



Ohio Legislative Service Commission

Bill Analysis

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Sens. Balderson, Jones

BILL 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 bill.
- Defines "dangerous wild animal" to include big cats, bears, nonhuman primates, and other specified animals.
- Generally prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the bill's effective date.
- Exempts specified individuals, institutions, and facilities, including zoos and certain wildlife sanctuaries, from the bill's provisions.

Registration of dangerous wild animals

- Until January 1, 2014, requires a person that possesses a dangerous wild animal on the bill's effective date to register the animal with the Director of Agriculture not later than 60 days after the bill'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 bill.

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 liability insurance.
- 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 signed an affidavit attesting that the applicant will not allow contact between the applicant's dangerous wild animal and the public.
- 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 that 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 bill's requirements and procedures governing application for and issuance of wildlife shelter permits.

Restricted snake possession permit

- Defines "restricted snake" to include certain anacondas and pythons, boa constrictors, boomslang snakes, twig snakes, and other specified venomous snakes.

- 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 insurance coverage.

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 bill'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.

Permit suspension or revocation

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

Existing licenses to keep or raise certain wild animals

- Specifies that commercial propagating, noncommercial propagating, and raise to release licenses authorized under current 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 immediately to notify 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 current law that requires the owner or keeper of a nonnative animal that escapes 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 bill.

- 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 bill 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 or microchip implanted in a dangerous wild animal or restricted snake, as applicable, 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 bill 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 bill or that a dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of the bill 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.
- 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 bill or to designated funds 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 bill.
- 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 bill or rules adopted under it.
- Authorizes the Director to assess a civil penalty against any person that is not in compliance with the bill or rules.

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 bill and rules adopted under it, for compensation of the State Highway Patrol and Departments of Natural Resources and 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 bill, 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 bill governing the

care of dangerous wild animals and to advise the Director of Agriculture on the administration of the bill and rules.

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.
- Requires the owner of a venomous snake to maintain antivenom for each species of snake at the location where each snake is confined, and states that an owner of such a snake is liable for all costs associated with treatment of a bite.

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CONTENT AND OPERATION

Overview

The bill generally prohibits the possession of dangerous wild animals on or after January 1, 2014, except in compliance with the bill. 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 bill 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 bill's effective date, but allows those activities with regard to restricted snakes.

Species considered dangerous wild animals and restricted snakes

The bill 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:
 - (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.
- (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) Pygmy, white-tufted-ear, silvery, and black-pencilled marmosets;
- (21) Squirrel monkeys, including Central American squirrel monkeys;
- (22) Southern and northern night monkeys;
- (23) Dusky titi and masked titi monkeys;
- (24) Muriquis;
- (25) Goeldi's monkeys;
- (26) Brown, white-faced, weeping, and white-fronted capuchins;
- (27) White-faced, black-bearded, white-nose bearded, and monk sakis;

- (28) Bald and black uakaris;
- (29) Black-handed, white-bellied, brown-headed, and black spider monkeys;
- (30) Common woolly monkeys;
- (31) Red, black, and mantled howler monkeys;
- (32) Any other nonhuman primates; and

(33) Any other animals designated by the Director of Agriculture in rules adopted under the bill (hereafter rules) (see "**Rules**," below).¹ (See **APPENDIX**.)

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

- (1) All of the following constricting snakes:
 - (a) Green and yellow anacondas;
 - (b) Reticulated, Indian, Burmese, North African rock, South African rock, and amethystine pythons; and
 - (c) Boa constrictors.
- (2) Species of the family atractaspididae;
- (3) Species of the family elapidae;
- (4) Species of the family viperidae;
- (5) Boomslang snakes;
- (6) Twig snakes; and
- (7) Any other snakes designated by the Director in rules.² (See **APPENDIX**.)

General prohibitions; exemptions

The bill prohibits a person from possessing a dangerous wild animal on or after January 1, 2014.³ However, the prohibition does not apply to a person whose

¹ R.C. 935.01(C).

² R.C. 935.01(K).

³ R.C. 935.02(A).

possession of a dangerous wild animal is authorized by an unexpired permit issued under the bill (see "**Wildlife shelter permit**" and "**Wildlife propagation permit**," below).⁴

Additionally, the bill generally prohibits a person from acquiring, buying, selling, trading, or transferring possession or ownership of a dangerous wild animal on or after the bill'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 (see "**Wildlife shelter permit**"; "**Disposition on death of permittee**," below).⁵

The bill then exempts all of the following from its provisions:

(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;

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

(3) A circus;

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

(5) A wildlife sanctuary;

(6) 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.

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

⁴ R.C. 935.03(A).

⁵ R.C. 935.02(B).

(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;

(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 bill's effective date.

(8) 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;

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

(10) 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.⁶

Under the bill, 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 the animal or snake for any type of entertainment or in a traveling exhibit, (2) sell, trade, or barter the animal or snake or the animal's or snake's body parts, (3) use the animal or snake in

⁶ R.C. 935.03(B).

any manner for profit, (4) breed the animal or snake, or (5) allow the public the opportunity to come into contact with the animal or snake.⁷

Registration of dangerous wild animals

Under the bill, a person that possesses a dangerous wild animal on the bill's effective date must register the animal with the Director of Agriculture not later than 60 days after the bill's effective date.⁸ 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 (see below).⁹

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 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.¹⁰

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

⁷ R.C. 935.01(N).

⁸ R.C. 935.04(A).

⁹ R.C. 935.04(B).

¹⁰ R.C. 935.04(D).

1, 2014, must obtain either a wildlife shelter permit or a wildlife propagation permit issued under the bill (see below).¹¹

Wildlife shelter permit

Application

Under the bill, 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;

(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 bill;

(5) Proof of liability insurance, including the name of the insurance company and the policy number, as required by the bill (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

¹¹ R.C. 935.04(E).

animal to the sheriff of the county and to the chief law enforcement officer 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.¹²

An applicant 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

(3) \$2,000 if the applicant possesses 16 or more dangerous wild animals.¹³

Additionally, an applicant must obtain and maintain 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. The amount of the insurance coverage must be one of the following, as applicable:

(1) \$250,000 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.¹⁴

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:

¹² R.C. 935.05(A) and (B).

¹³ R.C. 935.05(C).

¹⁴ R.C. 935.05(D).

- (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;
- (3) The applicant is in compliance with the standards of care established in rules adopted under the bill (see "**Standards of care and housing**," below);
- (4) The applicant has neutered each male dangerous wild animal that is possessed by the applicant;
- (5) If the applicant possesses only one or more monkeys, the applicant has been issued a Class A or Class B license by the U.S. Department of Agriculture pursuant to the federal Animal Welfare Act;
- (6) 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;
- (7) 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 bill requiring an owner to report the escape of an animal that is 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 bill (see below);
- (8) 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.
- (9) 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 bill and rules adopted under it;
- (10) The applicant has submitted a complete application that meets the bill's requirements; and
- (11) The applicant has submitted the appropriate application fee.

If a permit is issued, the Director must assign a unique identification number to it.¹⁵

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 current 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 (7), above. The applicant is responsible for paying all costs associated with the criminal records check.¹⁶

If a permit application is denied, the permit application fee must be retained by the Director as payment for the reasonable expense of processing the application.¹⁷

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 or deny the renewal. The Director must renew the permit if the permit holder complies with the bill and rules adopted under it and pays a renewal fee in the same amount as the fee established for the initial permit. If a renewal permit is denied, the renewal fee must be retained by the Director as payment for the reasonable expense of processing the application.¹⁸

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, or facility that is an accredited member of either the Association of Zoos and Aquariums or the Zoological Association of America. After the transfer has occurred, the person

¹⁵ R.C. 935.06(A).

¹⁶ R.C. 935.06(B).

¹⁷ R.C. 935.06(C).

¹⁸ R.C. 935.06(D).

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.¹⁹

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 bill 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) 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).²⁰

Crediting of permit fees

The bill 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 bill (see "**Dangerous and Restricted Animal Fund**," below).²¹

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

¹⁹ R.C. 935.06(E) and (F).

²⁰ R.C. 935.06(G).

²¹ R.C. 935.06(H).

permit regardless of the number of dangerous wild animals that the applicant possesses.²²

Except as otherwise provided in the bill (see below), an applicant for a wildlife propagation permit must comply with the requirements and procedures established by the bill governing the application for and issuance of wildlife shelter permits. Generally, 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 bill.²³

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 monkeys that will be maintained under the permit.²⁴

Restricted snake possession permit

Application

The bill 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 bill, 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 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.

²² R.C. 935.07(A).

²³ R.C. 935.07(B) and (D).

²⁴ R.C. 935.07(C).

The application requirements and procedures for obtaining a restricted snake possession permit are identical to those established by the bill 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 submit one of the following application fees:
 - (a) \$100 if the applicant possesses not more than three restricted snakes;
 - (b) \$300 if the applicant possesses at least four, but not more than 15 restricted snakes; or
 - (c) \$500 if the applicant possesses 16 or more restricted snakes.
- (4) Except with regard to boa constrictors, the amount of insurance coverage must be one of the following, 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.
- (5) If an applicant possesses one or more boa constrictors, but no other restricted snakes, the amount of insurance coverage must be one of the following, as applicable:
 - (a) \$5,000 if the applicant possesses not more than five such snakes;
 - (b) \$10,000 if the applicant possesses at least six, but not more than 15 such snakes; or
 - (c) \$15,000 if the applicant possesses 16 or more such snakes.²⁵

Issuance or denial; renewal; disposition on death of permittee

The bill also establishes identical requirements and procedures governing the issuance or denial of a restricted snake possession permit, the renewal of such a permit,

²⁵ R.C. 935.08.

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 does not need to have male snakes neutered.
- (3) The bill does not establish acreage requirements for snakes.²⁶

Restricted snake propagation permit

The bill 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 bill (see below), an applicant for a restricted snake propagation permit must comply with the requirements and procedures established by the bill governing the application for and issuance of restricted snake possession permits. The application fee for a restricted snake propagation permit must be one of the following, as applicable:

- (1) \$200 if the applicant possesses not more than three restricted snakes;
- (2) \$600 if the applicant possesses at least four, but not more than 15 restricted snakes; or
- (3) \$1,000 if the applicant possesses 16 or more restricted snakes.

The fees are to be credited to the Dangerous and Restricted Animal Fund created by the bill.²⁷

²⁶ R.C. 935.09.

²⁷ R.C. 935.10.

Dual permitting application requirements

Under the bill, 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.²⁸

Permit suspension or revocation

The bill authorizes the Director to suspend or revoke a permit issued under the bill for a violation of the bill or rules. A person adversely affected by an order of suspension or revocation may request an adjudication under the Administrative Procedure Act.²⁹

Existing licenses to keep or raise certain wild animals

The bill specifies that a commercial propagating, noncommercial propagating, or raise to release license authorized under current 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

²⁸ R.C. 935.11.

²⁹ R.C. 935.13.

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 sale or personal use. "Game birds," "game quadrupeds," "reptiles," "amphibians," and "fur-bearing animals" are defined in the Division of Wildlife Law.³⁰

Standards of care and housing

The bill 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 bill, 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 bill's effective date.³¹ Beginning 90 days after the Director adopts the rules, a person that possesses a registered dangerous wild animal must comply with the applicable rules.³²

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.³³

Except as otherwise provided (see below), the bill requires a person that has been issued a wildlife shelter permit or a wildlife propagation permit to comply with the

³⁰ R.C. 1533.71.

³¹ R.C. 935.17(A)(2).

³² R.C. 935.04(C).

³³ R.C. 935.17(B).

requirements regarding the care and housing of dangerous wild animals established by the Director in rules.³⁴

The bill requires wildlife shelter and wildlife propagation permit holders that possess monkeys to comply with different standards of care for those animals. A permit holder that possesses one or more monkeys must comply with the requirements regarding the care of those animals that are established in regulations adopted under the federal Animal Welfare Act. In addition, a permit holder must comply with one of the following cage sizes depending on the species that the permit holder possesses:

(1) For tamarins and marmosets, a cage that is not less than nine square feet for each animal;

(2) For squirrel monkeys, night monkeys, titi monkeys, muriquis, and Goeldi's monkeys, a cage that is not less than 24 square feet for each animal; and

(3) For capuchans, sakis, uakaris, spider monkeys, common woolly monkeys, and howler monkeys, a cage that is not less than 32 square feet for each animal.³⁵

Under the bill, 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.³⁶

Records

The bill requires a person that has been issued a permit under the bill 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;

³⁴ R.C. 935.12(A).

³⁵ R.C. 935.12(B).

³⁶ 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 bill.³⁷

Escape of dangerous wild animals and restricted snakes

Under the bill, 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.³⁸

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.³⁹

For purposes of the bill, 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.⁴⁰ In addition, a natural resources law enforcement officer is an employee of the Department of Natural

³⁷ R.C. 935.15.

³⁸ R.C. 935.16(A).

³⁹ R.C. 935.16(B).

⁴⁰ 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.⁴¹

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.⁴²

Except as discussed below, money collected by the political subdivision must be credited to a special fund created by the bill in the applicable political subdivision. Money in the special fund must be used exclusively for the administration and enforcement of the bill 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 bill (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.⁴³

The bill eliminates current law that requires the owner or keeper of any member of a species of the animal kingdom that escapes from the owner's or keeper's custody or control and that is not indigenous to Ohio or presents a risk of serious physical harm to persons or property, or both, to report it, within one hour after the owner or keeper discovers or reasonably should have discovered the escape, to specified law

⁴¹ R.C. 935.01(I).

⁴² R.C. 935.16(C).

⁴³ R.C. 935.16(D).

enforcement officers and certain municipal corporation or township officials, as applicable. Failure to report the escape is a first degree misdemeanor.⁴⁴

Additional responsibilities and duties of Director of Agriculture

Rules

The bill 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 bill's effective date.⁴⁵

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

(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 bill:

(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

⁴⁴ R.C. 2927.21, repealed.

⁴⁵ 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 bill;

(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 bill and rules (see "**Enforcement**," below);

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

(8) Any other provisions necessary to administer and enforce the bill.⁴⁶

Maintenance of database

The bill 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 bill; 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 bill.

The Director must allow the Directors of Health and Natural Resources to have access to the database.⁴⁷

Enforcement

Prohibitions

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

⁴⁶ R.C. 935.17(C) to (I).

⁴⁷ R.C. 935.14.

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

(2) Knowingly removing a microchip that is implanted in a dangerous wild animal as required by the bill;

(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 bill or rules.⁴⁸

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

(1) At intervals of ten feet along the boundary of the property where each dangerous wild animal or restricted snake is confined, signs warning the public that a dangerous wild animal or restricted snake, as applicable, is on the property;

(2) At the main entrance to the property where each dangerous wild animal or restricted snake is confined, a sign warning the public that a dangerous wild animal or restricted snake, as applicable, is on the property; and

(3) 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.⁴⁹

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.⁵⁰

⁴⁸ R.C. 935.18(A), (B), (E), (F), and (G).

⁴⁹ R.C. 935.18(C).

⁵⁰ R.C. 935.99(A).

Finally, the bill prohibits a person from knowingly releasing a dangerous wild animal or restricted snake into the wild.⁵¹ Violation of the prohibition is a fifth degree felony.⁵²

Inspection authority

The bill 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 bill 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 bill 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 bill 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.⁵³

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
- (5) Agents of a humane society appointed under the Humane Societies Law with the consent of the humane society.⁵⁴

⁵¹ R.C. 935.18(D).

⁵² R.C. 935.99(B).

⁵³ R.C. 935.19(A).

⁵⁴ R.C. 935.19(B).

If a person designated by the Director of Agriculture determines, while conducting an inspection, that a violation of the bill or rules has occurred, is occurring, or may occur, the person must immediately notify the Director. The Director may proceed as provided in the bill (see "**Enforcement actions**," below).⁵⁵

Quarantine, transfer, or seizure

The bill 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 either a wildlife shelter permit or a wildlife propagation permit;

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

(3) A dangerous wild animal or restricted snake is being treated or kept in a manner that is in violation of the bill 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.⁵⁶ 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.⁵⁷

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 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.⁵⁸

⁵⁵ R.C. 935.19(C).

⁵⁶ R.C. 935.20(K).

⁵⁷ R.C. 935.20(A).

⁵⁸ R.C. 935.20(B).

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.⁵⁹

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.⁶⁰

The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred is 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.⁶¹

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:

⁵⁹ R.C. 935.20(C).

⁶⁰ R.C. 935.20(D).

⁶¹ R.C. 935.20(E).

(1) The Director, after reviewing the results of the investigation conducted under the bill, 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.⁶²

If, after reviewing the results of an investigation concerning a dangerous wild animal or restricted snake conducted under the bill 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.⁶³

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 bill:

(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;

⁶² R.C. 935.20(F) and (G).

⁶³ R.C. 935.20(H).

(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.⁶⁴

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 bill (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 bill creates in each health district and that must be used exclusively for the administration and enforcement of the bill 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 bill creates in each county having a humane society and that must be used exclusively for the administration and enforcement of the bill and rules adopted under it; or

(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 bill in the political subdivision that employs the law enforcement officer (see above).⁶⁵

Request for assistance

The bill 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 bill:

(1) A law enforcement officer; or

⁶⁴ R.C. 935.20(I).

⁶⁵ R.C. 935.20(J).

(2) With the consent of the Director of Natural Resources, a natural resources law enforcement officer.⁶⁶

Enforcement actions

Under the bill, 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 bill or rules adopted under it. 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 bill or rules.⁶⁷

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.⁶⁸

Additionally, the Attorney General, upon request of the Director, must criminally prosecute to termination any person who has violated or is violating the bill or rules.⁶⁹

The bill specifies that notwithstanding any other statute, money resulting from any enforcement action taken under the bill must be credited to the Dangerous and Restricted Animal Fund created by the bill (see below).⁷⁰

Dangerous and Restricted Animal Fund

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

⁶⁶ R.C. 935.21.

⁶⁷ R.C. 935.24(A).

⁶⁸ R.C. 935.24(B).

⁶⁹ R.C. 935.24(C).

⁷⁰ R.C. 935.24(D).

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

(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 bill.⁷¹

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

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

(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 bill;

(3) Compensation of the Departments of Natural Resources and Health and the State Highway Patrol for the costs incurred in conducting investigations and quarantining or transferring a dangerous wild animal or restricted snake pursuant to the bill; and

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

Investment earnings of the Fund must be credited to it.⁷²

Dangerous and Restricted Animals Advisory Board

The bill 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 bill governing the care of dangerous wild animals; and

⁷¹ R.C. 935.25(A).

⁷² R.C. 935.25(B) and (C).

(2) Advise the Director of Agriculture on the administration of the bill and rules.⁷³

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 ten 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;

(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.

(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.

⁷³ R.C. 935.26(H).

Not more than seven members appointed to the Board at any given time can be members of the same political party.⁷⁴ 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 bill's effective date. The bill 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 bill. 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 bill generally establishes standard procedures for filling vacancies. However, under the bill, a member must continue in office subsequent to the expiration 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.⁷⁵

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 that 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.⁷⁶

Serving as an appointed member of the Board does not constitute holding a public office or position of employment under Ohio laws 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

⁷⁴ R.C. 935.26(A).

⁷⁵ R.C. 935.26(B) and (C).

⁷⁶ R.C. 935.26(D).

adopted by the Department of Administrative Services that are applicable to state employees.⁷⁷

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.⁷⁸

Miscellaneous

Under the bill, 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.⁷⁹

The owner of a venomous snake must maintain antivenom for each species of snake at the location where each snake is confined. If such a 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.⁸⁰

HISTORY

ACTION	DATE
Introduced	03-08-12

S0310-I-129.docx/jc

⁷⁷ R.C. 935.26(E) and (F).

⁷⁸ R.C. 935.26(G).

⁷⁹ R.C. 935.22.

⁸⁰ R.C. 935.23.

APPENDIX

Senate Bill 310

As Introduced

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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

Capuchin: brown



Cincinnati Zoo & Botanical Garden

Capuchin: weeping



John G. Robinson

Capuchin: white-faced



Dickerson Park Zoo

Capuchin: white-fronted



Irwin Samuel Bernstein

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



UGA4320098
Kenneth M. Gale, Bugwood.org

Lynx: Canadian



U.S. Fish and Wildlife Service

Lynx: Eurasian



5431755
Bonsak Hammeraas, Bioforsk - Norwegian Institute for Agricultural and Environmental Research, Bugwood.org

Marmoset: black-pencilled



Ludwig Muller, Wisconsin Primate Center Library

Marmoset: pygmy



1566559
Alfred Viola, Northeastern University, Bugwood.org

Marmoset: silvery



Roy Fontaine, Wisconsin Primate Center Library

Marmoset: white-tufted-ear



Lynn Davis, Wisconsin Primate Center Library

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



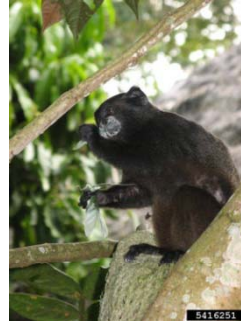
Cincinnati Zoo & Botanical Garden

Squirrel monkey



Pueblo Zoo, Pueblo, CO

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

Boa constrictor



5371559
Mike Pingleton, University of Illinois at Urbana-Champaign, Bugwood.org

Elapidae (example—cobra)



Virginia Aquarium & Marine Science Center

Elapidae (example—coral snake)



Matt Caron, U.S. National Park Service

Python: amethystine



1588138
Alfred Viola, Northeastern University, Bugwood.org

Python: Burmese



5369652
Skip Snow, National Park Service, Bugwood.org

Python: Indian



1586089
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

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