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133rd General Assembly

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Am. Sub. H. B. No. 24

Representatives Hambley, Kick

Cosponsors: Representatives Butler, Wiggam, Perales, O'Brien, Lipps, Koehler, Smith, T., Manning, D., Abrams, Brown, Callender, Carfagna, Carruthers, Crossman, Dean, Denson, Galonski, Ghanbari, Ginter, Green, Greenspan, Grendell, Hillyer, Holmes, A., Jones, LaRe, Leland, Lepore-Hagan, Lightbody, Liston, Patton, Plummer, Reineke, Roemer, Rogers, Seitz, Stein, Upchurch

Senators Huffman, S., Antonio, Blessing, Brenner, Burke, Coley, Craig, Eklund, Gavarone, Hackett, Hoagland, Huffman, M., Johnson, Kunze, Lehner, McColley, Obhof, O'Brien, Peterson, Roegner, Rulli, Sykes, Thomas, Wilson

A BILL

To amend sections 109.73, 935.19, 935.20, 955.16, 1
959.131, 959.132, 959.15, 959.21, 959.99, 2
1717.01, 1717.02, 1717.05, 1717.06, 1717.07, 3
1717.08, 1717.09, 1717.10, 2151.421, 2921.02, 4
2931.18, 4729.01, 4729.531, 4729.532, 4729.54, 5
4729.55, 5101.63, and 5147.22; to enact sections 6
955.151, 959.134, 1717.061, 1717.062, 1717.16, 7
1717.17, 1717.18, 4729.533, 4729.534, 4729.535, 8
4729.542, 4729.991, and 4741.201; and to repeal 9
sections 1717.03, 1717.04, 1717.14, and 3113.10 10
of the Revised Code to make changes to humane 11
society law, to make humane society agents 12
subject to bribery law, to establish procedures 13
for the seizure and impoundment of certain 14
animals and livestock, to make changes to animal 15
euthanasia and animal seizure laws, and to re- 16
enact provisions of law governing animal 17
fighting and bestiality. 18

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

Section 1. That sections 109.73, 935.19, 935.20, 955.16, 19
959.131, 959.132, 959.15, 959.21, 959.99, 1717.01, 1717.02, 20
1717.05, 1717.06, 1717.07, 1717.08, 1717.09, 1717.10, 2151.421, 21
2921.02, 2931.18, 4729.01, 4729.531, 4729.532, 4729.54, 4729.55, 22
5101.63, and 5147.22 be amended and sections 955.151, 959.134, 23
1717.061, 1717.062, 1717.16, 1717.17, 1717.18, 4729.533, 24
4729.534, 4729.535, 4729.542, 4729.991, and 4741.201 of the 25
Revised Code be enacted to read as follows: 26

Sec. 109.73. (A) The Ohio peace officer training 27
commission shall recommend rules to the attorney general with 28
respect to all of the following: 29

(1) The approval, or revocation of approval, of peace 30
officer training schools administered by the state, counties, 31
municipal corporations, public school districts, technical 32
college districts, and the department of natural resources; 33

(2) Minimum courses of study, attendance requirements, and 34
equipment and facilities to be required at approved state, 35
county, municipal, and department of natural resources peace 36
officer training schools; 37

(3) Minimum qualifications for instructors at approved 38
state, county, municipal, and department of natural resources 39
peace officer training schools; 40

(4) The requirements of minimum basic training that peace 41
officers appointed to probationary terms shall complete before 42
being eligible for permanent appointment, which requirements 43
shall include training in the handling of the offense of 44

domestic violence, other types of domestic violence-related 45
offenses and incidents, and protection orders and consent 46
agreements issued or approved under section 2919.26 or 3113.31 47
of the Revised Code; crisis intervention training; and training 48
in the handling of missing children and child abuse and neglect 49
cases; and training in handling violations of section 2905.32 of 50
the Revised Code; and the time within which such basic training 51
shall be completed following appointment to a probationary term; 52

(5) The requirements of minimum basic training that peace 53
officers not appointed for probationary terms but appointed on 54
other than a permanent basis shall complete in order to be 55
eligible for continued employment or permanent appointment, 56
which requirements shall include training in the handling of the 57
offense of domestic violence, other types of domestic violence- 58
related offenses and incidents, and protection orders and 59
consent agreements issued or approved under section 2919.26 or 60
3113.31 of the Revised Code, crisis intervention training, and 61
training in the handling of missing children and child abuse and 62
neglect cases, and training in handling violations of section 63
2905.32 of the Revised Code, and the time within which such 64
basic training shall be completed following appointment on other 65
than a permanent basis; 66

(6) Categories or classifications of advanced in-service 67
training programs for peace officers, including programs in the 68
handling of the offense of domestic violence, other types of 69
domestic violence-related offenses and incidents, and protection 70
orders and consent agreements issued or approved under section 71
2919.26 or 3113.31 of the Revised Code, in crisis intervention, 72
and in the handling of missing children and child abuse and 73
neglect cases, and in handling violations of section 2905.32 of 74
the Revised Code, and minimum courses of study and attendance 75

requirements with respect to such categories or classifications; 76

(7) Permitting persons, who are employed as members of a 77
campus police department appointed under section 1713.50 of the 78
Revised Code; who are employed as police officers by a qualified 79
nonprofit corporation police department pursuant to section 80
1702.80 of the Revised Code; who are appointed and commissioned 81
as bank, savings and loan association, savings bank, credit 82
union, or association of banks, savings and loan associations, 83
savings banks, or credit unions police officers, as railroad 84
police officers, or as hospital police officers pursuant to 85
sections 4973.17 to 4973.22 of the Revised Code; or who are 86
appointed and commissioned as amusement park police officers 87
pursuant to section 4973.17 of the Revised Code, to attend 88
approved peace officer training schools, including the Ohio 89
peace officer training academy, and to receive certificates of 90
satisfactory completion of basic training programs, if the 91
private college or university that established the campus police 92
department; qualified nonprofit corporation police department; 93
bank, savings and loan association, savings bank, credit union, 94
or association of banks, savings and loan associations, savings 95
banks, or credit unions; railroad company; hospital; or 96
amusement park sponsoring the police officers pays the entire 97
cost of the training and certification and if trainee vacancies 98
are available; 99

(8) Permitting undercover drug agents to attend approved 100
peace officer training schools, other than the Ohio peace 101
officer training academy, and to receive certificates of 102
satisfactory completion of basic training programs, if, for each 103
undercover drug agent, the county, township, or municipal 104
corporation that employs that undercover drug agent pays the 105
entire cost of the training and certification; 106

(9) (a) The requirements for basic training programs for 107
bailiffs and deputy bailiffs of courts of record of this state 108
and for criminal investigators employed by the state public 109
defender that those persons shall complete before they may carry 110
a firearm while on duty; 111

(b) The requirements for any training received by a 112
bailiff or deputy bailiff of a court of record of this state or 113
by a criminal investigator employed by the state public defender 114
prior to June 6, 1986, that is to be considered equivalent to 115
the training described in division (A) (9) (a) of this section. 116

(10) Establishing minimum qualifications and requirements 117
for certification for dogs utilized by law enforcement agencies; 118

(11) Establishing minimum requirements for certification 119
of persons who are employed as correction officers in a full- 120
service jail, five-day facility, or eight-hour holding facility 121
or who provide correction services in such a jail or facility; 122

(12) Establishing requirements for the training of humane 123
society agents ~~of a county humane society~~ under section ~~1717.06~~ 124
1717.061 of the Revised Code, including, without limitation, a 125
requirement that the agents receive instruction on traditional 126
animal husbandry methods and training techniques, including 127
customary owner-performed practices; 128

(13) Permitting tactical medical professionals to attend 129
approved peace officer training schools, including the Ohio 130
peace officer training academy, to receive training of the type 131
described in division (A) (14) of this section and to receive 132
certificates of satisfactory completion of training programs 133
described in that division; 134

(14) The requirements for training programs that tactical 135

medical professionals shall complete to qualify them to carry 136
firearms while on duty under section 109.771 of the Revised 137
Code, which requirements shall include at least the firearms 138
training specified in division (A) of section 109.748 of the 139
Revised Code. 140

(B) The commission shall appoint an executive director, 141
with the approval of the attorney general, who shall hold office 142
during the pleasure of the commission. The executive director 143
shall perform such duties assigned by the commission. The 144
executive director shall receive a salary fixed pursuant to 145
Chapter 124. of the Revised Code and reimbursement for expenses 146
within the amounts available by appropriation. The executive 147
director may appoint officers, employees, agents, and 148
consultants as the executive director considers necessary, 149
prescribe their duties, and provide for reimbursement of their 150
expenses within the amounts available for reimbursement by 151
appropriation and with the approval of the commission. 152

(C) The commission may do all of the following: 153

(1) Recommend studies, surveys, and reports to be made by 154
the executive director regarding the carrying out of the 155
objectives and purposes of sections 109.71 to 109.77 of the 156
Revised Code; 157

(2) Visit and inspect any peace officer training school 158
that has been approved by the executive director or for which 159
application for approval has been made; 160

(3) Make recommendations, from time to time, to the 161
executive director, the attorney general, and the general 162
assembly regarding the carrying out of the purposes of sections 163
109.71 to 109.77 of the Revised Code; 164

(4) Report to the attorney general from time to time, and 165
to the governor and the general assembly at least annually, 166
concerning the activities of the commission; 167

(5) Establish fees for the services the commission offers 168
under sections 109.71 to 109.79 of the Revised Code, including, 169
but not limited to, fees for training, certification, and 170
testing; 171

(6) Perform such other acts as are necessary or 172
appropriate to carry out the powers and duties of the commission 173
as set forth in sections 109.71 to 109.77 of the Revised Code. 174

(D) In establishing the requirements, under division (A) 175
(12) of this section, the commission may consider any portions 176
of the curriculum for instruction on the topic of animal 177
husbandry practices, if any, of the Ohio state university 178
college of veterinary medicine. No person or entity that fails 179
to provide instruction on traditional animal husbandry methods 180
and training techniques, including customary owner-performed 181
practices, shall qualify to train a humane society agent for 182
appointment under section 1717.06 of the Revised Code. 183

Sec. 935.19. (A) (1) The director of agriculture or the 184
director's designee may enter at all reasonable times any 185
premises at which a dangerous wild animal or restricted snake is 186
confined, with the consent of the owner of the premises, for the 187
purpose of determining compliance with this chapter and rules. 188

(2) If the director or the director's designee is denied 189
access to any such premises, and if the director reasonably 190
suspects that the person who possesses the dangerous wild animal 191
or restricted snake is not in compliance with this chapter or 192
rules, the director may apply to a court of competent 193

jurisdiction in the county in which the premises is located for 194
a search warrant authorizing access to the premises for the 195
purposes of this section. 196

(3) The court shall issue the search warrant for the 197
purposes requested if there is probable cause to believe that 198
the person is not in compliance with this chapter or rules. The 199
finding of probable cause may be based on hearsay, provided that 200
there is a substantial basis for believing that the source of 201
the hearsay is credible and that there is a factual basis for 202
the information furnished. 203

(B) The director may designate any of the following to 204
conduct inspections under this section: 205

(1) Employees of the department of agriculture; 206

(2) Natural resources law enforcement officers with the 207
consent of the director of natural resources; 208

(3) Employees of the department of health with the consent 209
of the director of health; 210

(4) Employees of a board of health with the consent of the 211
board; 212

(5) ~~Agents of a humane~~ Humane society agents appointed 213
under section 1717.06 of the Revised Code with the consent of 214
the humane society. 215

(C) If a person designated under division (B) of this 216
section determines, while conducting an inspection, that a 217
violation of this chapter or rules has occurred, is occurring, 218
or may occur, the person shall immediately notify the director 219
of agriculture. The director may proceed as provided in section 220
935.24 of the Revised Code. 221

Sec. 935.20. (A) On and after January 1, 2014, the 222
director of agriculture immediately shall cause an investigation 223
to be conducted if the director has reason to believe that one 224
of the following may be occurring: 225

(1) A dangerous wild animal is possessed by a person who 226
has not been issued a wildlife shelter permit, wildlife 227
propagation permit, or rescue facility permit under this 228
chapter. 229

(2) A restricted snake is possessed by a person that has 230
not been issued a restricted snake possession permit or 231
restricted snake propagation permit under this chapter. 232

(3) A dangerous wild animal or restricted snake is being 233
treated or kept in a manner that is in violation of this chapter 234
or rules. 235

For purposes of the investigation, the director or the 236
director's designee may order the animal or snake that is the 237
subject of the notification to be quarantined or may order the 238
transfer of the animal or snake to a facility that is on the 239
list maintained by the director under this section. If the 240
director's designee orders the animal or snake to be quarantined 241
or transferred, the designee shall provide a copy of the order 242
to the director. 243

(B) The director shall attempt to notify the person owning 244
or possessing an animal or snake that has been ordered to be 245
quarantined or transferred under division (A) of this section. 246
The notice shall be delivered in person or by certified mail. 247
The director also may post a copy of a quarantine order at two 248
conspicuous locations on the premises where the animal or snake 249
is quarantined. The director shall maintain a copy of an order 250

issued under this section and evidence that the director 251
attempted to notify the person owning or possessing the animal 252
or snake. 253

(C) A quarantine or transfer order issued under this 254
section shall contain all of the following: 255

(1) The name and address of the person owning or 256
possessing the animal or snake, if known; 257

(2) A description of the quarantined or transferred animal 258
or snake; 259

(3) A description of the premises affected by the 260
quarantine or transfer; 261

(4) The reason for the quarantine or transfer; 262

(5) Any terms and conditions of the quarantine or 263
transfer; 264

(6) A notice that a person adversely affected by the order 265
may request a hearing to review the order. 266

(D) A person that is adversely affected by a quarantine or 267
transfer order pertaining to a dangerous wild animal or 268
restricted snake owned or possessed by the person, within thirty 269
days after the order is issued, may request in writing an 270
adjudication in accordance with Chapter 119. of the Revised 271
Code. A request for an adjudication does not stay a quarantine 272
or transfer order. 273

(E) The owner of or person possessing a dangerous wild 274
animal or restricted snake that was quarantined or transferred 275
under division (A) of this section shall be responsible for all 276
reasonable costs associated with the quarantine or transfer, 277
including the costs of transportation, housing, food, and 278

veterinary care for the animal or snake. If such an owner or 279
person is unable to pay for the reasonable costs, the director 280
shall certify the costs to the county auditor to be assessed 281
against any property of the owner or person and thereby made a 282
lien upon it and collected as other taxes. All money from the 283
collection of liens under this division shall be credited in 284
accordance with division (J) of this section. 285

(F) If the state veterinarian determines that a dangerous 286
wild animal or restricted snake that was quarantined or 287
transferred under division (A) of this section is infected with 288
or exposed to a dangerously contagious or infectious disease or 289
is seriously injured, the state veterinarian shall so notify the 290
director. The director may order the animal or snake to be 291
humanely euthanized by a veterinarian if the state veterinarian 292
has indicated that euthanization is medically necessary. 293

(G) A quarantine or transfer order issued under this 294
section shall remain in effect until one of the following 295
occurs: 296

(1) The director, after reviewing the results of the 297
investigation conducted under division (A) of this section, 298
issues a written notice of release. 299

(2) A court of competent jurisdiction orders the 300
quarantine or transfer order to be terminated in a proceeding 301
conducted under division (H) of this section. 302

(3) A court of competent jurisdiction orders the seizure 303
of the dangerous wild animal or restricted snake in a proceeding 304
conducted under division (H) of this section. 305

(H) If, after reviewing the results of an investigation 306
concerning a dangerous wild animal or restricted snake conducted 307

under division (A) of this section and after resolution of any 308
proceeding conducted under division (D) of this section, the 309
director determines that a circumstance described in division 310
(A) (1), (2), or (3) of this section is or was occurring, the 311
director shall initiate, in a court of competent jurisdiction, a 312
proceeding for the permanent seizure of the animal or snake, as 313
applicable. If the court affirms the director's determination 314
that a circumstance described in division (A) (1), (2), or (3) of 315
this section is or was occurring, the court shall order the 316
animal or snake seized and shall order the method of disposition 317
of the animal or snake. The court may order the person owning or 318
possessing the animal or snake to pay all reasonable costs 319
associated with the seizure and, if applicable, the costs 320
associated with the quarantine or transfer of the animal or 321
snake, including the costs of transportation, housing, food, and 322
veterinary care of the animal or snake. If the court does not 323
affirm the director's determination, the court shall order the 324
quarantine or transfer order to be terminated and the animal or 325
snake to be returned to the person owning or possessing it, if 326
applicable. 327

(I) The director may authorize any of the following to 328
conduct an investigation and order the quarantine or transfer of 329
a dangerous wild animal or restricted snake under division (A) 330
of this section: 331

(1) Employees of the department of agriculture; 332

(2) Natural resources law enforcement officers with the 333
consent of the director of natural resources; 334

(3) Employees of the department of health with the consent 335
of the director of health; 336

(4) Employees of a board of health with the consent of the board;	337 338
(5) Agents of a humane <u>Humane</u> society <u>agents</u> appointed under section 1717.06 of the Revised Code with the consent of the humane society;	339 340 341
(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;	342 343 344 345
(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.	346 347 348
(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:	349 350 351 352
(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 in section 935.25 of the Revised Code;	353 354 355 356 357 358
(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules;	359 360 361 362 363
(3) If the animal or snake was quarantined or transferred by an agent of a humane society <u>agent</u> , a special fund, which is	364 365

hereby created in each county that has a humane society, that 366
shall be used exclusively for the administration and enforcement 367
of this chapter and rules; 368

(4) If the animal or snake was quarantined or transferred 369
by a law enforcement officer who is not a state highway patrol 370
trooper, the special fund that is created in the political 371
subdivision that employs the law enforcement officer in division 372
(D) of section 935.16 of the Revised Code. 373

(K) The director shall maintain a list of facilities 374
inside and outside the state that the director determines are 375
eligible to accept dangerous wild animals and restricted snakes 376
for the purposes of this section. 377

Sec. 955.151. (A) As used in this section: 378

"Animal shelter" has the same meaning as in section 379
4729.01 of the Revised Code. 380

"Certified officer" means an individual who meets the 381
requirements established under section 4729.534 of the Revised 382
Code. 383

"Chemical capture" means using an anesthetic drug or 384
sedative on a companion animal to do any of the following: 385

(1) Immobilize and capture; 386

(2) Attempt to immobilize and capture; 387

(3) Attempt to immobilize or capture. 388

"Companion animal" has the same meaning as in section 389
959.131 of the Revised Code. 390

(B) A certified officer appointed or employed by an animal 391
shelter or county dog warden that holds a chemical capture 392

classification granted under section 4729.533 of the Revised 393
Code may, in accordance with that section and rules adopted 394
under it, chemically capture a companion animal to limit injury 395
to the officer, the animal or another animal, or the public. 396

Sec. 955.16. (A) Dogs that have been seized by the county 397
dog warden and impounded shall be kept, housed, and fed for 398
three days for the purpose of redemption, as provided by section 399
955.18 of the Revised Code, unless any of the following applies: 400

(1) Immediate humane destruction of the dog is necessary 401
because of obvious disease or injury. If the diseased or injured 402
dog is registered, as determined from the current year's 403
registration list maintained by the warden and the county 404
auditor of the county where the dog is registered, the necessity 405
of destroying the dog shall be certified by a licensed 406
veterinarian or a registered veterinary technician. If the dog 407
is not registered, the decision to destroy it shall be made by 408
the warden. 409

(2) The dog is currently registered on the registration 410
list maintained by the warden and the auditor of the county 411
where the dog is registered and the attempts to notify the 412
owner, keeper, or harbinger under section 955.12 of the Revised 413
Code have failed, in which case the dog shall be kept, housed, 414
and fed for fourteen days for the purpose of redemption. 415

(3) The warden has contacted the owner, keeper, or 416
harbinger under section 955.12 of the Revised Code, and the 417
owner, keeper, or harbinger has requested that the dog remain in 418
the pound or animal shelter until the owner, harbinger, or keeper 419
redeems the dog. The time for such redemption shall be not more 420
than forty-eight hours following the end of the appropriate 421
redemption period. 422

~~At any time after such periods of redemption, any dog not~~ 423
~~redeemed shall be donated to any nonprofit special agency that~~ 424
~~is engaged in the training of any type of assistance dogs and~~ 425
~~that requests that the dog be donated to it. Any dog not~~ 426
~~redeemed that is not requested by such an agency may be sold,~~ 427
~~except that no dog sold to a person other than a nonprofit~~ 428
~~teaching or research institution or organization of the type~~ 429
~~described in division (B) of this section.~~ 430
Any dog not so 430
redeemed may be adopted out or donated to any person, including 431
a nonprofit special agency that is engaged in the training of 432
any type of assistance dogs or to a nonprofit teaching or 433
research institution or organization that is certified by the 434
director of health as being engaged in teaching or research 435
concerning the prevention and treatment of diseases of human 436
beings or animals. The county dog warden may charge an adoption 437
fee for any dog that is adopted. Except as provided in division 438
(B) of this section, no dog shall be discharged from the pound 439
or animal shelter until the animal has been registered and 440
furnished with a valid registration tag. 441

(B) ~~Any dog that is not redeemed within the applicable~~ 442
~~period as specified in this section or section 955.12 of the~~ 443
~~Revised Code from the time notice is mailed to its owner,~~ 444
~~keeper, or harborer or is posted at the pound or animal shelter,~~ 445
~~as required by section 955.12 of the Revised Code, and that is~~ 446
~~not required to be donated to a nonprofit special agency engaged~~ 447
~~in the training of any type of assistance dogs may, upon payment~~ 448
~~to the dog warden or poundkeeper of the sum of three dollars, be~~ 449
~~sold to any nonprofit Ohio institution or organization that is~~ 450
~~certified by the director of health as being engaged in teaching~~ 451
~~or research concerning the prevention and treatment of diseases~~ 452
~~of human beings or animals. Any dog that is donated to a~~ 453

nonprofit special agency engaged in the training of any type of 454
assistance dogs in accordance with division (A) of this section 455
and any dog that is sold to any nonprofit teaching or research 456
institution or organization shall be discharged from the pound 457
or animal shelter without registration and may be kept by the 458
agency or by the institution or organization without 459
registration so long as the dog is being trained, or is being 460
used for teaching and research purposes. 461

Any institution or organization certified by the director 462
that obtains dogs for teaching and research purposes pursuant to 463
this section shall, at all reasonable times, make the dogs 464
available for inspection by ~~agents of the Ohio humane society,~~ 465
~~appointed pursuant to section 1717.04 of the Revised Code, and~~ 466
~~agents of county humane societies~~society agents, appointed 467
pursuant to section 1717.06 of the Revised Code, in order that 468
the agents may prevent the perpetration of any act of cruelty, 469
as defined in section 1717.01 of the Revised Code, to the dogs. 470

(C) Any dog that the dog warden or poundkeeper is unable 471
to dispose of, in the manner provided by this section and 472
section 955.18 of the Revised Code, may be humanely destroyed, 473
except that no dog shall be destroyed until twenty-four hours 474
after it has been offered to a nonprofit teaching or research 475
institution or organization, as provided in this section, that 476
has made a request for dogs to the dog warden or poundkeeper. 477

(D) An owner of a dog that is wearing a valid registration 478
tag who presents the dog to the dog warden or poundkeeper may 479
specify in writing that the dog shall not be offered to a 480
nonprofit teaching or research institution or organization, as 481
provided in this section. 482

(E) A record of all dogs impounded, the disposition of the 483

same, the owner's name and address, if known, and a statement of 484
costs assessed against the dogs shall be kept by the 485
poundkeeper, and the poundkeeper shall furnish a transcript 486
thereof to the county treasurer quarterly. 487

A record of all dogs received and the source that supplied 488
them shall be kept, for a period of three years from the date of 489
acquiring the dogs, by all institutions or organizations engaged 490
in teaching or research concerning the prevention and treatment 491
of diseases of human beings or animals. 492

(F) No person shall destroy any dog by the use of a high 493
altitude decompression chamber or by any method other than a 494
method that immediately and painlessly renders the dog initially 495
unconscious and subsequently dead. 496

Sec. 959.131. (A) As used in this section: 497

(1) "Companion animal" means any animal that is kept 498
inside a residential dwelling and any dog or cat regardless of 499
where it is kept, including a pet store as defined in section 500
956.01 of the Revised Code. "Companion animal" does not include 501
livestock or any wild animal. 502

(2) "Cruelty," "torment," and "torture" have the same 503
meanings as in section 1717.01 of the Revised Code. 504

(3) "Residential dwelling" means a structure or shelter or 505
the portion of a structure or shelter that is used by one or 506
more humans for the purpose of a habitation. 507

(4) "Practice of veterinary medicine" has the same meaning 508
as in section 4741.01 of the Revised Code. 509

(5) "Wild animal" has the same meaning as in section 510
1531.01 of the Revised Code. 511

(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; cattle, sheep, goats, and other bovidae; swine and other suidae; poultry; alpacas; llamas; captive white-tailed deer; and any other animal that is raised or maintained domestically for food or fiber.

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

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

(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;

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

(c) Physical harm that involves acute pain of a duration 540
that results in substantial suffering or that involves any 541
degree of prolonged or intractable pain; 542

(d) Physical harm that results from a person who confines 543
or who is the custodian or caretaker of a companion animal 544
depriving the companion animal of good, wholesome food and water 545
that proximately causes the death of the companion animal. 546

(B) No person shall knowingly torture, torment, needlessly 547
mutilate or maim, cruelly beat, poison, needlessly kill, or 548
commit an act of cruelty against a companion animal. 549

(C) No person shall knowingly cause serious physical harm 550
to a companion animal. 551

(D) No person who confines or who is the custodian or 552
caretaker of a companion animal shall negligently do any of the 553
following: 554

(1) Torture, torment, or commit an act of cruelty against 555
the companion animal; 556

(2) Deprive the companion animal of necessary sustenance 557
or confine the companion animal without supplying it during the 558
confinement with sufficient quantities of good, wholesome food 559
and water if it can reasonably be expected that the companion 560
animal would become sick or suffer in any other way as a result 561
of or due to the deprivation or confinement; 562

(3) Impound or confine the companion animal without 563
affording it, during the impoundment or confinement, with access 564
to shelter from heat, cold, wind, rain, snow, or excessive 565
direct sunlight if it can reasonably be expected that the 566
companion animal would become sick or suffer in any other way as 567
a result of or due to the lack of adequate shelter. 568

(E) No owner, manager, or employee of a dog kennel who 569
confines or is the custodian or caretaker of a companion animal 570
shall knowingly do any of the following: 571

(1) Torture, torment, needlessly mutilate or maim, cruelly 572
beat, poison, needlessly kill, or commit an act of cruelty 573
against the companion animal; 574

(2) Deprive the companion animal of necessary sustenance 575
or confine the companion animal without supplying it during the 576
confinement with sufficient quantities of good, wholesome food 577
and water if it is reasonably expected that the companion animal 578
would die or experience unnecessary or unjustifiable pain or 579
suffering as a result of the deprivation or confinement; 580

(3) Impound or confine the companion animal without 581
affording it, during the impoundment or confinement, with access 582
to shelter from heat, cold, wind, rain, snow, or excessive 583
direct sunlight if it is reasonably expected that the companion 584
animal would die or experience unnecessary or unjustifiable pain 585
or suffering as a result of or due to the lack of adequate 586
shelter. 587

(F) No owner, manager, or employee of a dog kennel who 588
confines or is the custodian or caretaker of a companion animal 589
shall negligently do any of the following: 590

(1) Torture, torment, or commit an act of cruelty against 591
the companion animal; 592

(2) Deprive the companion animal of necessary sustenance 593
or confine the companion animal without supplying it during the 594
confinement with sufficient quantities of good, wholesome food 595
and water if it can reasonably be expected that the companion 596
animal would become sick or suffer in any other way as a result 597

of or due to the deprivation or confinement; 598

(3) Impound or confine the companion animal without 599
affording it, during the impoundment or confinement, with access 600
to shelter from heat, cold, wind, rain, snow, or excessive 601
direct sunlight if it can reasonably be expected that the 602
companion animal would become sick or suffer in any other way as 603
a result of or due to the lack of adequate shelter. 604

(G) Divisions (B), (C), (D), (E), and (F) of this section 605
do not apply to any of the following: 606

(1) A companion animal used in scientific research 607
conducted by an institution in accordance with the federal 608
animal welfare act and related regulations; 609

(2) The lawful practice of veterinary medicine by a person 610
who has been issued a license, temporary permit, or registration 611
certificate to do so under Chapter 4741. of the Revised Code; 612

(3) Dogs being used or intended for use for hunting or 613
field trial purposes, provided that the dogs are being treated 614
in accordance with usual and commonly accepted practices for the 615
care of hunting dogs; 616

(4) The use of common training devices, if the companion 617
animal is being treated in accordance with usual and commonly 618
accepted practices for the training of animals; 619

(5) The administering of medicine to a companion animal 620
that was properly prescribed by a person who has been issued a 621
license, temporary permit, or registration certificate under 622
Chapter 4741. of the Revised Code. 623

(H) Notwithstanding any section of the Revised Code that 624
otherwise provides for the distribution of fine moneys, the 625

clerk of court shall forward all fines the clerk collects that 626
are so imposed for any violation of this section to the 627
treasurer of the political subdivision or the state, whose 628
county humane society or law enforcement agency is to be paid 629
the fine money as determined under this division. The treasurer 630
to whom the fines are forwarded shall pay the fine moneys to the 631
county humane society or the county, township, municipal 632
corporation, or state law enforcement agency in this state that 633
primarily was responsible for or involved in the investigation 634
and prosecution of the violation. If a county humane society 635
receives any fine moneys under this division, the county humane 636
society shall use the fine moneys either to provide the training 637
that is required for humane society agents under section ~~1717.06~~ 638
1717.061 of the Revised Code or to provide additional training 639
for humane society agents. 640

Sec. 959.132. (A) As used in this section: 641

~~(1)~~—"Companion animal" has the same meaning as in section 642
959.131 of the Revised Code. 643

~~(2)~~—"Impounding agency" means a county humane society 644
organized under section 1717.05 of the Revised Code, an animal 645
shelter, or a law enforcement agency that has impounded a 646
companion animal in accordance with this section. 647

~~(3)~~—"Offense" means a violation of ~~section 959.131 Chapter~~ 648
959. of the Revised Code or an attempt, in violation of section 649
2923.02 of the Revised Code, to violate ~~section 959.131 Chapter~~ 650
959. of the Revised Code. 651

~~(4)~~—"Officer" means any law enforcement officer, ~~agent of~~ 652
~~a county humane society agent~~, or other person appointed to act 653
as an animal control officer for a municipal corporation or 654

township in accordance with state law, an ordinance, or a 655
resolution. 656

(B) An officer may seize and cause to be impounded at an 657
impounding agency ~~a companion-an~~ animal that the officer has 658
probable cause to believe is the subject of an offense. No 659
officer or impounding agency shall impound ~~a companion-an~~ animal 660
that is the subject of an offense in a shelter owned, operated, 661
or controlled by a board of county commissioners pursuant to 662
Chapter 955. of the Revised Code unless the board, by 663
resolution, authorizes the impoundment of such ~~a companion-an~~ 664
animal in a shelter owned, operated, or controlled by that board 665
and has executed, in the case when the officer is other than a 666
dog warden or assistant dog warden, a contract specifying the 667
terms and conditions of the impoundment. 668

(C) The officer shall give written notice of the seizure 669
and impoundment to the owner, keeper, or harbinger of the 670
~~companion-animal that not later than twenty-four hours after the~~ 671
animal was seized and impounded. If the officer is unable to 672
give the notice to the owner, keeper, or harbinger of the 673
~~companion-animal~~, the officer shall post the notice on the door 674
of the residence or in another conspicuous place on the premises 675
at which the ~~companion-animal~~ was seized. The notice shall 676
include a statement that a hearing will be held not later than 677
ten days after the notice is provided or at the next available 678
court date to determine whether the officer had probable cause 679
to seize the ~~companion-animal~~ and, if applicable, to determine 680
the amount of a bond or cash deposit that is needed to provide 681
for the ~~companion-animal's~~ care and keeping for not less than 682
thirty days beginning on the date on which the ~~companion-animal~~ 683
was impounded. 684

(D) ~~A companion~~An animal that is seized under this 685
section may be humanely destroyed immediately or at any time 686
during impoundment if a licensed veterinarian determines it to 687
be necessary because the ~~companion~~ animal is suffering. 688

(E) (1) Not later than ten days after notice is provided or 689
at the next available court date, the court shall hold a hearing 690
to determine whether the officer impounding ~~a companion~~an 691
animal had probable cause to seize the ~~companion~~ animal. If the 692
court determines that probable cause exists, the court shall 693
determine the amount of a bond or cash deposit that is ~~needed~~ 694
necessary and reasonable to provide for the ~~companion~~ animal's 695
care and keeping for not less than thirty days beginning on the 696
date on which the ~~companion~~ animal was impounded. 697

(2) If the court determines that probable cause does not 698
exist, the court immediately shall order the impounding agency 699
to return the ~~companion~~ animal to its owner if possible. If the 700
~~companion~~ animal cannot be returned because it has died as a 701
result of neglect or other misconduct by the impounding agency 702
or if the ~~companion~~ animal is injured as a result of neglect or 703
other misconduct by the impounding agency, the court shall order 704
the impounding agency to pay the owner an amount determined by 705
the court to be equal to the reasonable market value of the 706
~~companion~~ animal at the time that it was impounded plus 707
statutory interest as defined in section 1343.03 of the Revised 708
Code from the date of the impoundment or an amount determined by 709
the court to be equal to the reasonable cost of treatment of the 710
injury to the ~~companion~~ animal, as applicable. The requirement 711
established in division (E) (2) of this section regarding the 712
payment of the reasonable market value of the ~~companion~~ animal 713
shall not apply in the case of a dog that, in violation of 714
section 955.01 of the Revised Code, was not registered at the 715

time it was seized and impounded. 716

(3) If the court determines that probable cause exists and 717
determines the amount of a bond or cash deposit, the case shall 718
continue and the owner shall post a bond or cash deposit to 719
provide for the ~~companion~~ animal's care and keeping for not less 720
than thirty days beginning on the date on which the ~~companion~~ 721
animal was impounded. The owner may renew a bond or cash deposit 722
by posting, not later than ten days following the expiration of 723
the period for which a previous bond or cash deposit was posted, 724
a new bond or cash deposit in an amount that the court, in 725
consultation with the impounding agency, determines is 726
~~sufficient~~ necessary and reasonable to provide for the ~~companion~~ 727
animal's care and keeping for not less than thirty days 728
beginning on the date on which the previous period expired. If 729
no bond or cash deposit is posted or if a bond or cash deposit 730
expires and is not renewed, the impounding agency may determine 731
the disposition of the ~~companion~~ animal unless the court issues 732
an order that specifies otherwise. 733

(F) If a person is convicted of committing an offense, the 734
court may impose the following additional penalties against the 735
person: 736

(1) A requirement that the person pay for the costs 737
incurred by the impounding agency in caring for a ~~companion-an~~ 738
animal involved in the applicable offense, provided that the 739
costs were incurred during the ~~companion~~ animal's impoundment. A 740
bond or cash deposit posted under this section may be applied to 741
the costs. 742

(2) An order permanently terminating the person's right to 743
possession, title, custody, or care of the ~~companion~~ animal that 744
was involved in the offense. If the court issues such an order, 745

the court shall order the disposition of the ~~companion~~ animal. 746

(G) If a person is found not guilty of committing an 747
offense, the court immediately shall order the impounding agency 748
to return the ~~companion~~ animal to its owner if possible and to 749
return the entire amount of any bond or cash deposit posted 750
under division (E) of this section. If the ~~companion~~ animal 751
cannot be returned because it has died as a result of neglect or 752
other misconduct by the impounding agency or if the ~~companion~~ 753
animal is injured as a result of neglect or other misconduct by 754
the impounding agency, the court shall order the impounding 755
agency to pay the owner an amount determined by the court to be 756
equal to the reasonable market value of the ~~companion~~ animal at 757
the time that it was impounded plus statutory interest as 758
defined in section 1343.03 of the Revised Code from the date of 759
the impoundment or an amount determined by the court to be equal 760
to the reasonable cost of treatment of the injury to the 761
~~companion~~ animal, as applicable. The requirements established in 762
this division regarding the return of a bond or cash deposit and 763
the payment of the reasonable market value of the ~~companion~~ 764
animal shall not apply in the case of a dog that, in violation 765
of section 955.01 of the Revised Code, was not registered at the 766
time it was seized and impounded. 767

(H) If charges are filed under section 959.131 of the 768
Revised Code against the custodian or caretaker of a companion 769
animal, but the companion animal that is the subject of the 770
charges is not impounded, the court in which the charges are 771
pending may order the owner or person having custody of the 772
companion animal to provide to the companion animal the 773
necessities described in division (D) (2), (D) (3), (E) (2), (E) 774
(3), (F) (2), or (F) (3) of section 959.131 of the Revised Code 775
until the final disposition of the charges. If the court issues 776

an order of that nature, the court also may authorize an officer 777
or another person to visit the place where the companion animal 778
is being kept, at the times and under the conditions that the 779
court may set, to determine whether the companion animal is 780
receiving those necessities and to remove and impound the 781
companion animal if the companion animal is not receiving those 782
necessities. 783

Sec. 959.134. (A) As used in this section: 784

(1) "Chemical capture" and "certified officer" have the 785
same meanings as in section 955.151 of the Revised Code. 786

(2) "Companion animal" has the same meaning as in section 787
959.131 of the Revised Code. 788

(B) Chemical capture of a companion animal by a certified 789
officer in accordance with the laws of this state is not an act 790
of cruelty. 791

Sec. 959.15. (A) No person shall knowingly ~~do either of~~ 792
~~the following:~~ 793

~~(1) Engage do either of the following: 794~~

~~(1) Engage in cockfighting, bearbaiting, or pitting an 795
animal against another; 796~~

~~(2) Use (2) Use, train, or possess any animal for seizing, 797
detaining, or maltreating a domestic animal. 798~~

~~(B) No person shall knowingly do either of the following: 799~~

~~(1) Be employed at cockfighting, bearbaiting, or pitting 800
an animal against another; 801~~

~~(2) Do any of the following regarding an event involving 802
cockfighting, bearbaiting, or pitting an animal against another: 803~~

~~(a) Wager money or anything else of value on the results
of the event;~~ 804
805

~~(b) Pay money or give anything else of value in exchange
for admission to or being present at the event;~~ 806
807

~~(c) Receive money or anything else of value in exchange
for the admission of another person to the event or for another
person to be present at the event;~~ 808
809
810

~~(d) Use, possess, or permit or cause to be present at the
event any device or substance intended to enhance an animal's
ability to fight or to inflict injury on another animal;~~ 811
812
813

~~(e) Permit or cause a minor to be present at the event if
any person present at or involved with the event is conducting
any of the activities described in division (B) (1) or (B) (2) (a),
(b), (c), or (d) of this section.~~ 814
815
816
817

~~(C) A person who knowingly witnesses cockfighting,
bearbaiting, or an event in which one animal is pitted against
another when a violation of division (B) of this section is
occurring at the cockfighting, bearbaiting, or event is an aider
and abettor and has committed a violation of this division. (B)~~ 818
819
820
821
822

No person shall knowingly do either of the following: 823

(1) Be employed at cockfighting, bearbaiting, or pitting
an animal against another; 824
825

(2) Do any of the following regarding an event involving
cockfighting, bearbaiting, or pitting an animal against another: 826
827

(a) Wager money or anything else of value on the results
of the event; 828
829

(b) Pay money or give anything else of value in exchange
for admission to or being present at the event; 830
831

(c) Receive money or anything else of value in exchange 832
for the admission of another person to the event or for another 833
person to be present at the event; 834

(d) Use, possess, or permit or cause to be present at the 835
event any device or substance intended to enhance an animal's 836
ability to fight or to inflict injury on another animal; 837

(e) Permit or cause a minor to be present at the event if 838
any person present at or involved with the event is conducting 839
any of the activities described in division (B)(1) or (B)(2)(a), 840
(b), (c), or (d) of this section. 841

(C) A person who knowingly witnesses cockfighting, 842
bearbaiting, or an event in which one animal is pitted against 843
another when a violation of division (B) of this section is 844
occurring at the cockfighting, bearbaiting, or event is an aider 845
and abettor and has committed a violation of this division. 846

Sec. 959.21. ~~(A) As used in this section:~~ 847

~~(1) "Animal" means a nonhuman mammal, bird, reptile, or~~ 848
~~amphibian, either dead or alive.~~ 849

~~(2) "Offense" means a violation of this section or an~~ 850
~~attempt, in violation of section 2923.02 of the Revised Code, to~~ 851
~~violate this section.~~ 852

~~(3) "Officer" has the same meaning as in section 959.132~~ 853
~~of the Revised Code.~~ 854

~~(4) "Sexual conduct" means either of the following~~ 855
~~committed for the purpose of sexual gratification:~~ 856

~~(a) Any act done between a person and animal that involves~~ 857
~~contact of the penis of one and the vulva of the other, the~~ 858
~~penis of one and the penis of the other, the penis of one and~~ 859

~~the anus of the other, the mouth of one and the penis of the~~ 860
~~other, the mouth of one and the anus of the other, the vulva of~~ 861
~~one and the vulva of the other, the mouth of one and the vulva~~ 862
~~of the other, any other contact between a reproductive organ of~~ 863
~~one and a reproductive organ of the other, or any other~~ 864
~~insertion of a reproductive organ of one into an orifice of the~~ 865
~~other;~~ 866

~~(b) Without a bona fide veterinary or animal husbandry~~ 867
~~purpose to do so, the insertion, however slight, of any part of~~ 868
~~a person's body or any instrument, apparatus, or other object~~ 869
~~into the vaginal, anal, or reproductive opening of an animal.~~ 870

~~(B) No person shall knowingly engage in sexual conduct~~ 871
~~with an animal or knowingly possess, sell, or purchase an animal~~ 872
~~with the intent that it be subjected to sexual conduct.~~ 873

~~(C) No person shall knowingly organize, promote, aid, or~~ 874
~~abet in the conduct of an act involving any sexual conduct with~~ 875
~~an animal.~~ 876

~~(D) An officer may seize and cause to be impounded at an~~ 877
~~impounding agency an animal that the officer has probable cause~~ 878
~~to believe is the subject of an offense. With respect to an~~ 879
~~animal so seized and impounded, all procedures and requirements~~ 880
~~that are established in section 959.132 of the Revised Code, and~~ 881
~~all other provisions of that section, apply to the seizure,~~ 882
~~impoundment, and disposition of the animal. References in~~ 883
~~section 959.132 of the Revised Code to "section 959.131 of the~~ 884
~~Revised Code," "companion animal," and "offense" shall be~~ 885
~~construed, respectively, as being references to "section 959.21~~ 886
~~of the Revised Code" and to "animal" and "offense" as defined in~~ 887
~~this section, for purposes of application under this section~~ 888
~~only.~~ (A) As used in this section: 889

(1) "Animal" means a nonhuman mammal, bird, reptile, or 890
amphibian, either dead or alive. 891

(2) "Offense" means a violation of this section or an 892
attempt, in violation of section 2923.02 of the Revised Code, to 893
violate this section. 894

(3) "Officer" has the same meaning as in section 959.132 895
of the Revised Code. 896

(4) "Sexual conduct" means either of the following 897
committed for the purpose of sexual gratification: 898

(a) Any act done between a person and animal that involves 899
contact of the penis of one and the vulva of the other, the 900
penis of one and the penis of the other, the penis of one and 901
the anus of the other, the mouth of one and the penis of the 902
other, the mouth of one and the anus of the other, the vulva of 903
one and the vulva of the other, the mouth of one and the vulva 904
of the other, any other contact between a reproductive organ of 905
one and a reproductive organ of the other, or any other 906
insertion of a reproductive organ of one into an orifice of the 907
other; 908

(b) Without a bona fide veterinary or animal husbandry 909
purpose to do so, the insertion, however slight, of any part of 910
a person's body or any instrument, apparatus, or other object 911
into the vaginal, anal, or reproductive opening of an animal. 912

(B) No person shall knowingly engage in sexual conduct 913
with an animal or knowingly possess, sell, or purchase an animal 914
with the intent that it be subjected to sexual conduct. 915

(C) No person shall knowingly organize, promote, aid, or 916
abet in the conduct of an act involving any sexual conduct with 917
an animal. 918

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 919
of the Revised Code is guilty of a minor misdemeanor. 920

(B) Except as otherwise provided in this division, whoever 921
violates section 959.02 of the Revised Code is guilty of a 922
misdemeanor of the second degree. If the value of the animal 923
killed or the injury done amounts to three hundred dollars or 924
more, whoever violates section 959.02 of the Revised Code is 925
guilty of a misdemeanor of the first degree. 926

(C) Whoever violates section 959.03, 959.06, 959.12, or 927
~~959.17 or division (A) of section 959.15 or division (A) of~~ 928
section 959.15 of the Revised Code is guilty of a misdemeanor of 929
the fourth degree. 930

(D) Whoever violates division (A) of section 959.13 ~~or~~ 931
~~section 959.21 or section 959.21~~ of the Revised Code is guilty 932
of a misdemeanor of the second degree. In addition, the court 933
may order the offender to forfeit the animal or livestock and 934
may provide for its disposition, including, but not limited to, 935
the sale of the animal or livestock. If an animal or livestock 936
is forfeited and sold pursuant to this division, the proceeds 937
from the sale first shall be applied to pay the expenses 938
incurred with regard to the care of the animal from the time it 939
was taken from the custody of the former owner. The balance of 940
the proceeds from the sale, if any, shall be paid to the former 941
owner of the animal. 942

(E) (1) Whoever violates division (B) of section 959.131 of 943
the Revised Code is guilty of a misdemeanor of the first degree 944
on a first offense and a felony of the fifth degree on each 945
subsequent offense. 946

(2) Whoever violates division (C) of section 959.131 of 947

the Revised Code is guilty of a felony of the fifth degree. 948

(3) Whoever violates section 959.01 of the Revised Code or 949
division (D) of section 959.131 of the Revised Code is guilty of 950
a misdemeanor of the second degree on a first offense and a 951
misdemeanor of the first degree on each subsequent offense. 952

(4) Whoever violates division (E) of section 959.131 of 953
the Revised Code is guilty of a felony of the fifth degree. 954

(5) Whoever violates division (F) of section 959.131 of 955
the Revised Code is guilty of a misdemeanor of the first degree. 956

(6) (a) A court may order a person who is convicted of or 957
pleads guilty to a violation of section 959.131 of the Revised 958
Code to forfeit to an impounding agency, as defined in section 959
959.132 of the Revised Code, any or all of the companion animals 960
in that person's ownership or care. The court also may prohibit 961
or place limitations on the person's ability to own or care for 962
any companion animals for a specified or indefinite period of 963
time. 964

(b) A court may order a person who is convicted of or 965
pleads guilty to a violation of division (A) of section 959.13 966
or section 959.131 of the Revised Code to reimburse an 967
impounding agency for the ~~reasonably~~ reasonable and necessary 968
costs incurred by the agency for the care of ~~a companion-an~~ 969
animal or livestock that the agency impounded as a result of the 970
investigation or prosecution of the violation, provided that the 971
costs were not otherwise paid under section 959.132 of the 972
Revised Code. 973

(7) If a court has reason to believe that a person who is 974
convicted of or pleads guilty to a violation of section 959.131 975
~~or 959.21 or 959.21~~ of the Revised Code suffers from a mental or 976

emotional disorder that contributed to the violation, the court 977
may impose as a community control sanction or as a condition of 978
probation a requirement that the offender undergo psychological 979
evaluation or counseling. The court shall order the offender to 980
pay the costs of the evaluation or counseling. 981

(F) Whoever violates section 959.14 of the Revised Code is 982
guilty of a misdemeanor of the second degree on a first offense 983
and a misdemeanor of the first degree on each subsequent 984
offense. 985

(G) Whoever violates section 959.05 or 959.20 of the 986
Revised Code is guilty of a misdemeanor of the first degree. 987

(H) Whoever violates section 959.16 of the Revised Code is 988
guilty of a felony of the fourth degree for a first offense and 989
a felony of the third degree on each subsequent offense. 990

~~(I) Whoever violates division (B) or (C) of section 959.15~~ 991
~~of the Revised Code is guilty of a felony and shall be fined not~~ 992
~~more than ten thousand dollars.~~ (I) Whoever violates division (B) 993
or (C) of section 959.15 of the Revised Code is guilty of a 994
felony and shall be fined not more than ten thousand dollars. 995

Sec. 1717.01. As used in sections 1717.01 to ~~1717.14,~~ 996
~~inclusive,~~ 1717.18 of the Revised Code, and in every law 997
relating to animals: 998

(A) "Animal" includes every living dumb creature; 999

(B) "Cruelty," "torment," and "torture" include every act, 1000
omission, or neglect by which unnecessary or unjustifiable pain 1001
or suffering is caused, permitted, or allowed to continue, when 1002
there is a reasonable remedy or relief; 1003

(C) "Owner" and "person" include corporations. For the 1004

purpose of this section the knowledge and acts of the agents and 1005
employees of a corporation, in regard to animals transported, 1006
owned, or employed by, or in the custody of, such agents and 1007
employees, are the knowledge and acts of the corporation. 1008

Sec. 1717.02. The objects of ~~the Ohio humane society, and~~ 1009
all societies organized under section 1717.05 of the Revised 1010
Code, shall be the inculcation of humane principles and the 1011
enforcement of laws for the prevention of cruelty, ~~especially to~~ 1012
~~children and~~ animals. To promote those objects such societies 1013
may acquire property, real or personal, by purchase or gift. All 1014
property acquired by such a society, by gift, devise, or 1015
bequest, for special purposes, shall be vested in its board of 1016
trustees, which shall consist of three members elected by the 1017
society. The board shall manage such property and apply it in 1018
accordance with the terms of the gift, devise, or bequest, and 1019
may sell it and reinvest the proceeds. 1020

Sec. 1717.05. (A) A county humane society for the 1021
prevention of acts of cruelty to animals may be organized in any 1022
county by the association of not less than seven persons. 1023

(B) The members of ~~such a county humane~~ society, at a 1024
meeting called for the purpose, shall elect not less than three 1025
of their members as its board of directors, and such directors 1026
~~shall~~ continue in office until their successors are duly chosen. 1027

(C) The secretary or clerk of ~~such the~~ meeting shall make 1028
a true record of the proceedings thereat and certify and forward 1029
~~such the~~ record to the secretary of state, who shall record it. 1030
~~Such The~~ record ~~shall must~~ contain the name by which the 1031
association is to be known, ~~and from~~. On and after its filing 1032
with the secretary of state, the board of directors and the 1033
associates, ~~shall~~ have the powers, 1034

privileges, and immunities incident to incorporated companies. A 1035
copy of ~~such~~ the record, certified by the secretary of state, 1036
~~shall~~ must be taken in all courts and places in this state as 1037
evidence that ~~such~~ the county humane society is a duly organized 1038
and incorporated body. 1039

~~Such~~ (D) A county humane society may elect ~~such~~ officers, 1040
and make ~~such~~ rules, regulations, and bylaws, as are deemed 1041
expedient by its members for its own government and the proper 1042
management of its affairs. 1043

(E) A humane society that organized as a branch of the 1044
Ohio humane society prior to the effective date of this 1045
amendment shall continue to have the same powers and duties that 1046
were authorized on March 1, 2019. Such a humane society is 1047
considered to be a county humane society organized under this 1048
section for purposes of this chapter and any other laws 1049
regarding county humane societies. 1050

Sec. 1717.06. (A) A county humane society organized under 1051
section 1717.05 of the Revised Code may appoint humane society 1052
agents for the purpose of prosecuting any person guilty of an 1053
act of cruelty to ~~persons or~~ animals. Such agents may arrest any 1054
person found violating this chapter or any other law for 1055
protecting ~~persons or~~ animals or preventing acts of cruelty 1056
thereto. Upon making an arrest, the humane society agent 1057
~~forthwith~~ shall convey the person arrested before ~~some~~ a court 1058
or magistrate having jurisdiction of the offense, and there make 1059
complaint against the person on oath or affirmation of the 1060
offense. 1061

~~All appointments of agents~~ (B) A humane society agent that 1062
was appointed prior to the effective date of this amendment by a 1063
branch of the Ohio humane society is considered to be a humane 1064

society agent appointed under this section for purposes of this 1065
chapter and any other laws regarding humane society agents. 1066

(C) (1) The appointment of an agent under this section is 1067
subject to the requirements of section 1717.061 of the Revised 1068
Code, and is not final until the appointment has been approved 1069
under division (C) (2) of this section. 1070

(2) The appointment of an agent under this section shall 1071
be does not take effect unless it has been approved by the mayor 1072
of the municipal corporation for which they are it is made. If 1073
the society exists operates outside a municipal corporation, 1074
such appointments shall be the appointment does not take effect 1075
until it has been approved by the probate judge of the county 1076
for which they are it is made. The mayor or probate judge shall 1077
keep a record of such the appointments and shall maintain as a 1078
public record a copy of the proof of successful completion of 1079
training for each humane society agent acting within the 1080
approving authority's jurisdiction. 1081

In order to qualify for appointment as a humane agent 1082
under this section, a person first shall successfully complete a 1083
minimum of twenty hours of training on issues relating to the 1084
investigation and prosecution of cruelty to and neglect of 1085
animals. The training shall comply with rules recommended by the 1086
peace officer training commission under section 109.73 of the 1087
Revised Code and shall include, without limitation, instruction 1088
regarding animal husbandry practices as described in division 1089
(A) (12) of that section. A person who has been appointed as a 1090
humane agent under this section prior to April 9, 2003, may 1091
continue to act as a humane agent for a period of time on and 1092
after April 9, 2003, without completing the training. However, 1093
on or before December 31, 2004, a person who has been appointed 1094

~~as a humane agent under this section prior to April 9, 2003,~~ 1095
~~shall successfully complete the training described in this~~ 1096
~~paragraph and submit proof of its successful completion to the~~ 1097
~~appropriate appointing mayor or probate judge in order to~~ 1098
~~continue to act as a humane agent after December 31, 2004.~~ 1099

(D) The approving authority shall notify the appropriate 1100
county sheriff and the board of county commissioners when the 1101
appointment of a humane society agent has been approved and, not 1102
later than two business days after the appointment has been 1103
approved, shall file a copy of the proof of successful 1104
completion of training with the sheriff. The county sheriff 1105
shall maintain as a public record a copy of the proof for each 1106
humane society agent that is operating in the county. 1107

(E) A humane society shall notify the county sheriff and 1108
the approving authority when all approved humane society agents 1109
have ceased to perform the duties of the appointment and there 1110
are no humane society agents operating in the county. 1111

~~An agent of a county~~ (F) A humane society agent only has 1112
the specific authority granted to the agent under ~~this section~~ 1113
~~and section 1717.08 of the Revised Code.~~ 1114

Sec. 1717.061. In order to qualify for appointment as a 1115
humane society agent under section 1717.06 of the Revised Code, 1116
an individual shall do both of the following: 1117

(A) Successfully complete a minimum of twenty hours of 1118
training on issues relating to the investigation and prosecution 1119
of cruelty to and neglect of animals. The training shall comply 1120
with rules recommended by the peace officer training commission 1121
under section 109.73 of the Revised Code and shall include, 1122
without limitation, instruction regarding animal husbandry 1123

practices as described in division (A) (12) of that section. 1124

(B) Present proof of successful completion of training, 1125
that has been signed by the chief executive officer of the 1126
organization or entity that provided the training, or the 1127
officer's designee, to the current active approving authority 1128
for approval. 1129

Sec. 1717.062. (A) An individual who has reasonable cause 1130
to believe that a humane society agent has not successfully 1131
completed the training that is required under section 1717.061 1132
of the Revised Code or who has reasonable cause to believe that 1133
an agent's proof of successful completion of training contains 1134
false or misleading information may file a complaint, in the 1135
form of a affidavit sworn to by the individual, with the current 1136
acting authority that is responsible for considering approval of 1137
agent appointments within the jurisdiction. The authority shall 1138
notify the agent's humane society, and shall investigate the 1139
complaint. 1140

(B) If the authority finds that the agent has not provided 1141
signed proof of successful completion of training as required 1142
under section 1717.061 of the Revised Code, the authority shall 1143
provide written notification to the agent's humane society to 1144
inform the society that the agent has a right to cure period of 1145
thirty days from the date of the notification. If the agent has 1146
not provided signed proof by the end of the right to cure 1147
period, the authority shall rescind the approval of the 1148
appointment and order the applicable humane society to revoke 1149
the appointment. 1150

(C) If the authority finds that the agent knowingly 1151
provided proof of successful completion of training that 1152
contains false or misleading information, the authority shall 1153

rescind the approval of the appointment and order the applicable 1154
humane society to revoke the appointment. 1155

(D) The applicable humane society shall file written 1156
notice with the county sheriff of the revocation under this 1157
section of a humane society agent's appointment. 1158

Sec. 1717.07. Upon the approval by the mayor of a 1159
municipal corporation of the appointment of an agent under 1160
section 1717.06 of the Revised Code, the legislative authority 1161
of such municipal corporation shall pay monthly to such agent, 1162
from the general revenue fund of the municipal corporation, ~~such-~~ 1163
~~the salary as that~~ the legislative authority ~~deems~~ considers 1164
just and reasonable. Upon the approval by the probate judge of a 1165
county of such an appointment, the board of county commissioners 1166
of ~~such the~~ county shall pay monthly to ~~such the~~ agent, from the 1167
general ~~revenue~~ fund of the county, ~~such or from the dog and~~ 1168
kennel fund of the county, the salary as that the board ~~deems-~~ 1169
considers just and reasonable. Such board and such legislative 1170
authority may agree upon the amount each is to pay ~~such the~~ 1171
agent monthly. The salary to be paid monthly to ~~such the~~ agent 1172
by the legislative authority of a village shall be not less than 1173
~~five twenty-five~~ dollars; by the legislative authority of a 1174
city, not less than ~~twenty one hundred twenty-five~~ dollars; and 1175
by the board of county commissioners of a county, not less than 1176
~~twenty five one hundred fifty~~ dollars. Beginning January 1, 1177
2020, and on the first day of January every five years 1178
thereafter, these minimum salary amounts shall increase by five 1179
dollars. Not more than one such agent in each county shall 1180
receive remuneration from the board under this section. 1181

Sec. 1717.08. An officer, agent, or member ~~of the Ohio~~ 1182
~~humane society or~~ of a county humane society may interfere to 1183

prevent the perpetration of any act of cruelty to animals in ~~his~~ 1184
the officer's, agent's, or member's presence, may use such force 1185
as is necessary to prevent it, and to that end may summon to 1186
~~his~~ the officer's, agent's, or member's aid any bystanders. 1187

Sec. 1717.09. A member ~~of the Ohio humane society or~~ of a 1188
county humane society may require the sheriff of any county, the 1189
constable of any township, the marshal or a ~~policeman~~ police 1190
officer of any municipal corporation, or any agent of such a 1191
society, to arrest any person found violating the laws in 1192
relation to cruelty to ~~persons or~~ animals, and to take 1193
possession of any animal cruelly treated in their respective 1194
counties or municipal corporations, and deliver such animal to 1195
the proper officers of the society. 1196

Sec. 1717.10. For all services rendered in carrying out 1197
sections 1717.01 to ~~1717.14, inclusive,~~ 1717.18 of the Revised 1198
Code, a sheriff, constable, marshal, or ~~policeman~~ police officer 1199
shall be paid such fees as ~~he~~ the sheriff, constable, marshal, 1200
or police officer is allowed for like services in other cases. 1201
Such fees must be charged as costs, and reimbursed to the humane 1202
society by the person convicted. 1203

Sec. 1717.16. (A) Annually, a county humane society shall 1204
submit enforcement activity reports to the county sheriff. 1205

(B) Records of an enforcement activity by a humane society 1206
agent are public records under section 149.43 of the Revised 1207
Code, except that any such records that are confidential law 1208
enforcement investigatory records, as defined in division (A) (2) 1209
of section 149.43 of the Revised Code, are not public records. 1210

Sec. 1717.17. (A) A probate judge of a county in which a 1211
humane society agent operates may revoke the approval of an 1212

appointment for just cause, under the procedure established in 1213
division (B) of this section. 1214

(B)(1) A movant may commence the procedure by filing with 1215
the probate court a motion to revoke the appointment, in the 1216
form of an affidavit sworn to by the movant, describing the 1217
conduct that constitutes just cause for the motion. The probate 1218
judge, upon a review of the facts, may dismiss the motion 1219
without a hearing, or shall direct the clerk of the probate 1220
court to serve the humane society agent and the humane society 1221
with a summons and a copy of the motion and any accompanying 1222
memorandum in accordance with the Rules of Civil Procedure. The 1223
summons must state the time and place at which the probate court 1224
will conduct a hearing on the motion. 1225

(2) The humane society agent may waive the right to a 1226
hearing. If the humane society agent waives the right to a 1227
hearing, the probate judge shall revoke the humane society 1228
agent's approval of appointment as prayed for in the motion. If 1229
the humane society agent does not waive the right to a hearing, 1230
the probate judge shall conduct a hearing on the motion. 1231

(3) The humane society agent is entitled to the assistance 1232
of counsel at the hearing. The Rules of Evidence govern conduct 1233
of the hearing. At the hearing, the movant has the burden of 1234
proving, by a preponderance of the evidence, that just cause 1235
exists for the revocation of the humane society agent's 1236
appointment. 1237

(4) If, after the hearing, the probate judge finds that 1238
the movant has not sustained the burden of proof, the probate 1239
judge shall deny the motion. If, after the hearing, the probate 1240
judge finds that the movant has sustained the burden of proof, 1241
the probate judge shall grant the motion and revoke the humane 1242

society agent's approval of appointment. 1243

Sec. 1717.18. (A) A humane society may not enter into a 1244
written agreement with a person, wherein the humane society 1245
agrees not to prosecute the person for an alleged violation of 1246
law, unless the proposed agreement has been reviewed and 1247
approved by the judge that has presided over the hearing that is 1248
required to determine if the officer had probable cause to seize 1249
the animal, and which is related to the case that is the subject 1250
of the agreement. As part of the review, if bond has previously 1251
been set, the judge shall reconsider whether or not the amount 1252
of the bond determined by the court to be needed for the 1253
animal's care is necessary and reasonable. A judge shall not 1254
approve a nonprosecution agreement that requires a person to 1255
provide financial compensation that is in excess of what is 1256
necessary and reasonable for the animal's care for the duration 1257
of the impoundment. 1258

(B) A nonprosecution agreement between a humane society 1259
and a person, as described in division (A) of this section, is 1260
void and unenforceable unless it has been approved under 1261
division (A) of this section. 1262

Sec. 2151.421. (A) (1) (a) No person described in division 1263
(A) (1) (b) of this section who is acting in an official or 1264
professional capacity and knows, or has reasonable cause to 1265
suspect based on facts that would cause a reasonable person in a 1266
similar position to suspect, that a child under eighteen years 1267
of age, or a person under twenty-one years of age with a 1268
developmental disability or physical impairment, has suffered or 1269
faces a threat of suffering any physical or mental wound, 1270
injury, disability, or condition of a nature that reasonably 1271
indicates abuse or neglect of the child shall fail to 1272

immediately report that knowledge or reasonable cause to suspect 1273
to the entity or persons specified in this division. Except as 1274
otherwise provided in this division or section 5120.173 of the 1275
Revised Code, the person making the report shall make it to the 1276
public children services agency or a peace officer in the county 1277
in which the child resides or in which the abuse or neglect is 1278
occurring or has occurred. If the person making the report is a 1279
peace officer, the officer shall make it to the public children 1280
services agency in the county in which the child resides or in 1281
which the abuse or neglect is occurring or has occurred. In the 1282
circumstances described in section 5120.173 of the Revised Code, 1283
the person making the report shall make it to the entity 1284
specified in that section. 1285

(b) Division (A) (1) (a) of this section applies to any 1286
person who is an attorney; health care professional; 1287
practitioner of a limited branch of medicine as specified in 1288
section 4731.15 of the Revised Code; licensed school 1289
psychologist; independent marriage and family therapist or 1290
marriage and family therapist; coroner; administrator or 1291
employee of a child day-care center; administrator or employee 1292
of a residential camp, child day camp, or private, nonprofit 1293
therapeutic wilderness camp; administrator or employee of a 1294
certified child care agency or other public or private children 1295
services agency; school teacher; school employee; school 1296
authority; peace officer; ~~agent of a county~~ humane society 1297
agent; person, other than a cleric, rendering spiritual 1298
treatment through prayer in accordance with the tenets of a 1299
well-recognized religion; employee of a county department of job 1300
and family services who is a professional and who works with 1301
children and families; superintendent or regional administrator 1302
employed by the department of youth services; superintendent, 1303

board member, or employee of a county board of developmental 1304
disabilities; investigative agent contracted with by a county 1305
board of developmental disabilities; employee of the department 1306
of developmental disabilities; employee of a facility or home 1307
that provides respite care in accordance with section 5123.171 1308
of the Revised Code; employee of an entity that provides 1309
homemaker services; a person performing the duties of an 1310
assessor pursuant to Chapter 3107. or 5103. of the Revised Code; 1311
third party employed by a public children services agency to 1312
assist in providing child or family related services; court 1313
appointed special advocate; or guardian ad litem. 1314

(c) If two or more health care professionals, after 1315
providing health care services to a child, determine or suspect 1316
that the child has been or is being abused or neglected, the 1317
health care professionals may designate one of the health care 1318
professionals to report the abuse or neglect. A single report 1319
made under this division shall meet the reporting requirements 1320
of division (A) (1) of this section. 1321

(2) Except as provided in division (A) (3) of this section, 1322
an attorney or a physician is not required to make a report 1323
pursuant to division (A) (1) of this section concerning any 1324
communication the attorney or physician receives from a client 1325
or patient in an attorney-client or physician-patient 1326
relationship, if, in accordance with division (A) or (B) of 1327
section 2317.02 of the Revised Code, the attorney or physician 1328
could not testify with respect to that communication in a civil 1329
or criminal proceeding. 1330

(3) The client or patient in an attorney-client or 1331
physician-patient relationship described in division (A) (2) of 1332
this section is deemed to have waived any testimonial privilege 1333

under division (A) or (B) of section 2317.02 of the Revised Code 1334
with respect to any communication the attorney or physician 1335
receives from the client or patient in that attorney-client or 1336
physician-patient relationship, and the attorney or physician 1337
shall make a report pursuant to division (A)(1) of this section 1338
with respect to that communication, if all of the following 1339
apply: 1340

(a) The client or patient, at the time of the 1341
communication, is a child under eighteen years of age or is a 1342
person under twenty-one years of age with a developmental 1343
disability or physical impairment. 1344

(b) The attorney or physician knows, or has reasonable 1345
cause to suspect based on facts that would cause a reasonable 1346
person in similar position to suspect that the client or patient 1347
has suffered or faces a threat of suffering any physical or 1348
mental wound, injury, disability, or condition of a nature that 1349
reasonably indicates abuse or neglect of the client or patient. 1350

(c) The abuse or neglect does not arise out of the 1351
client's or patient's attempt to have an abortion without the 1352
notification of her parents, guardian, or custodian in 1353
accordance with section 2151.85 of the Revised Code. 1354

(4) (a) No cleric and no person, other than a volunteer, 1355
designated by any church, religious society, or faith acting as 1356
a leader, official, or delegate on behalf of the church, 1357
religious society, or faith who is acting in an official or 1358
professional capacity, who knows, or has reasonable cause to 1359
believe based on facts that would cause a reasonable person in a 1360
similar position to believe, that a child under eighteen years 1361
of age, or a person under twenty-one years of age with a 1362
developmental disability or physical impairment, has suffered or 1363

faces a threat of suffering any physical or mental wound, 1364
injury, disability, or condition of a nature that reasonably 1365
indicates abuse or neglect of the child, and who knows, or has 1366
reasonable cause to believe based on facts that would cause a 1367
reasonable person in a similar position to believe, that another 1368
cleric or another person, other than a volunteer, designated by 1369
a church, religious society, or faith acting as a leader, 1370
official, or delegate on behalf of the church, religious 1371
society, or faith caused, or poses the threat of causing, the 1372
wound, injury, disability, or condition that reasonably 1373
indicates abuse or neglect shall fail to immediately report that 1374
knowledge or reasonable cause to believe to the entity or 1375
persons specified in this division. Except as provided in 1376
section 5120.173 of the Revised Code, the person making the 1377
report shall make it to the public children services agency or a 1378
peace officer in the county in which the child resides or in 1379
which the abuse or neglect is occurring or has occurred. In the 1380
circumstances described in section 5120.173 of the Revised Code, 1381
the person making the report shall make it to the entity 1382
specified in that section. 1383

(b) Except as provided in division (A) (4) (c) of this 1384
section, a cleric is not required to make a report pursuant to 1385
division (A) (4) (a) of this section concerning any communication 1386
the cleric receives from a penitent in a cleric-penitent 1387
relationship, if, in accordance with division (C) of section 1388
2317.02 of the Revised Code, the cleric could not testify with 1389
respect to that communication in a civil or criminal proceeding. 1390

(c) The penitent in a cleric-penitent relationship 1391
described in division (A) (4) (b) of this section is deemed to 1392
have waived any testimonial privilege under division (C) of 1393
section 2317.02 of the Revised Code with respect to any 1394

communication the cleric receives from the penitent in that 1395
cleric-penitent relationship, and the cleric shall make a report 1396
pursuant to division (A) (4) (a) of this section with respect to 1397
that communication, if all of the following apply: 1398

(i) The penitent, at the time of the communication, is a 1399
child under eighteen years of age or is a person under twenty- 1400
one years of age with a developmental disability or physical 1401
impairment. 1402

(ii) The cleric knows, or has reasonable cause to believe 1403
based on facts that would cause a reasonable person in a similar 1404
position to believe, as a result of the communication or any 1405
observations made during that communication, the penitent has 1406
suffered or faces a threat of suffering any physical or mental 1407
wound, injury, disability, or condition of a nature that 1408
reasonably indicates abuse or neglect of the penitent. 1409

(iii) The abuse or neglect does not arise out of the 1410
penitent's attempt to have an abortion performed upon a child 1411
under eighteen years of age or upon a person under twenty-one 1412
years of age with a developmental disability or physical 1413
impairment without the notification of her parents, guardian, or 1414
custodian in accordance with section 2151.85 of the Revised 1415
Code. 1416

(d) Divisions (A) (4) (a) and (c) of this section do not 1417
apply in a cleric-penitent relationship when the disclosure of 1418
any communication the cleric receives from the penitent is in 1419
violation of the sacred trust. 1420

(e) As used in divisions (A) (1) and (4) of this section, 1421
"cleric" and "sacred trust" have the same meanings as in section 1422
2317.02 of the Revised Code. 1423

(B) Anyone who knows, or has reasonable cause to suspect 1424
based on facts that would cause a reasonable person in similar 1425
circumstances to suspect, that a child under eighteen years of 1426
age, or a person under twenty-one years of age with a 1427
developmental disability or physical impairment, has suffered or 1428
faces a threat of suffering any physical or mental wound, 1429
injury, disability, or other condition of a nature that 1430
reasonably indicates abuse or neglect of the child may report or 1431
cause reports to be made of that knowledge or reasonable cause 1432
to suspect to the entity or persons specified in this division. 1433
Except as provided in section 5120.173 of the Revised Code, a 1434
person making a report or causing a report to be made under this 1435
division shall make it or cause it to be made to the public 1436
children services agency or to a peace officer. In the 1437
circumstances described in section 5120.173 of the Revised Code, 1438
a person making a report or causing a report to be made under 1439
this division shall make it or cause it to be made to the entity 1440
specified in that section. 1441

(C) Any report made pursuant to division (A) or (B) of 1442
this section shall be made forthwith either by telephone or in 1443
person and shall be followed by a written report, if requested 1444
by the receiving agency or officer. The written report shall 1445
contain: 1446

(1) The names and addresses of the child and the child's 1447
parents or the person or persons having custody of the child, if 1448
known; 1449

(2) The child's age and the nature and extent of the 1450
child's injuries, abuse, or neglect that is known or reasonably 1451
suspected or believed, as applicable, to have occurred or of the 1452
threat of injury, abuse, or neglect that is known or reasonably 1453

suspected or believed, as applicable, to exist, including any 1454
evidence of previous injuries, abuse, or neglect; 1455

(3) Any other information, including, but not limited to, 1456
results and reports of any medical examinations, tests, or 1457
procedures performed under division (D) of this section, that 1458
might be helpful in establishing the cause of the injury, abuse, 1459
or neglect that is known or reasonably suspected or believed, as 1460
applicable, to have occurred or of the threat of injury, abuse, 1461
or neglect that is known or reasonably suspected or believed, as 1462
applicable, to exist. 1463

(D) (1) Any person, who is required by division (A) of this 1464
section to report child abuse or child neglect that is known or 1465
reasonably suspected or believed to have occurred, may take or 1466
cause to be taken color photographs of areas of trauma visible 1467
on a child and, if medically necessary for the purpose of 1468
diagnosing or treating injuries that are suspected to have 1469
occurred as a result of child abuse or child neglect, perform or 1470
cause to be performed radiological examinations and any other 1471
medical examinations of, and tests or procedures on, the child. 1472

(2) The results and any available reports of examinations, 1473
tests, or procedures made under division (D) (1) of this section 1474
shall be included in a report made pursuant to division (A) of 1475
this section. Any additional reports of examinations, tests, or 1476
procedures that become available shall be provided to the public 1477
children services agency, upon request. 1478

(3) If a health care professional provides health care 1479
services in a hospital, children's advocacy center, or emergency 1480
medical facility to a child about whom a report has been made 1481
under division (A) of this section, the health care professional 1482
may take any steps that are reasonably necessary for the release 1483

or discharge of the child to an appropriate environment. Before 1484
the child's release or discharge, the health care professional 1485
may obtain information, or consider information obtained, from 1486
other entities or individuals that have knowledge about the 1487
child. Nothing in division (D) (3) of this section shall be 1488
construed to alter the responsibilities of any person under 1489
sections 2151.27 and 2151.31 of the Revised Code. 1490

(4) A health care professional may conduct medical 1491
examinations, tests, or procedures on the siblings of a child 1492
about whom a report has been made under division (A) of this 1493
section and on other children who reside in the same home as the 1494
child, if the professional determines that the examinations, 1495
tests, or procedures are medically necessary to diagnose or 1496
treat the siblings or other children in order to determine 1497
whether reports under division (A) of this section are warranted 1498
with respect to such siblings or other children. The results of 1499
the examinations, tests, or procedures on the siblings and other 1500
children may be included in a report made pursuant to division 1501
(A) of this section. 1502

(5) Medical examinations, tests, or procedures conducted 1503
under divisions (D) (1) and (4) of this section and decisions 1504
regarding the release or discharge of a child under division (D) 1505
(3) of this section do not constitute a law enforcement 1506
investigation or activity. 1507

(E) (1) When a peace officer receives a report made 1508
pursuant to division (A) or (B) of this section, upon receipt of 1509
the report, the peace officer who receives the report shall 1510
refer the report to the appropriate public children services 1511
agency, unless an arrest is made at the time of the report that 1512
results in the appropriate public children services agency being 1513

contacted concerning the possible abuse or neglect of a child or 1514
the possible threat of abuse or neglect of a child. 1515

(2) When a public children services agency receives a 1516
report pursuant to this division or division (A) or (B) of this 1517
section, upon receipt of the report, the public children 1518
services agency shall do both of the following: 1519

(a) Comply with section 2151.422 of the Revised Code; 1520

(b) If the county served by the agency is also served by a 1521
children's advocacy center and the report alleges sexual abuse 1522
of a child or another type of abuse of a child that is specified 1523
in the memorandum of understanding that creates the center as 1524
being within the center's jurisdiction, comply regarding the 1525
report with the protocol and procedures for referrals and 1526
investigations, with the coordinating activities, and with the 1527
authority or responsibility for performing or providing 1528
functions, activities, and services stipulated in the 1529
interagency agreement entered into under section 2151.428 of the 1530
Revised Code relative to that center. 1531

(F) No peace officer shall remove a child about whom a 1532
report is made pursuant to this section from the child's 1533
parents, stepparents, or guardian or any other persons having 1534
custody of the child without consultation with the public 1535
children services agency, unless, in the judgment of the 1536
officer, and, if the report was made by physician, the 1537
physician, immediate removal is considered essential to protect 1538
the child from further abuse or neglect. The agency that must be 1539
consulted shall be the agency conducting the investigation of 1540
the report as determined pursuant to section 2151.422 of the 1541
Revised Code. 1542

(G) (1) Except as provided in section 2151.422 of the 1543
Revised Code or in an interagency agreement entered into under 1544
section 2151.428 of the Revised Code that applies to the 1545
particular report, the public children services agency shall 1546
investigate, within twenty-four hours, each report of child 1547
abuse or child neglect that is known or reasonably suspected or 1548
believed to have occurred and of a threat of child abuse or 1549
child neglect that is known or reasonably suspected or believed 1550
to exist that is referred to it under this section to determine 1551
the circumstances surrounding the injuries, abuse, or neglect or 1552
the threat of injury, abuse, or neglect, the cause of the 1553
injuries, abuse, neglect, or threat, and the person or persons 1554
responsible. The investigation shall be made in cooperation with 1555
the law enforcement agency and in accordance with the memorandum 1556
of understanding prepared under division (K) of this section. A 1557
representative of the public children services agency shall, at 1558
the time of initial contact with the person subject to the 1559
investigation, inform the person of the specific complaints or 1560
allegations made against the person. The information shall be 1561
given in a manner that is consistent with division (I) (1) of 1562
this section and protects the rights of the person making the 1563
report under this section. 1564

A failure to make the investigation in accordance with the 1565
memorandum is not grounds for, and shall not result in, the 1566
dismissal of any charges or complaint arising from the report or 1567
the suppression of any evidence obtained as a result of the 1568
report and does not give, and shall not be construed as giving, 1569
any rights or any grounds for appeal or post-conviction relief 1570
to any person. The public children services agency shall report 1571
each case to the uniform statewide automated child welfare 1572
information system that the department of job and family 1573

services shall maintain in accordance with section 5101.13 of 1574
the Revised Code. The public children services agency shall 1575
submit a report of its investigation, in writing, to the law 1576
enforcement agency. 1577

(2) The public children services agency shall make any 1578
recommendations to the county prosecuting attorney or city 1579
director of law that it considers necessary to protect any 1580
children that are brought to its attention. 1581

(H) (1) (a) Except as provided in divisions (H) (1) (b) and 1582
(I) (3) of this section, any person, health care professional, 1583
hospital, institution, school, health department, or agency 1584
shall be immune from any civil or criminal liability for injury, 1585
death, or loss to person or property that otherwise might be 1586
incurred or imposed as a result of any of the following: 1587

(i) Participating in the making of reports pursuant to 1588
division (A) of this section or in the making of reports in good 1589
faith, pursuant to division (B) of this section; 1590

(ii) Participating in medical examinations, tests, or 1591
procedures under division (D) of this section; 1592

(iii) Providing information used in a report made pursuant 1593
to division (A) of this section or providing information in good 1594
faith used in a report made pursuant to division (B) of this 1595
section; 1596

(iv) Participating in a judicial proceeding resulting from 1597
a report made pursuant to division (A) of this section or 1598
participating in good faith in a proceeding resulting from a 1599
report made pursuant to division (B) of this section. 1600

(b) Immunity under division (H) (1) (a) (ii) of this section 1601
shall not apply when a health care provider has deviated from 1602

the standard of care applicable to the provider's profession. 1603

(c) Notwithstanding section 4731.22 of the Revised Code, 1604
the physician-patient privilege shall not be a ground for 1605
excluding evidence regarding a child's injuries, abuse, or 1606
neglect, or the cause of the injuries, abuse, or neglect in any 1607
judicial proceeding resulting from a report submitted pursuant 1608
to this section. 1609

(2) In any civil or criminal action or proceeding in which 1610
it is alleged and proved that participation in the making of a 1611
report under this section was not in good faith or participation 1612
in a judicial proceeding resulting from a report made under this 1613
section was not in good faith, the court shall award the 1614
prevailing party reasonable attorney's fees and costs and, if a 1615
civil action or proceeding is voluntarily dismissed, may award 1616
reasonable attorney's fees and costs to the party against whom 1617
the civil action or proceeding is brought. 1618

(I) (1) Except as provided in divisions (I) (4) and (O) of 1619
this section, a report made under this section is confidential. 1620
The information provided in a report made pursuant to this 1621
section and the name of the person who made the report shall not 1622
be released for use, and shall not be used, as evidence in any 1623
civil action or proceeding brought against the person who made 1624
the report. Nothing in this division shall preclude the use of 1625
reports of other incidents of known or suspected abuse or 1626
neglect in a civil action or proceeding brought pursuant to 1627
division (N) of this section against a person who is alleged to 1628
have violated division (A) (1) of this section, provided that any 1629
information in a report that would identify the child who is the 1630
subject of the report or the maker of the report, if the maker 1631
of the report is not the defendant or an agent or employee of 1632

the defendant, has been redacted. In a criminal proceeding, the 1633
report is admissible in evidence in accordance with the Rules of 1634
Evidence and is subject to discovery in accordance with the 1635
Rules of Criminal Procedure. 1636

(2) (a) Except as provided in division (I) (2) (b) of this 1637
section, no person shall permit or encourage the unauthorized 1638
dissemination of the contents of any report made under this 1639
section. 1640

(b) A health care professional that obtains the same 1641
information contained in a report made under this section from a 1642
source other than the report may disseminate the information, if 1643
its dissemination is otherwise permitted by law. 1644

(3) A person who knowingly makes or causes another person 1645
to make a false report under division (B) of this section that 1646
alleges that any person has committed an act or omission that 1647
resulted in a child being an abused child or a neglected child 1648
is guilty of a violation of section 2921.14 of the Revised Code. 1649

(4) If a report is made pursuant to division (A) or (B) of 1650
this section and the child who is the subject of the report dies 1651
for any reason at any time after the report is made, but before 1652
the child attains eighteen years of age, the public children 1653
services agency or peace officer to which the report was made or 1654
referred, on the request of the child fatality review board or 1655
the director of health pursuant to guidelines established under 1656
section 3701.70 of the Revised Code, shall submit a summary 1657
sheet of information providing a summary of the report to the 1658
review board of the county in which the deceased child resided 1659
at the time of death or to the director. On the request of the 1660
review board or director, the agency or peace officer may, at 1661
its discretion, make the report available to the review board or 1662

director. If the county served by the public children services 1663
agency is also served by a children's advocacy center and the 1664
report of alleged sexual abuse of a child or another type of 1665
abuse of a child is specified in the memorandum of understanding 1666
that creates the center as being within the center's 1667
jurisdiction, the agency or center shall perform the duties and 1668
functions specified in this division in accordance with the 1669
interagency agreement entered into under section 2151.428 of the 1670
Revised Code relative to that advocacy center. 1671

(5) A public children services agency shall advise a 1672
person alleged to have inflicted abuse or neglect on a child who 1673
is the subject of a report made pursuant to this section, 1674
including a report alleging sexual abuse of a child or another 1675
type of abuse of a child referred to a children's advocacy 1676
center pursuant to an interagency agreement entered into under 1677
section 2151.428 of the Revised Code, in writing of the 1678
disposition of the investigation. The agency shall not provide 1679
to the person any information that identifies the person who 1680
made the report, statements of witnesses, or police or other 1681
investigative reports. 1682

(J) Any report that is required by this section, other 1683
than a report that is made to the state highway patrol as 1684
described in section 5120.173 of the Revised Code, shall result 1685
in protective services and emergency supportive services being 1686
made available by the public children services agency on behalf 1687
of the children about whom the report is made, in an effort to 1688
prevent further neglect or abuse, to enhance their welfare, and, 1689
whenever possible, to preserve the family unit intact. The 1690
agency required to provide the services shall be the agency 1691
conducting the investigation of the report pursuant to section 1692
2151.422 of the Revised Code. 1693

(K) (1) Each public children services agency shall prepare 1694
a memorandum of understanding that is signed by all of the 1695
following: 1696

(a) If there is only one juvenile judge in the county, the 1697
juvenile judge of the county or the juvenile judge's 1698
representative; 1699

(b) If there is more than one juvenile judge in the 1700
county, a juvenile judge or the juvenile judges' representative 1701
selected by the juvenile judges or, if they are unable to do so 1702
for any reason, the juvenile judge who is senior in point of 1703
service or the senior juvenile judge's representative; 1704

(c) The county peace officer; 1705

(d) All chief municipal peace officers within the county; 1706

(e) Other law enforcement officers handling child abuse 1707
and neglect cases in the county; 1708

(f) The prosecuting attorney of the county; 1709

(g) If the public children services agency is not the 1710
county department of job and family services, the county 1711
department of job and family services; 1712

(h) The county humane society; 1713

(i) If the public children services agency participated in 1714
the execution of a memorandum of understanding under section 1715
2151.426 of the Revised Code establishing a children's advocacy 1716
center, each participating member of the children's advocacy 1717
center established by the memorandum. 1718

(2) A memorandum of understanding shall set forth the 1719
normal operating procedure to be employed by all concerned 1720

officials in the execution of their respective responsibilities 1721
under this section and division (C) of section 2919.21, division 1722
(B) (1) of section 2919.22, division (B) of section 2919.23, and 1723
section 2919.24 of the Revised Code and shall have as two of its 1724
primary goals the elimination of all unnecessary interviews of 1725
children who are the subject of reports made pursuant to 1726
division (A) or (B) of this section and, when feasible, 1727
providing for only one interview of a child who is the subject 1728
of any report made pursuant to division (A) or (B) of this 1729
section. A failure to follow the procedure set forth in the 1730
memorandum by the concerned officials is not grounds for, and 1731
shall not result in, the dismissal of any charges or complaint 1732
arising from any reported case of abuse or neglect or the 1733
suppression of any evidence obtained as a result of any reported 1734
child abuse or child neglect and does not give, and shall not be 1735
construed as giving, any rights or any grounds for appeal or 1736
post-conviction relief to any person. 1737

(3) A memorandum of understanding shall include all of the 1738
following: 1739

(a) The roles and responsibilities for handling emergency 1740
and nonemergency cases of abuse and neglect; 1741

(b) Standards and procedures to be used in handling and 1742
coordinating investigations of reported cases of child abuse and 1743
reported cases of child neglect, methods to be used in 1744
interviewing the child who is the subject of the report and who 1745
allegedly was abused or neglected, and standards and procedures 1746
addressing the categories of persons who may interview the child 1747
who is the subject of the report and who allegedly was abused or 1748
neglected. 1749

(4) If a public children services agency participated in 1750

the execution of a memorandum of understanding under section 1751
2151.426 of the Revised Code establishing a children's advocacy 1752
center, the agency shall incorporate the contents of that 1753
memorandum in the memorandum prepared pursuant to this section. 1754

(5) The clerk of the court of common pleas in the county 1755
may sign the memorandum of understanding prepared under division 1756
(K) (1) of this section. If the clerk signs the memorandum of 1757
understanding, the clerk shall execute all relevant 1758
responsibilities as required of officials specified in the 1759
memorandum. 1760

(L) (1) Except as provided in division (L) (4) or (5) of 1761
this section, a person who is required to make a report pursuant 1762
to division (A) of this section may make a reasonable number of 1763
requests of the public children services agency that receives or 1764
is referred the report, or of the children's advocacy center 1765
that is referred the report if the report is referred to a 1766
children's advocacy center pursuant to an interagency agreement 1767
entered into under section 2151.428 of the Revised Code, to be 1768
provided with the following information: 1769

(a) Whether the agency or center has initiated an 1770
investigation of the report; 1771

(b) Whether the agency or center is continuing to 1772
investigate the report; 1773

(c) Whether the agency or center is otherwise involved 1774
with the child who is the subject of the report; 1775

(d) The general status of the health and safety of the 1776
child who is the subject of the report; 1777

(e) Whether the report has resulted in the filing of a 1778
complaint in juvenile court or of criminal charges in another 1779

court. 1780

(2) A person may request the information specified in 1781
division (L)(1) of this section only if, at the time the report 1782
is made, the person's name, address, and telephone number are 1783
provided to the person who receives the report. 1784

When a peace officer or employee of a public children 1785
services agency receives a report pursuant to division (A) or 1786
(B) of this section the recipient of the report shall inform the 1787
person of the right to request the information described in 1788
division (L)(1) of this section. The recipient of the report 1789
shall include in the initial child abuse or child neglect report 1790
that the person making the report was so informed and, if 1791
provided at the time of the making of the report, shall include 1792
the person's name, address, and telephone number in the report. 1793

Each request is subject to verification of the identity of 1794
the person making the report. If that person's identity is 1795
verified, the agency shall provide the person with the 1796
information described in division (L)(1) of this section a 1797
reasonable number of times, except that the agency shall not 1798
disclose any confidential information regarding the child who is 1799
the subject of the report other than the information described 1800
in those divisions. 1801

(3) A request made pursuant to division (L)(1) of this 1802
section is not a substitute for any report required to be made 1803
pursuant to division (A) of this section. 1804

(4) If an agency other than the agency that received or 1805
was referred the report is conducting the investigation of the 1806
report pursuant to section 2151.422 of the Revised Code, the 1807
agency conducting the investigation shall comply with the 1808

requirements of division (L) of this section. 1809

(5) A health care professional who made a report under 1810
division (A) of this section, or on whose behalf such a report 1811
was made as provided in division (A)(1)(c) of this section, may 1812
authorize a person to obtain the information described in 1813
division (L)(1) of this section if the person requesting the 1814
information is associated with or acting on behalf of the health 1815
care professional who provided health care services to the child 1816
about whom the report was made. 1817

(M) The director of job and family services shall adopt 1818
rules in accordance with Chapter 119. of the Revised Code to 1819
implement this section. The department of job and family 1820
services may enter into a plan of cooperation with any other 1821
governmental entity to aid in ensuring that children are 1822
protected from abuse and neglect. The department shall make 1823
recommendations to the attorney general that the department 1824
determines are necessary to protect children from child abuse 1825
and child neglect. 1826

(N) Whoever violates division (A) of this section is 1827
liable for compensatory and exemplary damages to the child who 1828
would have been the subject of the report that was not made. A 1829
person who brings a civil action or proceeding pursuant to this 1830
division against a person who is alleged to have violated 1831
division (A)(1) of this section may use in the action or 1832
proceeding reports of other incidents of known or suspected 1833
abuse or neglect, provided that any information in a report that 1834
would identify the child who is the subject of the report or the 1835
maker of the report, if the maker is not the defendant or an 1836
agent or employee of the defendant, has been redacted. 1837

(O) (1) As used in this division: 1838

(a) "Out-of-home care" includes a nonchartered nonpublic school if the alleged child abuse or child neglect, or alleged threat of child abuse or child neglect, described in a report received by a public children services agency allegedly occurred in or involved the nonchartered nonpublic school and the alleged perpetrator named in the report holds a certificate, permit, or license issued by the state board of education under section 3301.071 or Chapter 3319. of the Revised Code.

(b) "Administrator, director, or other chief administrative officer" means the superintendent of the school district if the out-of-home care entity subject to a report made pursuant to this section is a school operated by the district.

(2) No later than the end of the day following the day on which a public children services agency receives a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved an out-of-home care entity, the agency shall provide written notice of the allegations contained in and the person named as the alleged perpetrator in the report to the administrator, director, or other chief administrative officer of the out-of-home care entity that is the subject of the report unless the administrator, director, or other chief administrative officer is named as an alleged perpetrator in the report. If the administrator, director, or other chief administrative officer of an out-of-home care entity is named as an alleged perpetrator in a report of alleged child abuse or child neglect, or a report of an alleged threat of child abuse or child neglect, that allegedly occurred in or involved the out-of-home care entity, the agency shall provide the written notice to the owner or governing board of the out-of-home care entity that is the subject of the report. The agency shall not

provide witness statements or police or other investigative 1870
reports. 1871

(3) No later than three days after the day on which a 1872
public children services agency that conducted the investigation 1873
as determined pursuant to section 2151.422 of the Revised Code 1874
makes a disposition of an investigation involving a report of 1875
alleged child abuse or child neglect, or a report of an alleged 1876
threat of child abuse or child neglect, that allegedly occurred 1877
in or involved an out-of-home care entity, the agency shall send 1878
written notice of the disposition of the investigation to the 1879
administrator, director, or other chief administrative officer 1880
and the owner or governing board of the out-of-home care entity. 1881
The agency shall not provide witness statements or police or 1882
other investigative reports. 1883

(P) As used in this section: 1884

(1) "Children's advocacy center" and "sexual abuse of a 1885
child" have the same meanings as in section 2151.425 of the 1886
Revised Code. 1887

(2) "Health care professional" means an individual who 1888
provides health-related services including a physician, hospital 1889
intern or resident, dentist, podiatrist, registered nurse, 1890
licensed practical nurse, visiting nurse, licensed psychologist, 1891
speech pathologist, audiologist, person engaged in social work 1892
or the practice of professional counseling, and employee of a 1893
home health agency. "Health care professional" does not include 1894
a practitioner of a limited branch of medicine as specified in 1895
section 4731.15 of the Revised Code, licensed school 1896
psychologist, independent marriage and family therapist or 1897
marriage and family therapist, or coroner. 1898

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response.

(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper.

Sec. 2921.02. (A) No person, with purpose to corrupt a public servant or party official, or improperly to influence a public servant or party official with respect to the discharge of the public servant's or party official's duty, whether before or after the public servant or party official is elected, appointed, qualified, employed, summoned, or sworn, shall promise, offer, or give any valuable thing or valuable benefit.

(B) No person, either before or after the person is elected, appointed, qualified, employed, summoned, or sworn as a public servant or party official, shall knowingly solicit or accept for self or another person any valuable thing or valuable benefit to corrupt or improperly influence the person or another public servant or party official with respect to the discharge of the person's or the other public servant's or party official's duty.

(C) No person, with purpose to corrupt a witness or improperly to influence a witness with respect to the witness's testimony in an official proceeding, either before or after the witness is subpoenaed or sworn, shall promise, offer, or give the witness or another person any valuable thing or valuable benefit.

(D) No person, either before or after the person is 1928
subpoenaed or sworn as a witness, shall knowingly solicit or 1929
accept for self or another person any valuable thing or valuable 1930
benefit to corrupt or improperly influence self or another 1931
person with respect to testimony given in an official 1932
proceeding. 1933

(E) No person, with purpose to corrupt a director, 1934
officer, or employee of a municipal school district 1935
transformation alliance established under section 3311.86 of the 1936
Revised Code, or improperly to influence a director, officer, or 1937
employee of a municipal school district transformation alliance 1938
with respect to the discharge of the director's, officer's, or 1939
employee's duties, whether before or after the director, 1940
officer, or employee is appointed or employed, shall promise, 1941
offer, or give the director, officer, or employee any valuable 1942
thing or valuable benefit. 1943

(F) No person, either before or after the person is 1944
appointed or employed as a director, officer, or employee of a 1945
municipal school district transformation alliance established 1946
under section 3311.86 of the Revised Code, shall knowingly 1947
solicit or accept for self or another person any valuable thing 1948
or valuable benefit to corrupt or improperly influence the 1949
person or another director, officer, or employee of a municipal 1950
school district transformation alliance with respect to the 1951
discharge of the person's or other director's, officer's, or 1952
employee's duties. 1953

(G) As used in this section, "public servant" includes a 1954
humane society agent approved under section 1717.06 of the 1955
Revised Code. 1956

(H) Whoever violates this section is guilty of bribery, a 1957

felony of the third degree. 1958

~~(H)~~ (I) A public servant or party official, or director, 1959
officer, or employee of a municipal school district 1960
transformation alliance established under section 3311.86 of the 1961
Revised Code, who is convicted of bribery is forever 1962
disqualified from holding any public office, employment, or 1963
position of trust in this state. 1964

Sec. 2931.18. (A) A humane society ~~or its agent~~ may ~~employ~~ 1965
appoint an attorney, and may also ~~employ~~ appoint one or more 1966
assistant attorneys, to prosecute violations of law relating to 1967

~~(1) Except the prevention of cruelty to animals, except as~~ 1968
provided in division (B) of this section, ~~prevention of cruelty~~ 1969
~~to animals or children;~~ 1970

~~(2) Abandonment, nonsupport, or ill-treatment of a child~~ 1971
~~by its parent;~~ 1972

~~(3) Employment of a child under fourteen years of age in~~ 1973
~~public exhibitions or vocations injurious to health, life, or~~ 1974
~~morals or which cause or permit such child to suffer unnecessary~~ 1975
~~physical or mental pain;~~ 1976

~~(4) Neglect or refusal of an adult to support a destitute~~ 1977
~~parent.~~ 1978

~~Such~~ The attorneys shall be paid out of the county 1979
treasury, from the general fund of the county or from the dog 1980
and kennel fund of the county, in an amount approved as just and 1981
reasonable by the board of county commissioners of that county. 1982

(B) A humane society or its agent shall not employ an 1983
attorney or one or more assistant attorneys to prosecute a 1984
felony violation of section 959.131 of the Revised Code. 1985

Sec. 4729.01. As used in this chapter:	1986
(A) "Pharmacy," except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing where the practice of pharmacy is conducted.	1987 1988 1989 1990
(B) "Practice of pharmacy" means providing pharmacist care requiring specialized knowledge, judgment, and skill derived from the principles of biological, chemical, behavioral, social, pharmaceutical, and clinical sciences. As used in this division, "pharmacist care" includes the following:	1991 1992 1993 1994 1995
(1) Interpreting prescriptions;	1996
(2) Dispensing drugs and drug therapy related devices;	1997
(3) Compounding drugs;	1998
(4) Counseling individuals with regard to their drug therapy, recommending drug therapy related devices, and assisting in the selection of drugs and appliances for treatment of common diseases and injuries and providing instruction in the proper use of the drugs and appliances;	1999 2000 2001 2002 2003
(5) Performing drug regimen reviews with individuals by discussing all of the drugs that the individual is taking and explaining the interactions of the drugs;	2004 2005 2006
(6) Performing drug utilization reviews with licensed health professionals authorized to prescribe drugs when the pharmacist determines that an individual with a prescription has a drug regimen that warrants additional discussion with the prescriber;	2007 2008 2009 2010 2011
(7) Advising an individual and the health care professionals treating an individual with regard to the	2012 2013

individual's drug therapy;	2014
(8) Acting pursuant to a consult agreement with one or more physicians authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery, if an agreement has been established;	2015 2016 2017 2018
(9) Engaging in the administration of immunizations to the extent authorized by section 4729.41 of the Revised Code;	2019 2020
(10) Engaging in the administration of drugs to the extent authorized by section 4729.45 of the Revised Code.	2021 2022
(C) "Compounding" means the preparation, mixing, assembling, packaging, and labeling of one or more drugs in any of the following circumstances:	2023 2024 2025
(1) Pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs;	2026 2027
(2) Pursuant to the modification of a prescription made in accordance with a consult agreement;	2028 2029
(3) As an incident to research, teaching activities, or chemical analysis;	2030 2031
(4) In anticipation of orders for drugs pursuant to prescriptions, based on routine, regularly observed dispensing patterns;	2032 2033 2034
(5) Pursuant to a request made by a licensed health professional authorized to prescribe drugs for a drug that is to be used by the professional for the purpose of direct administration to patients in the course of the professional's practice, if all of the following apply:	2035 2036 2037 2038 2039
(a) At the time the request is made, the drug is not	2040

commercially available regardless of the reason that the drug is 2041
not available, including the absence of a manufacturer for the 2042
drug or the lack of a readily available supply of the drug from 2043
a manufacturer. 2044

(b) A limited quantity of the drug is compounded and 2045
provided to the professional. 2046

(c) The drug is compounded and provided to the 2047
professional as an occasional exception to the normal practice 2048
of dispensing drugs pursuant to patient-specific prescriptions. 2049

(D) "Consult agreement" means an agreement that has been 2050
entered into under section 4729.39 of the Revised Code. 2051

(E) "Drug" means: 2052

(1) Any article recognized in the United States 2053
pharmacopoeia and national formulary, or any supplement to them, 2054
intended for use in the diagnosis, cure, mitigation, treatment, 2055
or prevention of disease in humans or animals; 2056

(2) Any other article intended for use in the diagnosis, 2057
cure, mitigation, treatment, or prevention of disease in humans 2058
or animals; 2059

(3) Any article, other than food, intended to affect the 2060
structure or any function of the body of humans or animals; 2061

(4) Any article intended for use as a component of any 2062
article specified in division (E) (1), (2), or (3) of this 2063
section; but does not include devices or their components, 2064
parts, or accessories. 2065

"Drug" does not include "hemp" or a "hemp product" as 2066
those terms are defined in section 928.01 of the Revised Code. 2067

(F) "Dangerous drug" means any of the following:	2068
(1) Any drug to which either of the following applies:	2069
(a) Under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription;	2070 2071 2072 2073 2074 2075 2076
(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription.	2077 2078
(2) Any drug that contains a schedule V controlled substance and that is exempt from Chapter 3719. of the Revised Code or to which that chapter does not apply;	2079 2080 2081
(3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body;	2082 2083 2084
(4) Any drug that is a biological product, as defined in section 3715.01 of the Revised Code.	2085 2086
(G) "Federal drug abuse control laws" has the same meaning as in section 3719.01 of the Revised Code.	2087 2088
(H) "Prescription" means all of the following:	2089
(1) A written, electronic, or oral order for drugs or combinations or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs;	2090 2091 2092 2093
(2) For purposes of sections 2925.61, 4723.488, 4730.431,	2094

and 4731.94 of the Revised Code, a written, electronic, or oral 2095
order for naloxone issued to and in the name of a family member, 2096
friend, or other individual in a position to assist an 2097
individual who there is reason to believe is at risk of 2098
experiencing an opioid-related overdose. 2099

(3) For purposes of section 4729.44 of the Revised Code, a 2100
written, electronic, or oral order for naloxone issued to and in 2101
the name of either of the following: 2102

(a) An individual who there is reason to believe is at 2103
risk of experiencing an opioid-related overdose; 2104

(b) A family member, friend, or other individual in a 2105
position to assist an individual who there is reason to believe 2106
is at risk of experiencing an opioid-related overdose. 2107

(4) For purposes of sections 4723.4810, 4729.282, 2108
4730.432, and 4731.93 of the Revised Code, a written, 2109
electronic, or oral order for a drug to treat chlamydia, 2110
gonorrhoea, or trichomoniasis issued to and in the name of a 2111
patient who is not the intended user of the drug but is the 2112
sexual partner of the intended user; 2113

(5) For purposes of sections 3313.7110, 3313.7111, 2114
3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 2115
4731.96, and 5101.76 of the Revised Code, a written, electronic, 2116
or oral order for an epinephrine autoinjector issued to and in 2117
the name of a school, school district, or camp; 2118

(6) For purposes of Chapter 3728. and sections 4723.483, 2119
4729.88, 4730.433, and 4731.96 of the Revised Code, a written, 2120
electronic, or oral order for an epinephrine autoinjector issued 2121
to and in the name of a qualified entity, as defined in section 2122
3728.01 of the Revised Code. 2123

(I) "Licensed health professional authorized to prescribe drugs" or "prescriber" means an individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under Chapter 4715. of the Revised Code;

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code;

(3) An optometrist licensed under Chapter 4725. of the Revised Code to practice optometry under a therapeutic pharmaceutical agents certificate;

(4) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery;

(5) A physician assistant who holds a license to practice as a physician assistant issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority;

(6) A veterinarian licensed under Chapter 4741. of the Revised Code.

(J) "Sale" or "sell" includes any transaction made by any person, whether as principal proprietor, agent, or employee, to do or offer to do any of the following: deliver, distribute, broker, exchange, gift or otherwise give away, or transfer, whether the transfer is by passage of title, physical movement,

or both.	2153
(K) "Wholesale sale" and "sale at wholesale" mean any sale	2154
in which the purpose of the purchaser is to resell the article	2155
purchased or received by the purchaser.	2156
(L) "Retail sale" and "sale at retail" mean any sale other	2157
than a wholesale sale or sale at wholesale.	2158
(M) "Retail seller" means any person that sells any	2159
dangerous drug to consumers without assuming control over and	2160
responsibility for its administration. Mere advice or	2161
instructions regarding administration do not constitute control	2162
or establish responsibility.	2163
(N) "Price information" means the price charged for a	2164
prescription for a particular drug product and, in an easily	2165
understandable manner, all of the following:	2166
(1) The proprietary name of the drug product;	2167
(2) The established (generic) name of the drug product;	2168
(3) The strength of the drug product if the product	2169
contains a single active ingredient or if the drug product	2170
contains more than one active ingredient and a relevant strength	2171
can be associated with the product without indicating each	2172
active ingredient. The established name and quantity of each	2173
active ingredient are required if such a relevant strength	2174
cannot be so associated with a drug product containing more than	2175
one ingredient.	2176
(4) The dosage form;	2177
(5) The price charged for a specific quantity of the drug	2178
product. The stated price shall include all charges to the	2179
consumer, including, but not limited to, the cost of the drug	2180

product, professional fees, handling fees, if any, and a 2181
statement identifying professional services routinely furnished 2182
by the pharmacy. Any mailing fees and delivery fees may be 2183
stated separately without repetition. The information shall not 2184
be false or misleading. 2185

(O) "Wholesale distributor of dangerous drugs" or 2186
"wholesale distributor" means a person engaged in the sale of 2187
dangerous drugs at wholesale and includes any agent or employee 2188
of such a person authorized by the person to engage in the sale 2189
of dangerous drugs at wholesale. 2190

(P) "Manufacturer of dangerous drugs" or "manufacturer" 2191
means a person, other than a pharmacist or prescriber, who 2192
manufactures dangerous drugs and who is engaged in the sale of 2193
those dangerous drugs. 2194

(Q) "Terminal distributor of dangerous drugs" or "terminal 2195
distributor" means a person who is engaged in the sale of 2196
dangerous drugs at retail, or any person, other than a 2197
manufacturer, repackager, outsourcing facility, third-party 2198
logistics provider, wholesale distributor, or pharmacist, who 2199
has possession, custody, or control of dangerous drugs for any 2200
purpose other than for that person's own use and consumption. 2201
"Terminal distributor" includes pharmacies, hospitals, nursing 2202
homes, and laboratories and all other persons who procure 2203
dangerous drugs for sale or other distribution by or under the 2204
supervision of a pharmacist, licensed health professional 2205
authorized to prescribe drugs, or other person authorized by the 2206
state board of pharmacy. 2207

(R) "Promote to the public" means disseminating a 2208
representation to the public in any manner or by any means, 2209
other than by labeling, for the purpose of inducing, or that is 2210

likely to induce, directly or indirectly, the purchase of a 2211
dangerous drug at retail. 2212

(S) "Person" includes any individual, partnership, 2213
association, limited liability company, or corporation, the 2214
state, any political subdivision of the state, and any district, 2215
department, or agency of the state or its political 2216
subdivisions. 2217

(T) (1) "Animal shelter" means a facility operated by a 2218
humane society or any society organized under Chapter 1717. of 2219
the Revised Code or a dog pound operated pursuant to Chapter 2220
955. of the Revised Code. 2221

(2) "County dog warden" means a dog warden or deputy dog 2222
warden appointed or employed under section 955.12 of the Revised 2223
Code. 2224

(U) "Food" has the same meaning as in section 3715.01 of 2225
the Revised Code. 2226

(V) "Pain management clinic" has the same meaning as in 2227
section 4731.054 of the Revised Code. 2228

(W) "Investigational drug or product" means a drug or 2229
product that has successfully completed phase one of the United 2230
States food and drug administration clinical trials and remains 2231
under clinical trial, but has not been approved for general use 2232
by the United States food and drug administration. 2233
"Investigational drug or product" does not include controlled 2234
substances in schedule I, as defined in section 3719.01 of the 2235
Revised Code. 2236

(X) "Product," when used in reference to an 2237
investigational drug or product, means a biological product, 2238
other than a drug, that is made from a natural human, animal, or 2239

microorganism source and is intended to treat a disease or 2240
medical condition. 2241

(Y) "Third-party logistics provider" means a person that 2242
provides or coordinates warehousing or other logistics services 2243
pertaining to dangerous drugs including distribution, on behalf 2244
of a manufacturer, wholesale distributor, or terminal 2245
distributor of dangerous drugs, but does not take ownership of 2246
the drugs or have responsibility to direct the sale or 2247
disposition of the drugs. 2248

(Z) "Repackager of dangerous drugs" or "repackager" means 2249
a person that repacks and relabels dangerous drugs for sale or 2250
distribution. 2251

(AA) "Outsourcing facility" means a facility that is 2252
engaged in the compounding and sale of sterile drugs and is 2253
registered as an outsourcing facility with the United States 2254
food and drug administration. 2255

(BB) "Laboratory" means a laboratory licensed under this 2256
chapter as a terminal distributor of dangerous drugs and 2257
entrusted to have custody of any of the following drugs and to 2258
use the drugs for scientific and clinical purposes and for 2259
purposes of instruction: dangerous drugs that are not controlled 2260
substances, as defined in section 3719.01 of the Revised Code; 2261
dangerous drugs that are controlled substances, as defined in 2262
that section; and controlled substances in schedule I, as 2263
defined in that section. 2264

Sec. 4729.531. (A) The state board of pharmacy may issue a 2265
limited license to an animal shelters-shelter or county dog 2266
warden solely for the purpose of purchasing, possessing, and 2267
administering ~~combination~~ drugs that ~~contain pentobarbital and~~ 2268

~~at least one noncontrolled substance ingredient, are distributed~~ 2269
in a manufactured dosage form, ~~whose only indication is for~~ 2270
~~euthanizing animals, or other substances~~ as described in 2271
section 4729.532 of the Revised Code. ~~No~~ Unless otherwise 2272
approved by the board, no such license shall authorize or permit 2273
the distribution of these drugs to any person other than the 2274
originating wholesale distributor of the drugs. An application 2275
for licensure shall include the information the board requires 2276
by rule under this section. If the application meets the 2277
requirements of the rules adopted under this section, the board 2278
shall issue the license. 2279

(B) The board, in accordance with Chapter 119. of the 2280
Revised Code, shall adopt any rules necessary to administer and 2281
enforce this section. The rules shall do all of the following: 2282

(1) Require as a condition of licensure ~~of the facility~~ 2283
that an agent or employee of an animal shelter or an agent or 2284
employee of a county dog warden, other than a registered 2285
veterinary technician as defined in section 4741.01 of the 2286
Revised Code, has successfully completed a euthanasia technician 2287
certification course described in section 4729.532 of the 2288
Revised Code; 2289

(2) Specify the information the animal shelter or county 2290
dog warden must provide the board for issuance or renewal of a 2291
license; 2292

(3) ~~Establish criteria for the board to use in determining~~ 2293
~~whether to refuse to issue or renew, suspend, or revoke a~~ 2294
~~license issued under this section;~~ 2295

~~(4)~~ Address any other matters the board considers 2296
necessary or appropriate for the administration and enforcement 2297

of this section. 2298

Sec. 4729.532. (A) No agent or employee of an animal 2299
shelter and no county dog warden or agent or employee of a 2300
county dog warden shall perform euthanasia by means of lethal 2301
injection on an animal by use of any substance other than 2302
~~combination drugs that contain pentobarbital and at least one~~ 2303
~~noncontrolled a substance active ingredient,~~ in a manufactured 2304
dosage form, ~~whose only indication is for euthanizing animals,~~ 2305
~~or other substance~~ that the state veterinary medical licensing 2306
board ~~and, in consultation with the state board of pharmacy both~~ 2307
~~approve, approves~~ by rule adopted in accordance with Chapter 2308
119. of the Revised Code. 2309

The agent or employee of an animal shelter, county dog 2310
warden, or agent or employee of a county dog warden when using a 2311
lethal solution to perform euthanasia on an animal shall use 2312
~~such the~~ solution in accordance with the following methods ~~and~~ 2313
~~in the following order of preference:~~ 2314

(1) Intravenous injection by hypodermic needle; 2315

(2) Intraperitoneal injection by hypodermic needle; 2316

(3) Intracardial injection by hypodermic needle, but only 2317
on a ~~sedated or unconscious~~ an animal verified to be 2318
unconscious; 2319

(4) ~~Solution~~ Oral administration of solution or powder 2320
added to food. 2321

(B) ~~Except as provided in division (D) of this section, no~~ 2322
Before euthanasia, a euthanasia technician may administer a 2323
solution of one or more drugs exclusively for the purpose of 2324
inducing anesthesia, sedation, or unconsciousness prior to 2325
euthanasia. Only those drugs that have been approved by rule 2326

adopted in accordance with Chapter 119. of the Revised Code by 2327
the state board of pharmacy, in consultation with the state 2328
veterinary medical licensing board, may be used. 2329

(C) No agent or employee of an animal shelter and no 2330
county dog warden or agent or employee of a county dog warden, 2331
other than a registered veterinary technician as defined in 2332
section 4741.01 of the Revised Code, shall perform euthanasia by 2333
means of lethal injection on an animal or administer pre- 2334
euthanasia drugs that induce anesthesia, sedation, or 2335
unconsciousness unless he the agent or employee or county dog 2336
warden has received certification after successfully completing 2337
a euthanasia technician certification course as described in 2338
this division. 2339

The curriculum for a euthanasia technician certification 2340
course shall be one that has been approved by the state 2341
veterinary medical licensing board, shall be at least sixteen 2342
hours in length, and shall include information in at least all 2343
of the following areas: 2344

(1) The pharmacology, proper administration, and storage 2345
of euthanasia, sedation, and anesthesia solutions; 2346

(2) Federal and state laws regulating the storage and 2347
accountability of euthanasia, sedation, and anesthesia 2348
solutions; 2349

(3) Euthanasia technician stress management; 2350

(4) Proper disposal of euthanized animals. 2351

~~(C) (1) Except as provided in division (D) of this section,~~ 2352
~~no~~ (D) (1) No agent or employee of an animal shelter shall 2353
perform euthanasia by means of lethal injection on animals or 2354
administer pre-euthanasia drugs that induce anesthesia, 2355

sedation, or unconsciousness under this section unless the 2356
facility in which ~~he~~ the agent or employee works or is employed 2357
is licensed with the state board of pharmacy under section 2358
4729.531 of the Revised Code. No agent or employee of a county 2359
dog warden shall perform euthanasia by means of lethal injection 2360
on animals or administer pre-euthanasia drugs that induce 2361
anesthesia, sedation, or unconsciousness under this section 2362
unless the county dog warden is licensed under section 4729.531 2363
of the Revised Code. 2364

(2) Any agent or employee of an animal shelter or county 2365
dog warden performing euthanasia by means of lethal injection or 2366
administering pre-euthanasia drugs that induce anesthesia, 2367
sedation, or unconsciousness shall do so only in a humane and 2368
proficient manner that is in conformity with the methods 2369
described in ~~division~~ divisions (A) and (B) of this section and 2370
not in violation of Chapter 959. of the Revised Code. 2371

~~(D) An agent or employee of an animal shelter who is~~ 2372
~~performing euthanasia by means of lethal injection on animals on~~ 2373
~~or before the effective date of this section may continue to~~ 2374
~~perform such euthanasia and is not required to be certified in~~ 2375
~~compliance with division (B) of this section until ninety days~~ 2376
~~after the effective date of the rules adopted in compliance with~~ 2377
~~Section 3 of House Bill No. 88 of the 120th general assembly.~~ 2378

(E) Nothing in this section precludes a licensed 2379
veterinarian or registered veterinary technician as defined in 2380
section 4741.01 of the Revised Code from engaging in the 2381
practice of veterinary medicine as authorized in Chapter 4741. 2382
of the Revised Code. 2383

Sec. 4729.533. (A) As used in this section and sections 2384
4729.534 and 4729.535 of the Revised Code, "certified officer" 2385

and "chemical capture" have the same meanings as in section 2386
955.151 of the Revised Code. 2387

(B) Upon application of an animal shelter or county dog 2388
warden that holds a limited license issued under section 2389
4729.531 of the Revised Code, the state board of pharmacy may 2390
grant a chemical capture classification to the limited license. 2391
The classification permits the holder to purchase, possess, and 2392
administer a combination of drugs for chemical capture. Unless 2393
otherwise approved by the board, no such classification shall 2394
authorize or permit the distribution of these drugs to any 2395
person other than the originating wholesale distributor of the 2396
drugs. 2397

(C) To qualify for a chemical capture classification under 2398
this section, an applicant shall appoint or employ a certified 2399
officer. 2400

(D) If an applicant meets the requirements of this section 2401
and rules adopted under it, the board shall grant the 2402
classification. The board may suspend or revoke a classification 2403
or refuse to issue or renew a classification for any violation 2404
of this section, section 4729.535 of the Revised Code, or rules 2405
adopted under this section. 2406

(E) The state board of pharmacy, in accordance with 2407
Chapter 119. of the Revised Code and in consultation with the 2408
state veterinary medical licensing board, shall adopt rules that 2409
do all of the following: 2410

(1) Specify the information an applicant must provide for 2411
issuance or renewal of a chemical capture classification; 2412

(2) Specify all of the following: 2413

(a) The drugs to be used in chemical capture; 2414

<u>(b) The proper storage, administration, and use of approved drugs;</u>	2415 2416
<u>(c) The proper storage, maintenance, and use of instruments and equipment used in chemical capture;</u>	2417 2418
<u>(d) The proper disposal of instruments used in chemical capture.</u>	2419 2420
<u>(3) Establish criteria for all of the following:</u>	2421
<u>(a) Determining when chemical capture is appropriate;</u>	2422
<u>(b) The care of a companion animal immediately upon capture;</u>	2423 2424
<u>(c) Recordkeeping for the drugs used and actions taken during a chemical capture.</u>	2425 2426
<u>(4) Address any other matters the board considers necessary or appropriate for administration and enforcement of this section and sections 4729.534 and 4729.535 of the Revised Code.</u>	2427 2428 2429 2430
Sec. 4729.534. <u>(A) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2431 2432 2433
<u>(B) An individual is considered a certified officer if the individual does one of the following:</u>	2434 2435
<u>(1) Successfully completes a chemical capture course that has a curriculum approved in accordance with division (C) of this section;</u>	2436 2437 2438
<u>(2) Successfully completes training acceptable to the state veterinary medical licensing board from the national animal control association or safe capture international, inc.</u>	2439 2440 2441

(C) To be approved as a chemical capture curriculum for 2442
purposes of division (B) (1) of this section, a curriculum shall 2443
include all of the following topics: 2444

(1) The pharmacology, proper administration, storage, and 2445
recordkeeping of drugs used in chemical capture; 2446

(2) Federal and state laws regulating the storage and 2447
accountability of drugs used in chemical capture; 2448

(3) Chemical capture technology, animal behavior, 2449
postimmobilization procedures, proper public and personnel 2450
safety, and marksmanship training; 2451

(4) Any other topic specified by the state veterinary 2452
medical licensing board. 2453

(D) In a civil action, a certified officer is immune from 2454
liability for any harm the officer causes to a companion animal, 2455
livestock, or a wild animal if the officer is acting within the 2456
scope of the officer's employment and is in compliance with 2457
rules established under division (E) of section 4729.533 of the 2458
Revised Code. 2459

Sec. 4729.535. No person shall perform chemical capture 2460
with a drug or combination of drugs other than the drugs 2461
specified in rules adopted under section 4729.533 of the Revised 2462
Code. 2463

No animal shelter or county dog warden shall permit an 2464
individual to perform chemical capture unless the shelter or 2465
warden holds a chemical capture classification granted under 2466
section 4729.533 of the Revised Code and the individual is a 2467
certified officer. 2468

No individual shall perform chemical capture unless the 2469

individual is a certified officer and is appointed or employed 2470
by an animal shelter or county dog warden that holds a chemical 2471
capture classification. 2472

Nothing in this section precludes a licensed veterinarian 2473
or registered veterinary technician as defined in section 2474
4741.01 of the Revised Code from engaging in the practice of 2475
veterinary medicine as authorized in Chapter 4741. of the 2476
Revised Code. 2477

Sec. 4729.54. (A) As used in this section: 2478

(1) "Category II" means any dangerous drug that is not 2479
included in category III. 2480

(2) "Category III" means any controlled substance that is 2481
contained in schedule I, II, III, IV, or V. 2482

(3) "Emergency medical service organization" has the same 2483
meaning as in section 4765.01 of the Revised Code. 2484

(4) "Emergency medical service organization satellite" 2485
means a location where dangerous drugs are stored that is 2486
separate from, but associated with, the headquarters of an 2487
emergency medical service organization. "Emergency medical 2488
service organization satellite" does not include the units under 2489
the control of the emergency medical service organization. 2490

(5) "Person" includes an emergency medical service 2491
organization or an emergency medical service organization 2492
satellite. 2493

(6) "Schedule I," "schedule II," "schedule III," "schedule 2494
IV," and "schedule V" have the same meanings as in section 2495
3719.01 of the Revised Code. 2496

(B) (1) A person seeking to be licensed as a terminal 2497

distributor of dangerous drugs shall file with the executive 2498
director of the state board of pharmacy a verified application. 2499
After it is filed, the application may not be withdrawn without 2500
approval of the board. 2501

(2) An application shall contain all the following that 2502
apply in the applicant's case: 2503

(a) Information that the board requires relative to the 2504
qualifications of a terminal distributor of dangerous drugs set 2505
forth in section 4729.55 of the Revised Code; 2506

(b) A statement as to whether the person is seeking to be 2507
licensed as a category II, category III, limited category II, or 2508
limited category III terminal distributor of dangerous drugs; 2509

(c) If the person is seeking to be licensed as a limited 2510
category II or limited category III terminal distributor of 2511
dangerous drugs, a list of the dangerous drugs that the person 2512
is seeking to possess, have custody or control of, and 2513
distribute, which list shall also specify the purpose for which 2514
those drugs will be used and their source; 2515

(d) If the person is an emergency medical service 2516
organization, the information that is specified in divisions (C) 2517
(1) and (2) of this section, and if the person is an emergency 2518
medical service organization satellite, the information required 2519
under division (D) of this section; 2520

(e) Except with respect to the units under the control of 2521
an emergency medical service organization, the identity of the 2522
one establishment or place at which the person intends to engage 2523
in the sale or other distribution of dangerous drugs at retail, 2524
and maintain possession, custody, or control of dangerous drugs 2525
for purposes other than the person's own use or consumption; 2526

(f) If the application pertains to a pain management 2527
clinic, information that demonstrates, to the satisfaction of 2528
the board, compliance with division (A) of section 4729.552 of 2529
the Revised Code; 2530

(g) If the application pertains to a facility, clinic, or 2531
other location described in division (B) of section 4729.553 of 2532
the Revised Code that must hold a category III terminal 2533
distributor of dangerous drugs license with an office-based 2534
opioid treatment classification, information that demonstrates, 2535
to the satisfaction of the board, compliance with division (C) 2536
of that section. 2537

(C) (1) Each emergency medical service organization that 2538
applies for a terminal distributor of dangerous drugs license 2539
shall submit with its application all of the following: 2540

(a) A copy of its standing orders or protocol, which 2541
orders or protocol shall be signed by a physician; 2542

(b) A list of the dangerous drugs that the units under its 2543
control may carry, expressed in standard dose units, which shall 2544
be signed by a physician; 2545

(c) A list of the personnel employed or used by the 2546
organization to provide emergency medical services in accordance 2547
with Chapter 4765. of the Revised Code. 2548

In accordance with Chapter 119. of the Revised Code, the 2549
board shall adopt rules specifying when an emergency medical 2550
service organization that is licensed as a terminal distributor 2551
must notify the board of any changes in its documentation 2552
submitted pursuant to division (C) (1) of this section. 2553

(2) An emergency medical service organization seeking to 2554
be licensed as a terminal distributor of dangerous drugs shall 2555

list in its application for licensure the following additional 2556
information: 2557

(a) The units under its control that the organization 2558
determines will possess dangerous drugs for the purpose of 2559
administering emergency medical services in accordance with 2560
Chapter 4765. of the Revised Code; 2561

(b) With respect to each such unit, whether the dangerous 2562
drugs that the organization determines the unit will possess are 2563
in category II or III. 2564

(3) An emergency medical service organization that is 2565
licensed as a terminal distributor of dangerous drugs shall file 2566
a new application for such licensure if there is any change in 2567
the number or location of any of its units or if there is any 2568
change in the category of the dangerous drugs that any unit will 2569
possess. 2570

(4) A unit listed in an application for licensure pursuant 2571
to division (C) (2) of this section may obtain the dangerous 2572
drugs it is authorized to possess from its emergency medical 2573
service organization or, on a replacement basis, from a hospital 2574
pharmacy. If units will obtain dangerous drugs from a hospital 2575
pharmacy, the organization shall file, and maintain in current 2576
form, the following items with the pharmacist who is responsible 2577
for the hospital's terminal distributor of dangerous drugs 2578
license: 2579

(a) A copy of its standing orders or protocol; 2580

(b) A list of the personnel employed or used by the 2581
organization to provide emergency medical services in accordance 2582
with Chapter 4765. of the Revised Code, who are authorized to 2583
possess the drugs, which list also shall indicate the personnel 2584

who are authorized to administer the drugs. 2585

(D) Each emergency medical service organization satellite 2586
that applies for a terminal distributor of dangerous drugs 2587
license shall submit with its application all of the information 2588
that the board requires to be submitted with the application, as 2589
specified in rules the board shall adopt in accordance with 2590
Chapter 119. of the Revised Code. 2591

(E) There shall be four categories of terminal distributor 2592
of dangerous drugs licenses. The categories are as follows: 2593

(1) Category II license. A person who obtains this license 2594
may possess, have custody or control of, and distribute only the 2595
dangerous drugs described in category II. 2596

(2) Limited category II license. A person who obtains this 2597
license may possess, have custody or control of, and distribute 2598
only the dangerous drugs described in category II that were 2599
listed in the application for licensure. 2600

(3) Category III license, which may include a pain 2601
management clinic classification issued under section 4729.552 2602
of the Revised Code. A person who obtains this license may 2603
possess, have custody or control of, and distribute the 2604
dangerous drugs described in category II and category III. If 2605
the license includes a pain management clinic classification, 2606
the person may operate a pain management clinic. 2607

(4) Limited category III license. A person who obtains 2608
this license may possess, have custody or control of, and 2609
distribute only the dangerous drugs described in category II or 2610
category III that were listed in the application for licensure. 2611

(F) Except for an application made by a county dog warden 2612
or on behalf of an animal shelter, if an applicant for a limited 2613

category II license or limited category III license intends to 2614
administer dangerous drugs to a person or animal, the applicant 2615
shall submit, with the application, a copy of its protocol or 2616
standing orders. The protocol or orders shall be signed by a 2617
licensed health professional authorized to prescribe drugs, 2618
specify the dangerous drugs to be administered, and list 2619
personnel who are authorized to administer the dangerous drugs 2620
in accordance with federal law or the law of this state. ~~An~~ 2621

An application made by a county dog warden or on behalf of 2622
an animal shelter shall include a list of the dangerous drugs to 2623
be administered to animals and the personnel who are authorized 2624
to administer the drugs to animals in accordance with section 2625
4729.532 of the Revised Code. 2626

In accordance with Chapter 119. of the Revised Code, the 2627
board shall adopt rules specifying when a licensee must notify 2628
the board of any changes in its documentation submitted pursuant 2629
to this division. 2630

(G) (1) Each applicant for licensure as a terminal 2631
distributor of dangerous drugs shall submit, with the 2632
application, a license fee. The amount assessed shall not be 2633
returned to the applicant if the applicant fails to qualify for 2634
the license. 2635

(2) The following fees apply under division (G) (1) of this 2636
section: 2637

(a) Except as provided in division (G) (2) (b) of this 2638
section: 2639

(i) Three hundred twenty dollars for a category II or 2640
limited category II license; 2641

(ii) Four hundred forty dollars for a category III 2642

license, including a license with a pain management clinic 2643
classification issued under section 4729.552 of the Revised 2644
Code, or a limited category III license. 2645

(b) One hundred twenty dollars for all of the following: 2646

(i) A person who is required to hold a license as a 2647
terminal distributor of dangerous drugs pursuant to division (D) 2648
of section 4729.541 of the Revised Code; 2649

(ii) A professional association, corporation, partnership, 2650
or limited liability company organized for the purpose of 2651
practicing veterinary medicine that is not included in division 2652
(G) (2) (b) (i) of this section; 2653

(iii) An emergency medical service organization satellite. 2654

(H) (1) The board shall issue a terminal distributor of 2655
dangerous drugs license to each person who submits an 2656
application for such licensure in accordance with this section, 2657
pays the required license fee, is determined by the board to 2658
meet the requirements set forth in section 4729.55 of the 2659
Revised Code, and satisfies any other applicable requirements of 2660
this section. 2661

(2) ~~The~~ Except for the license of a county dog warden, the 2662
license shall describe the one establishment or place at which 2663
the licensee may engage in the sale or other distribution of 2664
dangerous drugs at retail and maintain possession, custody, or 2665
control of dangerous drugs for purposes other than the 2666
licensee's own use or consumption. The one establishment or 2667
place shall be that which is identified in the application for 2668
licensure. 2669

No such license shall authorize or permit the terminal 2670
distributor of dangerous drugs named in it to engage in the sale 2671

or other distribution of dangerous drugs at retail or to 2672
maintain possession, custody, or control of dangerous drugs for 2673
any purpose other than the distributor's own use or consumption, 2674
at any establishment or place other than that described in the 2675
license, except that an agent or employee of an animal shelter 2676
or county dog warden may possess and use dangerous drugs in the 2677
course of business as provided in ~~division (D) of section~~ 2678
4729.532 of the Revised Code. 2679

(3) The license of an emergency medical service 2680
organization shall cover the organization's headquarters and, in 2681
addition, shall cover and describe all the units of the 2682
organization listed in its application for licensure. 2683

(I) (1) All licenses issued or renewed pursuant to this 2684
section shall be effective for a period specified by the board 2685
in rules adopted under section 4729.26 of the Revised Code. The 2686
effective period for an initial or renewed license shall not 2687
exceed twenty-four months unless the board extends the period in 2688
rules to adjust license renewal schedules. A license shall be 2689
renewed by the board according to the provisions of this 2690
section, the standard renewal procedure of Chapter 4745. of the 2691
Revised Code, and rules adopted by the board under section 2692
4729.26 of the Revised Code. A person seeking to renew a license 2693
shall submit an application for renewal and pay the required fee 2694
on or before the date specified in the rules adopted by the 2695
board. The fee required for the renewal of a license shall be 2696
the same as the license fee paid under division (G) of this 2697
section. 2698

(2) (a) Subject to division (I) (2) (b) of this section, a 2699
license that has not been renewed by the date specified in rules 2700
adopted by the board may be reinstated only upon payment of the 2701

required renewal fee and a penalty fee of one hundred ten 2702
dollars. 2703

(b) If an application for renewal has not been submitted 2704
by the sixty-first day after the renewal date specified in rules 2705
adopted by the board, the license is considered void and cannot 2706
be renewed, but the license holder may reapply for licensure. 2707

(3) A terminal distributor of dangerous drugs that fails 2708
to renew licensure in accordance with this section and rules 2709
adopted by the board is prohibited from engaging in the retail 2710
sale, possession, or distribution of dangerous drugs until a 2711
valid license is issued by the board. 2712

(J) (1) No emergency medical service organization that is 2713
licensed as a terminal distributor of dangerous drugs shall fail 2714
to comply with division (C) (1), (3), or (4) of this section. 2715

(2) No licensed terminal distributor of dangerous drugs 2716
shall possess, have custody or control of, or distribute 2717
dangerous drugs that the terminal distributor is not entitled to 2718
possess, have custody or control of, or distribute by virtue of 2719
its category of licensure. 2720

(3) No licensee that is required by division (F) of this 2721
section to notify the board of changes in its protocol or 2722
standing orders, or in personnel, shall fail to comply with that 2723
division. 2724

(K) The board may enter into agreements with other states, 2725
federal agencies, and other entities to exchange information 2726
concerning licensing and inspection of terminal distributors of 2727
dangerous drugs located within or outside this state and to 2728
investigate alleged violations of the laws and rules governing 2729
distribution of drugs by terminal distributors. Any information 2730

received pursuant to such an agreement is subject to the same 2731
confidentiality requirements applicable to the agency or entity 2732
from which it was received and shall not be released without 2733
prior authorization from that agency or entity. 2734

Sec. 4729.542. (A) An animal shelter or county dog warden 2735
that holds a limited license issued under section 4729.531 of 2736
the Revised Code may apply to the state board of pharmacy for a 2737
chemical capture classification. 2738

The application shall include a list of the dangerous 2739
drugs to be used in chemical capture and the certified officers 2740
employed by the applicant. 2741

(B) The holder of a limited license with a chemical 2742
capture classification shall notify the board prior to 2743
implementing any changes in the dangerous drugs to be used in 2744
chemical capture or by the certified officers employed by the 2745
holder. 2746

(C) An agent or employee of an animal shelter or county 2747
dog warden may possess and use dangerous drugs in the course of 2748
business as provided in sections 4729.532 and 4729.533 of the 2749
Revised Code. 2750

Sec. 4729.55. No license shall be issued to an applicant 2751
for licensure as a terminal distributor of dangerous drugs 2752
unless the applicant has furnished satisfactory proof to the 2753
state board of pharmacy that: 2754

(A) The applicant is equipped as to land, buildings, and 2755
equipment to properly carry on the business of a terminal 2756
distributor of dangerous drugs within the category of licensure 2757
approved by the board. 2758

(B) A pharmacist, licensed health professional authorized 2759

to prescribe drugs, other person authorized by the board, animal 2760
shelter or county dog warden licensed under section 4729.531 of 2761
the Revised Code, or laboratory will maintain supervision and 2762
control over the possession and custody of dangerous drugs and 2763
controlled substances that may be acquired by or on behalf of 2764
the applicant. 2765

(C) Adequate safeguards are assured to prevent the sale or 2766
other distribution of dangerous drugs by any person other than a 2767
pharmacist or licensed health professional authorized to 2768
prescribe drugs. 2769

(D) Adequate safeguards are assured that the applicant 2770
will carry on the business of a terminal distributor of 2771
dangerous drugs in a manner that allows pharmacists and pharmacy 2772
interns employed by the terminal distributor to practice 2773
pharmacy in a safe and effective manner. 2774

(E) If the applicant, or any agent or employee of the 2775
applicant, has been found guilty of violating section 4729.51 of 2776
the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 2777
Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse 2778
control laws, Chapter 2925., 3715., 3719., or 4729. of the 2779
Revised Code, or any rule of the board, adequate safeguards are 2780
assured to prevent the recurrence of the violation. 2781

(F) In the case of an applicant who is a food processor or 2782
retail seller of food, the applicant will maintain supervision 2783
and control over the possession and custody of nitrous oxide. 2784

(G) In the case of an applicant who is a retail seller of 2785
oxygen in original packages labeled as required by the "Federal 2786
Food, Drug, and Cosmetic Act," the applicant will maintain 2787
supervision and control over the possession, custody, and retail 2788

sale of the oxygen. 2789

(H) If the application is made on behalf of an animal 2790
shelter or county dog warden, at least one of the agents or 2791
employees of the animal shelter or county dog warden is 2792
certified in compliance with section 4729.532 of the Revised 2793
Code. 2794

(I) In the case of an applicant who is a retail seller of 2795
peritoneal dialysis solutions in original packages labeled as 2796
required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 2797
1040 (1938), 21 U.S.C.A. 301, the applicant will maintain 2798
supervision and control over the possession, custody, and retail 2799
sale of the peritoneal dialysis solutions. 2800

(J) In the case of an applicant who is a pain management 2801
clinic, the applicant meets the requirements to receive a 2802
license with a pain management clinic classification issued 2803
under section 4729.552 of the Revised Code. 2804

(K) In the case of an applicant who is operating a 2805
facility, clinic, or other location described in division (B) of 2806
section 4729.553 of the Revised Code that must hold a category 2807
III terminal distributor of dangerous drugs license with an 2808
office-based opioid treatment classification, the applicant 2809
meets the requirements to receive that license with that 2810
classification. 2811

Sec. 4729.991. Whoever purposely violates section 4729.535 2812
of the Revised Code is guilty of a misdemeanor of the first 2813
degree. 2814

Sec. 4741.201. (A) As used in this section, "chemical 2815
capture" and "certified officer" have the same meanings as in 2816
section 955.151 of the Revised Code. 2817

(B) This chapter does not apply to an act of chemical 2818
capture by a certified officer in accordance with section 2819
955.151 of the Revised Code. 2820

Sec. 5101.63. (A) (1) Any individual listed in division (A) 2821
(2) of this section having reasonable cause to believe that an 2822
adult is being abused, neglected, or exploited, or is in a 2823
condition which is the result of abuse, neglect, or exploitation 2824
shall immediately report such belief to the county department of 2825
job and family services. 2826

(2) All of the following are subject to division (A) (1) of 2827
this section: 2828

(a) An attorney admitted to the practice of law in this 2829
state; 2830

(b) An individual authorized under Chapter 4731. of the 2831
Revised Code to practice medicine and surgery, osteopathic 2832
medicine and surgery, or podiatric medicine and surgery; 2833

(c) An individual licensed under Chapter 4734. of the 2834
Revised Code as a chiropractor; 2835

(d) An individual licensed under Chapter 4715. of the 2836
Revised Code as a dentist; 2837

(e) An individual licensed under Chapter 4723. of the 2838
Revised Code as a registered nurse or licensed practical nurse; 2839

(f) An individual licensed under Chapter 4732. of the 2840
Revised Code as a psychologist; 2841

(g) An individual licensed under Chapter 4757. of the 2842
Revised Code as a social worker, independent social worker, 2843
professional counselor, professional clinical counselor, 2844
marriage and family therapist, or independent marriage and 2845

family therapist;	2846
(h) An individual licensed under Chapter 4729. of the Revised Code as a pharmacist;	2847 2848
(i) An individual holding a certificate to practice as a dialysis technician issued under Chapter 4723. of the Revised Code;	2849 2850 2851
(j) An employee of a home health agency, as defined in section 3701.881 of the Revised Code;	2852 2853
(k) An employee of an outpatient health facility;	2854
(l) An employee of a hospital, as defined in section 3727.01 of the Revised Code;	2855 2856
(m) An employee of a hospital or public hospital, as defined in section 5122.01 of the Revised Code;	2857 2858
(n) An employee of a nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	2859 2860
(o) An employee of a residential facility licensed under section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	2861 2862 2863 2864
(p) An employee of a health department operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	2865 2866 2867 2868
(q) An employee of a community mental health agency, as defined in section 5122.01 of the Revised Code;	2869 2870
(r) An agent of a county <u>A humane society organized under agent appointed under section 1717.05-1717.06</u> of the Revised	2871 2872

Code;	2873
(s) An individual who is a firefighter for a lawfully constituted fire department;	2874 2875
(t) An individual who is an ambulance driver for an emergency medical service organization, as defined in section 4765.01 of the Revised Code;	2876 2877 2878
(u) A first responder, emergency medical technician-basic, emergency medical technician-intermediate, or paramedic, as those terms are defined in section 4765.01 of the Revised Code;	2879 2880 2881
(v) An official employed by a local building department to conduct inspections of houses and other residential buildings;	2882 2883
(w) A peace officer;	2884
(x) A coroner;	2885
(y) A member of the clergy;	2886
(z) An individual who holds a certificate issued under Chapter 4701. of the Revised Code as a certified public accountant or is registered under that chapter as a public accountant;	2887 2888 2889 2890
(aa) An individual licensed under Chapter 4735. of the Revised Code as a real estate broker or real estate salesperson;	2891 2892
(bb) An individual appointed and commissioned under section 147.01 of the Revised Code as a notary public;	2893 2894
(cc) An employee of a bank, savings bank, savings and loan association, or credit union organized under the laws of this state, another state, or the United States;	2895 2896 2897
(dd) A dealer, investment adviser, sales person, or investment advisor representative licensed under Chapter 1707.	2898 2899

of the Revised Code; 2900

(ee) A financial planner accredited by a national 2901
accreditation agency; 2902

(ff) Any other individual who is a senior service 2903
provider, other than a representative of the office of the state 2904
long-term care ombudsman program as defined in section 173.14 of 2905
the Revised Code. 2906

(B) Any person having reasonable cause to believe that an 2907
adult has suffered abuse, neglect, or exploitation may report, 2908
or cause a report to be made of such belief to the county 2909
department of job and family services. 2910

This division applies to a representative of the office of 2911
the state long-term care ombudsman program only to the extent 2912
permitted by federal law. 2913

(C) The reports made under this section shall be made 2914
orally or in writing except that oral reports shall be followed 2915
by a written report if a written report is requested by the 2916
department. Written reports shall include: 2917

(1) The name, address, and approximate age of the adult 2918
who is the subject of the report; 2919

(2) The name and address of the individual responsible for 2920
the adult's care, if any individual is, and if the individual is 2921
known; 2922

(3) The nature and extent of the alleged abuse, neglect, 2923
or exploitation of the adult; 2924

(4) The basis of the reporter's belief that the adult has 2925
been abused, neglected, or exploited. 2926

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.65 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall do any of the following as a result of an employee's having filed a report under this section:

(1) Discharge, demote, transfer, or prepare a negative work performance evaluation;

(2) Reduce benefits, pay, or work privileges;

(3) Take any other action detrimental to an employee or in any way retaliate against the employee.

(F) The written or oral report provided for in this section and the investigatory report provided for in section 5101.65 of the Revised Code are confidential and are not public records, as defined in section 149.43 of the Revised Code. In accordance with rules adopted by the department of job and family services, information contained in the report shall upon request be made available to the adult who is the subject of the report and to legal counsel for the adult. If it determines that there is a risk of harm to a person who makes a report under this section or to the adult who is the subject of the report, the county department of job and family services may redact the

name and identifying information related to the person who made 2956
the report. 2957

(G) The county department of job and family services shall 2958
be available to receive the written or oral report provided for 2959
in this section twenty-four hours a day and seven days a week. 2960

Sec. 5147.22. Except for prisoners participating in a 2961
county jail industry program established under section 5147.30 2962
of the Revised Code, the board of county commissioners, or 2963
officer in charge of any workhouse or jail, shall place to the 2964
credit of each prisoner the amount of the prisoner's earnings 2965
that the board or officer considers equitable and just, taking 2966
into consideration the character of the prisoner, the nature of 2967
the crime for which ~~he~~ the prisoner is imprisoned, and the 2968
prisoner's general deportment. The board or officer may cancel 2969
any portion of that credit for violation of the rules, want of 2970
propriety, or other misconduct. When such earnings are credited 2971
to any such prisoner and the prisoner has a child under the age 2972
of sixteen or a spouse, the board or officer in control of the 2973
workhouse or jail shall pay the earnings weekly to the person 2974
having custody of the child, ~~to any incorporated humane society~~ 2975
~~that will serve as trustees for the child without compensation,~~ 2976
or to the spouse of the prisoner, as the board or officer 2977
determines. When the prisoner has no such child or spouse, the 2978
earnings shall be paid to the prisoner upon discharge. 2979

Section 2. That existing sections 109.73, 935.19, 935.20, 2980
955.16, 959.131, 959.132, 959.15, 959.21, 959.99, 1717.01, 2981
1717.02, 1717.05, 1717.06, 1717.07, 1717.08, 1717.09, 1717.10, 2982
2151.421, 2921.02, 2931.18, 4729.01, 4729.531, 4729.532, 2983
4729.54, 4729.55, 5101.63, and 5147.22 of the Revised Code are 2984
hereby repealed. 2985

Section 3. That sections 1717.03, 1717.04, 1717.14, and 3113.10 of the Revised Code are hereby repealed. 2986
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Section 4. (A) Not later than six months after the effective date of this act, an individual who is serving as a humane society agent on that date shall obtain and present proof of successful completion of training, as required under section 1717.061 of the Revised Code, to the current active approving authority for approval. 2988
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(B) The approving authority, not later than two business days after having received the proof of successful completion of training, shall notify the appropriate county sheriff and board of county commissioners, and shall file with the sheriff a copy of the proof of successful completion of training. For a humane society agent that was appointed by a branch of the Ohio Humane Society prior to the effective date of this act, the approving authority is the mayor of the municipal corporation in which the society operates. If that society operates outside a municipal corporation, the approving authority is the probate judge of the county in which the society operates. 2994
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(C) An individual who has not presented the required proof of successful completion of training to the approving authority, as required by this section, is suspended as a humane society agent by operation of law until the signed proof of successful completion of training is filed with the county sheriff. 3005
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Section 5. Not later than ninety days after the effective date of this act, the probate judge of a county in which a humane society agent operates shall send written notice to the humane society informing the humane society of the requirements of section 1717.16 of the Revised Code and Section 4 as enacted in this act. 3010
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Section 6. The State Board of Pharmacy in consultation 3016
with the State Veterinary Medical Licensing Board shall adopt 3017
the rules required by section 4729.533 of the Revised Code not 3018
later than two years after the effective date of this section. 3019
If the State Board of Pharmacy fails to meet this requirement, 3020
the Attorney General or a county prosecuting attorney may seek a 3021
court order requiring adoption of the rules. 3022

Section 7. The amendments to section 959.15 of the Revised 3023
Code, divisions (A), (B), and (C) of section 959.21 of the 3024
Revised Code, and divisions (C), (D), (E) (7), and (I) of section 3025
959.99 of the Revised Code by this act are intended to re-enact 3026
the amendments to those sections made by Sub. S.B. 331 of the 3027
131st General Assembly that were severed by the Sixth District 3028
Court of Appeals of Ohio in Toledo v. Ohio, 2018-Ohio-4534; 2018 3029
Ohio App. LEXIS 4854 (6th Dist.) due to the determination that 3030
those provisions violated the one subject rule established under 3031
Article II, Section 15(D) of the Ohio Constitution. 3032

Section 8. Section 959.99 of the Revised Code is presented 3033
in this act as a composite of the section as amended by both 3034
Sub. H.B. 60 and Sub. S.B. 331 of the 131st General Assembly. 3035
The General Assembly, applying the principle stated in division 3036
(B) of section 1.52 of the Revised Code that amendments are to 3037
be harmonized if reasonably capable of simultaneous operation, 3038
finds that the composite is the resulting version of the section 3039
in effect prior to the effective date of the section as 3040
presented in this act. 3041