

**As Reported by the House Agriculture and Rural Development  
Committee**

**131st General Assembly**

**Regular Session  
2015-2016**

**Sub. H. B. No. 60**

**Representatives Patmon, Hall  
Cosponsors: Representatives Antonio, Brown, Patterson, Gerberry, Slaby,  
LaTourette, Grossman, Boyd, Cera, Barnes, Leland, Lepore-Hagan, Phillips,  
Sheehy, Romanchuk, Blessing, Ruhl**

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**A BILL**

To amend sections 959.131, 959.132, 959.99, and 1  
2931.18 and to enact section 4741.05 of the 2  
Revised Code to revise provisions and penalties 3  
regarding treatment of companion animals, to 4  
revise the definition of "companion animal" in 5  
the Offenses Relating to Domestic Animals Law, 6  
and to provide a state collaborative effort to 7  
assist veterinarians in identifying clients who 8  
may use their animals to secure opioids for 9  
abuse. 10

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

**Section 1.** That sections 959.131, 959.132, 959.99, and 11  
2931.18 be amended and section 4741.05 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 959.131.** (A) As used in this section: 14

(1) "Companion animal" means any animal that is kept 15  
inside a residential dwelling and any dog or cat regardless of 16

where it is kept, including a pet store as defined in section 956.01 of the Revised Code. "Companion animal" does not include livestock or any wild animal.

(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.

(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.

(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.

(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.

(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.

(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel.

(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code.

(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.

(10) "Livestock" means horses, mules, and other equidae; 45  
cattle, sheep, goats, and other bovidae; swine and other suidae; 46  
poultry; alpacas; llamas; captive white-tailed deer; and any 47  
other animal that is raised or maintained domestically for food 48  
or fiber. 49

(11) "Captive white-tailed deer" has the same meaning as 50  
in section 1531.01 of the Revised Code. 51

(12) "Serious physical harm" means any of the following: 52

(a) Physical harm that carries a substantial risk of 53  
death; 54

(b) Physical harm that involves either partial or total 55  
permanent incapacity; 56

(c) Physical harm that involves acute pain of a duration 57  
that results in substantial suffering or that involves any 58  
degree of prolonged or intractable pain; 59

(d) Physical harm that results from a person who confines 60  
or who is the custodian or caretaker of a companion animal 61  
depriving the companion animal of good, wholesome food and water 62  
that proximately causes the death of the companion animal. 63

(B) No person shall knowingly torture, torment, needlessly 64  
mutilate or maim, cruelly beat, poison, needlessly kill, or 65  
commit an act of cruelty against a companion animal. 66

(C) No person shall knowingly cause serious physical harm 67  
to a companion animal. 68

(D) No person who confines or who is the custodian or 69  
caretaker of a companion animal shall negligently do any of the 70  
following: 71

- ~~(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 72  
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- ~~(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 76  
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- ~~(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal Torture, torment, or commit an act of cruelty against the companion animal;~~ 80  
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- ~~(4) Needlessly kill the companion animal;~~ 85
- ~~(5)-(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, or confinement, or impoundment or confinement in any of those specified manners;~~ 86  
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- (3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the 97  
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companion animal would become sick or suffer in any other way as 101  
a result of or due to the lack of adequate shelter. 102

~~(D)~~-(E) No owner, manager, or employee of a dog kennel who 103  
confines or is the custodian or caretaker of a companion animal 104  
shall knowingly do any of the following: 105

(1) Torture, torment, needlessly mutilate or maim, cruelly 106  
beat, poison, needlessly kill, or commit an act of cruelty 107  
against the companion animal; 108

(2) Deprive the companion animal of necessary sustenance,~~—~~ 109  
or confine the companion animal without supplying it during the 110  
confinement with sufficient quantities of good, wholesome food 111  
and water, ~~or impound or confine the companion animal without~~ 112  
~~affording it, during the impoundment or confinement, with access~~ 113  
~~to shelter if it is substantially certain that the companion~~ 114  
~~animal would die or experience unnecessary or unjustifiable pain~~ 115  
~~or suffering due to the deprivation, confinement, or impoundment~~ 116  
~~or confinement in any of those specified manners~~ can reasonably 117  
be expected that the companion animal would become sick or 118  
suffer in any other way as a result of the deprivation or 119  
confinement; 120

(3) Impound or confine the companion animal without 121  
affording it, during the impoundment or confinement, with access 122  
to shelter from heat, cold, wind, rain, snow, or excessive 123  
direct sunlight if it can reasonably be expected that the 124  
companion animal would become sick or suffer in any other way as 125  
a result of or due to the lack of adequate shelter. 126

~~(E)~~-(F) No owner, manager, or employee of a dog kennel who 127  
confines or is the custodian or caretaker of a companion animal 128  
shall negligently do any of the following: 129

~~(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 130  
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~~(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 134  
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~~(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal.~~ 138  
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Torture, torment, or commit an act 141  
of cruelty against the companion animal; 142

~~(4) Needlessly kill the companion animal;~~ 143

~~(5)-(2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, or confinement, or impoundment or confinement in any of those specified manners;~~ 144  
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(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the 155  
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companion animal would become sick or suffer in any other way as 159  
a result of or due to the lack of adequate shelter. 160

~~(F)~~(G) Divisions (B), (C), (D), ~~and (E)~~, and (F) of this 161  
section do not apply to any of the following: 162

(1) A companion animal used in scientific research 163  
conducted by an institution in accordance with the federal 164  
animal welfare act and related regulations; 165

(2) The lawful practice of veterinary medicine by a person 166  
who has been issued a license, temporary permit, or registration 167  
certificate to do so under Chapter 4741. of the Revised Code; 168

(3) Dogs being used or intended for use for hunting or 169  
field trial purposes, provided that the dogs are being treated 170  
in accordance with usual and commonly accepted practices for the 171  
care of hunting dogs; 172

(4) The use of common training devices, if the companion 173  
animal is being treated in accordance with usual and commonly 174  
accepted practices for the training of animals; 175

(5) The administering of medicine to a companion animal 176  
that was properly prescribed by a person who has been issued a 177  
license, temporary permit, or registration certificate under 178  
Chapter 4741. of the Revised Code. 179

~~(G)~~(H) Notwithstanding any section of the Revised Code 180  
that otherwise provides for the distribution of fine moneys, the 181  
clerk of court shall forward all fines the clerk collects that 182  
are so imposed for any violation of this section to the 183  
treasurer of the political subdivision or the state, whose 184  
county humane society or law enforcement agency is to be paid 185  
the fine money as determined under this division. The treasurer 186  
to whom the fines are forwarded shall pay the fine moneys to the 187

county humane society or the county, township, municipal 188  
corporation, or state law enforcement agency in this state that 189  
primarily was responsible for or involved in the investigation 190  
and prosecution of the violation. If a county humane society 191  
receives any fine moneys under this division, the county humane 192  
society shall use the fine moneys either to provide the training 193  
that is required for humane agents under section 1717.06 of the 194  
Revised Code or to provide additional training for humane 195  
agents. 196

**Sec. 959.132.** (A) As used in this section: 197

(1) "Companion animal" has the same meaning as in section 198  
959.131 of the Revised Code. 199

(2) "Impounding agency" means a county humane society 200  
organized under section 1717.05 of the Revised Code, an animal 201  
shelter, or a law enforcement agency that has impounded a 202  
companion animal in accordance with this section. 203

(3) "Offense" means a violation of section 959.131 of the 204  
Revised Code or an attempt, in violation of section 2923.02 of 205  
the Revised Code, to violate section 959.131 of the Revised 206  
Code. 207

(4) "Officer" means any law enforcement officer, agent of 208  
a county humane society, or other person appointed to act as an 209  
animal control officer for a municipal corporation or township 210  
in accordance with state law, an ordinance, or a resolution. 211

(B) An officer may seize and cause to be impounded at an 212  
impounding agency a companion animal that the officer has 213  
probable cause to believe is the subject of an offense. No 214  
officer or impounding agency shall impound a companion animal 215  
that is the subject of an offense in a shelter owned, operated, 216

or controlled by a board of county commissioners pursuant to 217  
Chapter 955. of the Revised Code unless the board, by 218  
resolution, authorizes the impoundment of such a companion 219  
animal in a shelter owned, operated, or controlled by that board 220  
and has executed, in the case when the officer is other than a 221  
dog warden or assistant dog warden, a contract specifying the 222  
terms and conditions of the impoundment. 223

(C) The officer shall give written notice of the seizure 224  
and impoundment to the owner, keeper, or harbinger of the 225  
companion animal that was seized and impounded. If the officer 226  
is unable to give the notice to the owner, keeper, or harbinger 227  
of the companion animal, the officer shall post the notice on 228  
the door of the residence or in another conspicuous place on the 229  
premises at which the companion animal was seized. The notice 230  
shall include a statement that a hearing will be held not later 231  
than ten days after the notice is provided or at the next 232  
available court date to determine whether the officer had 233  
probable cause to seize the companion animal and, if applicable, 234  
to determine the amount of a bond or cash deposit that is needed 235  
to provide for the companion animal's care and keeping for not 236  
less than thirty days beginning on the date on which the 237  
companion animal was impounded. 238

(D) A companion animal that is seized under this section 239  
may be humanely destroyed immediately or at any time during 240  
impoundment if a licensed veterinarian determines it to be 241  
necessary because the companion animal is suffering. 242

(E) (1) Not later than ten days after notice is provided or 243  
at the next available court date, the court shall hold a hearing 244  
to determine whether the officer impounding a companion animal 245  
had probable cause to seize the companion animal. If the court 246

determines that probable cause exists, the court shall determine 247  
the amount of a bond or cash deposit that is needed to provide 248  
for the companion animal's care and keeping for not less than 249  
thirty days beginning on the date on which the companion animal 250  
was impounded. 251

(2) If the court determines that probable cause does not 252  
exist, the court immediately shall order the impounding agency 253  
to return the companion animal to its owner if possible. If the 254  
companion animal cannot be returned because it has died as a 255  
result of neglect or other misconduct by the impounding agency 256  
or if the companion animal is injured as a result of neglect or 257  
other misconduct by the impounding agency, the court shall order 258  
the impounding agency to pay the owner an amount determined by 259  
the court to be equal to the reasonable market value of the 260  
companion animal at the time that it was impounded plus 261  
statutory interest as defined in section 1343.03 of the Revised 262  
Code from the date of the impoundment or an amount determined by 263  
the court to be equal to the reasonable cost of treatment of the 264  
injury to the companion animal, as applicable. The requirement 265  
established in division (E)(2) of this section regarding the 266  
payment of the reasonable market value of the companion animal 267  
shall not apply in the case of a dog that, in violation of 268  
section 955.01 of the Revised Code, was not registered at the 269  
time it was seized and impounded. 270

(3) If the court determines that probable cause exists and 271  
determines the amount of a bond or cash deposit, the case shall 272  
continue and the owner shall post a bond or cash deposit to 273  
provide for the companion animal's care and keeping for not less 274  
than thirty days beginning on the date on which the companion 275  
animal was impounded. The owner may renew a bond or cash deposit 276  
by posting, not later than ten days following the expiration of 277

the period for which a previous bond or cash deposit was posted, 278  
a new bond or cash deposit in an amount that the court, in 279  
consultation with the impounding agency, determines is 280  
sufficient to provide for the companion animal's care and 281  
keeping for not less than thirty days beginning on the date on 282  
which the previous period expired. If no bond or cash deposit is 283  
posted or if a bond or cash deposit expires and is not renewed, 284  
the impounding agency may determine the disposition of the 285  
companion animal unless the court issues an order that specifies 286  
otherwise. 287

(F) If a person is convicted of committing an offense, the 288  
court may impose the following additional penalties against the 289  
person: 290

(1) A requirement that the person pay for the costs 291  
incurred by the impounding agency in caring for a companion 292  
animal involved in the applicable offense, provided that the 293  
costs were incurred during the companion animal's impoundment. A 294  
bond or cash deposit posted under this section may be applied to 295  
the costs. 296

(2) An order permanently terminating the person's right to 297  
possession, title, custody, or care of the companion animal that 298  
was involved in the offense. If the court issues such an order, 299  
the court shall order the disposition of the companion animal. 300

(G) If a person is found not guilty of committing an 301  
offense, the court immediately shall order the impounding agency 302  
to return the companion animal to its owner if possible and to 303  
return the entire amount of any bond or cash deposit posted 304  
under division (E) of this section. If the companion animal 305  
cannot be returned because it has died as a result of neglect or 306  
other misconduct by the impounding agency or if the companion 307

animal is injured as a result of neglect or other misconduct by 308  
the impounding agency, the court shall order the impounding 309  
agency to pay the owner an amount determined by the court to be 310  
equal to the reasonable market value of the companion animal at 311  
the time that it was impounded plus statutory interest as 312  
defined in section 1343.03 of the Revised Code from the date of 313  
the impoundment or an amount determined by the court to be equal 314  
to the reasonable cost of treatment of the injury to the 315  
companion animal, as applicable. The requirements established in 316  
this division regarding the return of a bond or cash deposit and 317  
the payment of the reasonable market value of the companion 318  
animal shall not apply in the case of a dog that, in violation 319  
of section 955.01 of the Revised Code, was not registered at the 320  
time it was seized and impounded. 321

(H) If charges are filed under section 959.131 of the 322  
Revised Code against the custodian or caretaker of a companion 323  
animal, but the companion animal that is the subject of the 324  
charges is not impounded, the court in which the charges are 325  
pending may order the owner or person having custody of the 326  
companion animal to provide to the companion animal the 327  
necessities described in division ~~(C) (5)~~, (D) (2), (D) (3), (E) 328  
(2), (E) (3), (F) (2), or ~~(E) (5) (F) (3)~~ of section 959.131 of the 329  
Revised Code until the final disposition of the charges. If the 330  
court issues an order of that nature, the court also may 331  
authorize an officer or another person to visit the place where 332  
the companion animal is being kept, at the times and under the 333  
conditions that the court may set, to determine whether the 334  
companion animal is receiving those necessities and to remove 335  
and impound the companion animal if the companion animal is not 336  
receiving those necessities. 337

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 338

of the Revised Code is guilty of a minor misdemeanor. 339

(B) Except as otherwise provided in this division, whoever 340  
violates section 959.02 of the Revised Code is guilty of a 341  
misdemeanor of the second degree. If the value of the animal 342  
killed or the injury done amounts to three hundred dollars or 343  
more, whoever violates section 959.02 of the Revised Code is 344  
guilty of a misdemeanor of the first degree. 345

(C) Whoever violates section 959.03, 959.06, 959.12, 346  
959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 347  
of the fourth degree. 348

(D) Whoever violates division (A) of section 959.13 of the 349  
Revised Code is guilty of a misdemeanor of the second degree. In 350  
addition, the court may order the offender to forfeit the animal 351  
or livestock and may provide for its disposition, including, but 352  
not limited to, the sale of the animal or livestock. If an 353  
animal or livestock is forfeited and sold pursuant to this 354  
division, the proceeds from the sale first shall be applied to 355  
pay the expenses incurred with regard to the care of the animal 356  
from the time it was taken from the custody of the former owner. 357  
The balance of the proceeds from the sale, if any, shall be paid 358  
to the former owner of the animal. 359

(E) (1) Whoever violates division (B) of section 959.131 of 360  
the Revised Code is guilty of a misdemeanor of the first degree 361  
on a first offense and a felony of the fifth degree on each 362  
subsequent offense. 363

(2) Whoever violates division (C) of section 959.131 of 364  
the Revised Code is guilty of a felony of the fifth degree. 365

(3) Whoever violates section 959.01 of the Revised Code or 366  
division ~~(C)~~(D) of section 959.131 of the Revised Code is 367

guilty of a misdemeanor of the second degree on a first offense 368  
and a misdemeanor of the first degree on each subsequent 369  
offense. 370

~~(3)~~(4) Whoever violates division ~~(D)~~(E) of section 371  
959.131 of the Revised Code is guilty of a felony of the fifth 372  
degree. 373

~~(4)~~(5) Whoever violates division ~~(E)~~(F) of section 374  
959.131 of the Revised Code is guilty of a misdemeanor of the 375  
first degree. 376

~~(5)~~(6)(a) A court may order a person who is convicted of 377  
or pleads guilty to a violation of section 959.131 of the 378  
Revised Code to forfeit to an impounding agency, as defined in 379  
section 959.132 of the Revised Code, any or all of the companion 380  
animals in that person's ownership or care. The court also may 381  
prohibit or place limitations on the person's ability to own or 382  
care for any companion animals for a specified or indefinite 383  
period of time. 384

(b) A court may order a person who is convicted of or 385  
pleads guilty to a violation of section 959.131 of the Revised 386  
Code to reimburse an impounding agency for the reasonably 387  
necessary costs incurred by the agency for the care of a 388  
companion animal that the agency impounded as a result of the 389  
investigation or prosecution of the violation, provided that the 390  
costs were not otherwise paid under section 959.132 of the 391  
Revised Code. 392

~~(6)~~(7) If a court has reason to believe that a person who 393  
is convicted of or pleads guilty to a violation of section 394  
959.131 of the Revised Code suffers from a mental or emotional 395  
disorder that contributed to the violation, the court may impose 396

as a community control sanction or as a condition of probation a 397  
requirement that the offender undergo psychological evaluation 398  
or counseling. The court shall order the offender to pay the 399  
costs of the evaluation or counseling. 400

(F) Whoever violates section 959.14 of the Revised Code is 401  
guilty of a misdemeanor of the second degree on a first offense 402  
and a misdemeanor of the first degree on each subsequent 403  
offense. 404

(G) Whoever violates section 959.05 or 959.20 of the 405  
Revised Code is guilty of a misdemeanor of the first degree. 406

(H) Whoever violates section 959.16 of the Revised Code is 407  
guilty of a felony of the fourth degree for a first offense and 408  
a felony of the third degree on each subsequent offense. 409

**Sec. 2931.18.** (A) A humane society or its agent may employ 410  
an attorney, and may also employ one or more assistant attorneys 411  
to prosecute violations of law relating to: 412

~~(A)~~ Prevention (1) Except as provided in division (B) of 413  
this section, prevention of cruelty to animals or children; 414

~~(B)~~ (2) Abandonment, nonsupport, or ill-treatment of a 415  
child by its parent; 416

~~(C)~~ (3) Employment of a child under fourteen years of age 417  
in public exhibitions or vocations injurious to health, life, or 418  
morals or which cause or permit such child to suffer unnecessary 419  
physical or mental pain; 420

~~(D)~~ (4) Neglect or refusal of an adult to support 421  
destitute parent. 422

Such attorneys shall be paid out of the county treasury in 423  
an amount approved as just and reasonable by the board of county 424

commissioners of that county. 425

(B) A humane society or its agent shall not employ an 426  
attorney or one or more assistant attorneys to prosecute a 427  
felony violation of section 959.131 of the Revised Code. 428

**Sec. 4741.05.** The attorney general, state veterinary 429  
medical licensing board, state board of pharmacy, and Ohio 430  
veterinary medical association shall collaborate in the 431  
development of resources and educational materials to enhance 432  
the ability of veterinarians to identify current or potential 433  
clients who may abuse opioids and may use animals in their care 434  
to improperly secure them. 435

**Section 2.** That existing sections 959.131, 959.132, 436  
959.99, and 2931.18 of the Revised Code are hereby repealed. 437

**Section 3.** This act shall be known as Dick Goddard's Law. 438