sup>81</sup> R.C. 935.24(C).



## **Ordinances adopted by municipal corporations**

The act authorizes a municipal corporation to adopt and enforce ordinances that are more stringent than the requirements established by the act and rules adopted under it in order to control dangerous wild animals, restricted snakes, or both within the municipal corporation. For the purposes of that provision, ordinances to control dangerous wild animals, restricted snakes, or both include, but are not limited to, ordinances concerned with the acquisition or possession of dangerous wild animals or restricted snakes, dangerous wild animals or restricted snakes as public nuisances, and dangerous wild animals or restricted snakes as a threat to public health, safety, and welfare.<sup>82</sup>

The act prohibits a person from violating such an ordinance adopted by a municipal corporation. Whoever violates the prohibition is guilty of a minor misdemeanor. Each day of continued violation constitutes a separate offense. Fines levied and collected for violations must be distributed by the mayor or clerk of the municipal court in accordance with continuing law to the treasury of the applicable municipal corporation.<sup>83</sup>

## **Dangerous and Restricted Animal Fund**

The act creates in the state treasury the Dangerous and Restricted Animal Fund consisting of all of the following:

(1) Money collected from permit application fees under the act;

(2) Money credited to the Fund for the reimbursement of costs associated with the quarantine and transfer of dangerous wild animals and restricted snakes if an employee of the Department of Agriculture or Department of Health, a natural resources law enforcement officer, or a law enforcement officer who is a State Highway Patrol trooper quarantined or transferred such an animal or snake; and

(3) Money credited to the Fund from any enforcement action taken by the Director of Agriculture or the Attorney General under the act.<sup>84</sup>

Money in the Fund must be used for all of the following purposes:

(1) Administration and enforcement of the act and rules adopted under it;

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<sup>82</sup> R.C. 935.29(A) and (B).

<sup>83</sup> R.C. 935.29(C) and 935.99(C).

<sup>84</sup> R.C. 935.25(A).

(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 the act;

(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 the act; and

(4) Compensation of a qualified facility that is on the list maintained by the Director of Agriculture under the act (see above) and that accepts a dangerous wild animal or restricted snake that is quarantined or transferred pursuant to the act.

Investment earnings of the Fund must be credited to it.<sup>85</sup>

### **Dangerous and Restricted Animals Advisory Board**

The act creates the Dangerous and Restricted Animals Advisory Board to do both of the following:

(1) Review the rules that have been or are proposed to be adopted under the act governing the care of dangerous wild animals; and

(2) Advise the Director of Agriculture on the administration of the act and rules.<sup>86</sup>

The Board consists of the following members:

(1) The Director of Agriculture or the Director's designee, who must be the chairperson;

(2) The Director of Natural Resources or the Director's designee;

(3) The Director of Health or the Director's designee;

(4) The State Veterinarian in the Department of Agriculture;

(5) The following 11 members who must be appointed by the Governor with the advice and consent of the Senate and must be Ohio residents:

(a) One member representing dangerous wild animal or restricted snake owners;

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<sup>85</sup> R.C. 935.25(B) and (C).

<sup>86</sup> R.C. 935.26(H).

(b) One member who is knowledgeable about dangerous wild animals or restricted snakes;

(c) One member representing an accredited member of the Association of Zoos and Aquariums that operates in this state;

(d) One member representing an accredited member of the Zoological Association of America;

(e) Two members who are veterinarians;

(f) Two members representing the public;

(g) One member representing the Governor;

(h) One member representing a county humane society;

(i) One member representing a board of health.

(6) One member appointed by the Speaker of the House of Representatives who must be a restricted snake owner; and

(7) One member appointed by the President of the Senate who must be a dangerous wild animal owner.

Not more than seven members appointed to the Board at any given time can be members of the same political party.<sup>87</sup> The Governor, the Speaker of the House of Representatives, and the President of the Senate must make initial appointments to the Board not later than 45 days after the act's effective date. The act provides for staggered three-year terms for the appointed members of the Board. The terms of office of the Director of Agriculture, the Director of Natural Resources, and the Director of Health, their designees, and the State Veterinarian must 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 must cease to serve on the Board, and the successor of that person must serve on the Board in accordance with the act. Every other member must hold office from the date of the member's appointment until the end of the term for which the member was appointed.

The act generally establishes standard procedures for filling vacancies. However, under the act, a member must continue in office subsequent to the expiration

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<sup>87</sup> R.C. 935.26(A).

date of the member's term until the member's successor takes office, or until a period of 180 days has elapsed, whichever occurs first. A member may be reappointed upon the expiration of the member's term.<sup>88</sup>

The Board must hold at least three regular meetings each year and may hold additional meetings at times that the chairperson or a majority of the Board members considers appropriate. At the first meeting of the Board in each calendar year, the Director of Agriculture or the Director's designee must designate one member of the Board to serve as its vice-chairperson. A majority of the Board constitutes a quorum. The Board may act only if a quorum is present and only by majority vote of the members.<sup>89</sup>

Serving as an appointed member of the Board does not constitute holding a public office or position of employment under Ohio law and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. Appointed members must receive no compensation for their services. Members must be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members. The expenses must be paid from the Dangerous and Restricted Animal Fund in accordance with the rules and requirements adopted by the Department of Administrative Services that are applicable to state employees.<sup>90</sup>

The Board may create committees that it considers appropriate to make recommendations to the Board. Committees may include members who do not serve on the Board.<sup>91</sup>

### **Dangerous Wild Animal State Emergency Response Commission**

The act creates the Dangerous Wild Animal State Emergency Response Commission and requires it to do the following:

- (1) Establish a state dangerous wild animal emergency response plan for escaped dangerous wild animals in Ohio;
- (2) By resolution, appoint members to a dangerous wild animal county emergency response team for each county (see below); and

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<sup>88</sup> R.C. 935.26(B) and (C).

<sup>89</sup> R.C. 935.26(D).

<sup>90</sup> R.C. 935.26(E) and (F).

<sup>91</sup> R.C. 935.26(G).

(3) Examine and approve or reject emergency response plans submitted to the Commission by each county's dangerous wild animal county emergency response team under the act.

The Commission must establish procedures and requirements for the preparation and examination and the approval or rejection of a county's emergency response plan.<sup>92</sup>

Under the act, the Commission consists of all of the following:

(1) The Director of Agriculture or the Director's designee, who is the chairperson of the Commission;

(2) The Director of Natural Resources or the Director's designee;

(3) The Director of Health or the Director's designee;

(4) The Executive Director of the Emergency Management Agency or the Executive Director's designee;

(5) A member of the House of Representatives appointed by the Speaker of the House of Representatives;

(6) A member of the Senate appointed by the President of the Senate; and

(7) A person representing a local law enforcement agency and a person representing the owners of dangerous wild animals who must be appointed by the Governor with the advice and consent of the Senate.

Not later than 30 days after the act's effective date, the Governor must make appointments to the Commission. The act provides for staggered three-year terms for the appointed members of the Commission. Each member must hold office from the date of the member's appointment until the end of the term for which the member was appointed. The act establishes standard procedures for filling vacancies.

The Commission must meet at times that the chairperson or a majority of the Commission members considers appropriate, provided that no meeting must be held on the call of the chairperson unless at least seven days' written notice first is provided to all members of the Commission. At the first meeting of the Commission in each calendar year, the Director of Agriculture must designate one member of the Commission to serve as its vice-chairperson. A majority vote of the members of the

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<sup>92</sup> R.C. 935.27(A) and (C).

Commission is necessary to take action on any matter. A vacancy on the Commission does not impair the right of the other members to exercise all of the Commission's powers.

Appointed members of the Commission must serve without compensation for attending Commission meetings. Members of the Commission must be reimbursed for their actual and necessary expenses incurred in the performance of official duties as members of the Commission. The Department of Agriculture must provide the Commission with the personnel, office space, and incidentals necessary for it to perform its duties and exercise its powers.<sup>93</sup>

### **Dangerous wild animal county emergency response team**

As indicated above, the act requires the Commission to appoint members to a dangerous wild animal county emergency response team for each county. A county emergency response team must consist of the number of members that the Commission considers appropriate, but must include representatives from each of the following groups or organizations: elected local officials, law enforcement personnel, emergency management personnel, firefighting personnel, first aid personnel, health personnel, broadcast and print media personnel, and persons that possess dangerous wild animals.

The act requires each county's dangerous wild animal county emergency response team to prepare an emergency response plan for its county. The plan must include the methods and procedures that will be utilized in the county in the event of an escaped dangerous wild animal in the county. The emergency response team must submit the plan to the Dangerous Wild Animal Emergency Response Commission for the Commission's approval. The emergency response team must update the plan annually and must submit the updated plan to the Commission for approval.<sup>94</sup>

### **Miscellaneous**

Under the act, an employee of an agency or political subdivision of the state that destroys a dangerous wild animal or restricted snake that is a threat to public safety 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.<sup>95</sup>

The owner of a venomous snake must do both of the following:

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<sup>93</sup> R.C. 935.27(A) and (B).

<sup>94</sup> R.C. 935.28.

<sup>95</sup> R.C. 935.22.

(1) Have access to antivenom for each species of snake that the person owns either at the location where each snake is confined or at a hospital with which the owner has entered into a written agreement to provide the antivenom. However, an owner may apply to the Director for a waiver to have access to antivenom in a different location.

(2) Submit proof of having access to the antivenom to the sheriff of the county and the chief law enforcement officer of the township or municipal corporation in which each snake that the person owns is confined.

In addition, the owner must submit a list that contains the name of each species of venomous snake 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 must submit an updated list to the sheriff and the chief law enforcement officer no later than seven days after the change occurs.

If a venomous snake 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.<sup>96</sup>

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## HISTORY

ACTION	DATE
Introduced	03-08-12
Reported, S. Agriculture, Environment & Natural Resources	04-25-12
Passed Senate (30-1)	04-25-12
Reported, H. Agriculture & Natural Resources	05-17-12
Passed House (89-9)	05-22-12
Senate concurred in House amendments (31-1)	05-22-12

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<sup>96</sup> R.C. 935.23.



# APPENDIX

## Sub. Senate Bill 310

### As Passed by the General Assembly

Disclaimer: The photographs in this document were taken from sources from or in which permission was obtained or implied or from the public domain. The appearance of the photographs is not meant to imply endorsement of the legislation by the photographer, the photographer's employer, or the agency or company supplying the photographs.



# Dangerous wild animals

**African wild dog**



Joy Viola, Northeastern University, Bugwood.org

**Alligator**



Wendy VanDyk Evans, Bugwood.org

**Bear (example—black)**



Terry Spivey, USDA Forest Service, Bugwood.org

**Caiman**



Bonsak Hammeraas, Bioforsk - Norwegian Institute for Agricultural and Environmental Research, Bugwood.org

**Cape buffalo**



Paul Bolstad, University of Minnesota, Bugwood.org

**Caracal**



Gary M. Stolz, U.S. Fish and Wildlife Service

**Cheetah**



Terry Spivey, USDA Forest Service, Bugwood.org

**Cougar**



NPS Photo  
U.S. National Park Service

**Crocodile**



Alfred Viola, Northeastern University, Bugwood.org



**Elephant (example—African)**



Alfred Viola, Northeastern University, Bugwood.org

**Gharial**



Cleveland Metroparks Zoo

**Goeldi's monkey**



Julie Katt, John Ball Zoo Society

**Gray wolf**



Gary M. Stolz, U.S. Fish and Wildlife Service

**Hippopotamus**



Alfred Viola, Northeastern University, Bugwood.org

**Howler monkey: black**



Zoo photo

**Howler monkey: mantled**



Roy Fontaine

**Howler monkey: red**



Joy Viola, Northeastern University, Bugwood.org

**Hyena**



Alfred Viola, Northeastern University, Bugwood.org



**Jaguar**



Joy Viola, Northeastern University, Bugwood.org

**Komodo dragon**



Alfred Viola, Northeastern University, Bugwood.org

**Leopard**



Alfred Viola, Northeastern University, Bugwood.org

**Leopard: clouded**



Cleveland Metroparks Zoo

**Leopard: snow**



Kemmeth Fink, NPS.gov, Yellowstone Digital Slide File

**Lion**



Kenneth M. Gale, Bugwood.org

**Lynx: Canadian**



U.S. Fish and Wildlife Service

**Lynx: Eurasian**



Bonsak Hammeraas, Bioforsk - Norwegian Institute for Agricultural and Environmental Research, Bugwood.org

**Muriqui**



Cincinnati Zoo & Botanical Garden

**Night monkey: northern**



Luiz Claudio Marigo, Wisconsin Primate Center Library

**Other nonhuman primate (example—baboon)**



Gary M. Stolz, U.S. Fish and Wildlife Service

**Other nonhuman primate (example—chimpanzee)**



Dirck Byler, U.S. Fish and Wildlife Service

**Other nonhuman primate (example—gorilla)**



Richard Gruggiero, U.S. Fish and Wildlife Service

**Other nonhuman primate (example—orangutan)**



Microsoft Clip Art

**Rhinoceros (example—white)**



Gary M. Stolz, U.S. Fish and Wildlife Service

**Saki: black-bearded**



Luiz Claudio Marigo, Wisconsin Primate Center Library

**Saki: monk**



Zoological Society of Philadelphia, Wisconsin Primate Center Library

**Saki: white-faced**



Cincinnati Zoo & Botanical Garden

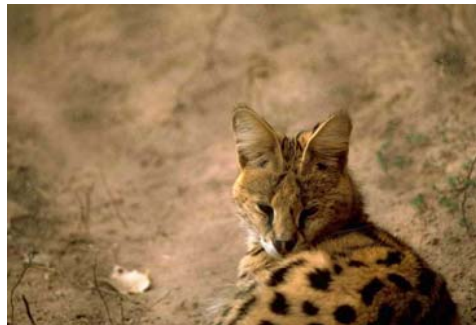


**Saki: white-nosed bearded**



Luiz Claudio Marigo, Wisconsin Primate Center Library

**Serval**



Gary M. Stolz, U.S. Fish and Wildlife Service

**Spider monkey: black**



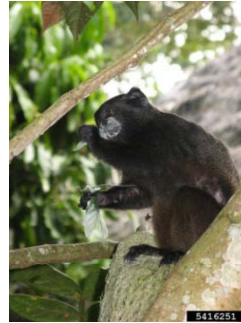
Irwin Samuel Bernstein

**Spider monkey: black-handed**



Cincinnati Zoo & Botanical Garden

**Tamarin: black-mantled**



Caleb Slemmons, University of Maine, Bugwood.org

**Tamarin: cotton-top**



Rebekah D. Wallace, University of Georgia, Bugwood.org

**Tamarin: emperor**



Cincinnati Zoo & Botanical Garden

**Tamarin: Geoffroy's**



Cleveland Metroparks Zoo

**Tamarin: golden lion**



Alfred Viola, Northeastern University, Bugwood.org

**Tamarin: golden-rumped lion**



Luiz Claudio Marigo

**Tamarin: saddlebacked**



Anne Zeller, Ph.D.

**Tiger (example— Bengal)**



Alfred Viola, Northeastern University, Bugwood.org

**Titi monkey: dusky**



Zoo Photo

**Uakari: bald**



Roy Fontaine

**Woolly monkey**



Luiz Claudio Marigo



# Restricted snakes

Anaconda: green



Indianapolis Zoo

Anaconda: yellow



Houston Zoo

Elapidae (example—cobra)



Virginia Aquarium & Marine Science Center

Elapidae (example—coral snake)



Matt Caron, U.S. National Park Service

Python: amethystine



Alfred Viola, Northeastern University, Bugwood.org

Python: Burmese



Skip Snow, National Park Service, Bugwood.org

Python: Indian



Alfred Viola, Northeastern University, Bugwood.org

Python: North African rock



U.S. Geological Survey

Python: reticulated



Bjorn Lardner, Colorado State University, USGS.gov

**Python: South African rock**



Graham J. Alexander, University of Witwatersrand,  
USGS.gov

**Viperidae (example—copperhead)**



U.S. National Park Service

**Viperidae (example—rattlesnake)**



U.S. National Park Service



# Nonhuman primates only required to be registered

**Capuchin: brown**



Cincinnati Zoo & Botanical Garden

**Capuchin: weeping**



John G. Robinson

**Capuchin: white-faced**



Dickerson Park Zoo

**Capuchin: white-fronted**



Irwin Samuel Bernstein

**Lemur**



Rebekah D. Wallace, University of Georgia, Bugwood.org

**Marmoset: black-pencilled**



Ludwig Muller, Wisconsin Primate Center Library

**Marmoset: pygmy**



Alfred Viola, Northeastern University, Bugwood.org

**Marmoset: silvery**



Roy Fontaine, Wisconsin Primate Center Library

**Marmoset: white-tufted-ear**



Lynn Davis, Wisconsin Primate Center Library

## Squirrel monkey



Pueblo Zoo, Pueblo, CO

Photographic images were unavailable for the following animals:

Leopard: Sunda clouded

Lynx: Iberian

Night monkey: southern

Spider monkey: brown-headed

Spider monkey: white-bellied

Tamarin: black-faced lion

Titi monkey: masked

Uakari: black

Atractaspididae (examples—burrowing asp snake, mole viper snake)

Boomslang snake

Twig snake