

As Introduced

134th General Assembly

Regular Session

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H. B. No. 725

Representatives Lanese, Hoops

**Cosponsors: Representatives Brinkman, Carruthers, Denson, Miller, A., Schmidt,
Young, T.**

A BILL

To amend section 955.99 and to enact section 955.31 1
of the Revised Code to prohibit a person, other 2
than a licensed veterinarian, from performing 3
medical and dental procedures on a dog. 4

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

Section 1. That section 955.99 be amended and section 5
955.31 of the Revised Code be enacted to read as follows: 6

Sec. 955.31. (A) As used in this section: 7

(1) "Dental procedure" does not include brushing a dog's 8
teeth. 9

(2) "Dog" means a mammal of any age of the species Canis 10
familiaris. 11

(3) "Veterinarian" means an individual who is licensed to 12
practice veterinary medicine under Chapter 4741. of the Revised 13
Code and who is in good standing with the veterinary medical 14
licensing board. 15

(B) Except as provided in division (D) of this section, no 16

person shall knowingly perform a surgical procedure on a dog, 17
including: 18

(1) Cropping or cutting off the ear of the dog; 19

(2) Docking or cutting off the tail of the dog; 20

(3) Performing a partial or complete onychectomy or 21
phalangectomy on the dog, including the removal of the dog's 22
dewclaw; 23

(4) Surgically birthing the dog; 24

(5) Performing any dental procedure on the dog, including 25
scaling; 26

(6) Devocalizing or debarking the dog; 27

(7) Performing a tendonectomy on the dog. 28

(C) No person shall knowingly manage a dog's pain after a 29
surgical procedure without guidance and supervision from a 30
veterinarian. 31

(D) Division (B) of this section does not apply to a 32
veterinarian performing a surgical procedure on a dog, provided 33
that the veterinarian is using clinically appropriate anesthesia 34
on the dog during the procedure. 35

Sec. 955.99. (A) (1) Whoever violates division (E) of 36
section 955.11 of the Revised Code because of a failure to 37
comply with division (B) of that section is guilty of a minor 38
misdemeanor. 39

(2) Whoever violates division (E) of section 955.11 of the 40
Revised Code because of a failure to comply with division (C) or 41
(D) of that section is guilty of a minor misdemeanor on a first 42
offense and of a misdemeanor of the fourth degree on each 43

subsequent offense. 44

(B) Whoever violates section 955.10, 955.23, 955.24, or 45
955.25 of the Revised Code is guilty of a minor misdemeanor. 46

(C) Whoever violates section 955.261, 955.39, or 955.50 of 47
the Revised Code is guilty of a minor misdemeanor on a first 48
offense and of a misdemeanor of the fourth degree on each 49
subsequent offense. 50

(D) Whoever violates division (F) of section 955.16 or 51
division (B) of section 955.43 of the Revised Code is guilty of 52
a misdemeanor of the fourth degree. 53

(E) (1) Whoever violates section 955.21 of the Revised 54
Code, violates division (B) of section 955.22 of the Revised 55
Code, or commits a violation of division (C) of section 955.22 56
of the Revised Code that involves a dog that is not a nuisance 57
dog, dangerous dog, or vicious dog shall be fined not less than 58
twenty-five dollars or more than one hundred dollars on a first 59
offense, and on each subsequent offense shall be fined not less 60
than seventy-five dollars or more than two hundred fifty dollars 61
and may be imprisoned for not more than thirty days. 62

(2) In addition to the penalties prescribed in division 63
(E) (1) of this section, if the offender is guilty of a violation 64
of division (B) of section 955.22 of the Revised Code or a 65
violation of division (C) of section 955.22 of the Revised Code 66
that involves a dog that is not a nuisance dog, dangerous dog, 67
or vicious dog, the court may order the offender to personally 68
supervise the dog that the offender owns, keeps, or harbors, to 69
cause that dog to complete dog obedience training, or to do 70
both. 71

(F) (1) Whoever commits a violation of division (C) of 72

section 955.22 of the Revised Code that involves a nuisance dog 73
is guilty of a minor misdemeanor on the first offense and of a 74
misdemeanor of the fourth degree on each subsequent offense 75
involving the same dog. Upon a person being convicted of or 76
pleading guilty to a third violation of division (C) of section 77
955.22 of the Revised Code involving the same dog, the court 78
shall require the offender to register the involved dog as a 79
dangerous dog. 80

(2) In addition to the penalties prescribed in division 81
(F) (1) of this section, if a violation of division (C) of 82
section 955.22 of the Revised Code involves a nuisance dog, the 83
court may order the offender to personally supervise the 84
nuisance dog that the offender owns, keeps, or harbors, to cause 85
that dog to complete dog obedience training, or to do both. 86

(G) Whoever commits a violation of division (C) of section 87
955.22 of the Revised Code that involves a dangerous dog or a 88
violation of division (D) of that section is guilty of a 89
misdemeanor of the fourth degree on a first offense and of a 90
misdemeanor of the third degree on each subsequent offense. 91
Additionally, the court may order the offender to personally 92
supervise the dangerous dog that the offender owns, keeps, or 93
harbors, to cause that dog to complete dog obedience training, 94
or to do both, and the court may order the offender to obtain 95
liability insurance pursuant to division (E) of section 955.22 96
of the Revised Code. The court, in the alternative, may order 97
the dangerous dog to be humanely destroyed by a licensed 98
veterinarian, the county dog warden, or the county humane 99
society at the owner's expense. With respect to a violation of 100
division (C) of section 955.22 of the Revised Code that involves 101
a dangerous dog, until the court makes a final determination and 102
during the pendency of any appeal of a violation of that 103

division and at the discretion of the dog warden, the dog shall 104
be confined or restrained in accordance with division (D) of 105
section 955.22 of the Revised Code or at the county dog pound at 106
the owner's expense. 107

(H) (1) Whoever commits a violation of division (C) of 108
section 955.22 of the Revised Code that involves a vicious dog 109
is guilty of one of the following: 110

(a) A felony of the fourth degree if the dog kills a 111
person. Additionally, the court shall order that the vicious dog 112
be humanely destroyed by a licensed veterinarian, the county dog 113
warden, or the county humane society at the owner's expense. 114

(b) A misdemeanor of the first degree if the dog causes 115
serious injury to a person. Additionally, the court may order 116
the vicious dog to be humanely destroyed by a licensed 117
veterinarian, the county dog warden, or the county humane 118
society at the owner's expense. 119

(2) If the court does not order the vicious dog to be 120
destroyed under division (H) (1) (b) of this section, the court 121
shall issue an order that specifies that division (D) of section 122
955.11 and divisions (D) to (I) of section 955.22 of the Revised 123
Code apply with respect to the dog and the owner, keeper, or 124
harborer of the dog as if the dog were a dangerous dog and that 125
section 955.54 of the Revised Code applies with respect to the 126
dog as if it were a dangerous dog. As part of the order, the 127
court shall order the offender to obtain the liability insurance 128
required under division (E) (1) of section 955.22 of the Revised 129
Code in an amount, exclusive of interest and costs, that equals 130
or exceeds one hundred thousand dollars. Until the court makes a 131
final determination and during the pendency of any appeal of a 132
violation of division (C) of section 955.22 of the Revised Code 133

and at the discretion of the dog warden, the dog shall be 134
confined or restrained in accordance with the provisions 135
described in division (D) of section 955.22 of the Revised Code 136
or at the county dog pound at the owner's expense. 137

(I) Whoever violates division (A) (2) of section 955.01 of 138
the Revised Code is guilty of a misdemeanor of the first degree. 139

(J) Whoever violates division (E) (2) of section 955.22 of 140
the Revised Code is guilty of a misdemeanor of the fourth 141
degree. 142

(K) Whoever violates division (C) of section 955.221 of 143
the Revised Code is guilty of a minor misdemeanor. Each day of 144
continued violation constitutes a separate offense. Fines levied 145
and collected for violations of that division shall be 146
distributed by the mayor or clerk of the municipal or county 147
court in accordance with section 733.40, division (F) of section 148
1901.31, or division (C) of section 1907.20 of the Revised Code 149
to the treasury of the county, township, or municipal 150
corporation whose resolution or ordinance was violated. 151

(L) Whoever violates division (F) (1), (2), or (3) of 152
section 955.22 of the Revised Code is guilty of a felony of the 153
fourth degree. Additionally, the court shall order that the dog 154
involved in the violation be humanely destroyed by a licensed 155
veterinarian, the county dog warden, or the county humane 156
society. Until the court makes a final determination and during 157
the pendency of any appeal of a violation of division (F) (1), 158
(2), or (3) of section 955.22 of the Revised Code and at the 159
discretion of the dog warden, the dog shall be confined or 160
restrained in accordance with the provisions of division (D) of 161
section 955.22 of the Revised Code or at the county dog pound at 162
the owner's expense. 163

(M) Whoever violates division (E) (1), (3), or (4) of 164
section 955.22 of the Revised Code is guilty of a minor 165
misdemeanor. 166

(N) Whoever violates division (I) (4) of section 955.22 of 167
the Revised Code is guilty of a minor misdemeanor. 168

(O) Whoever violates division (A) or (B) of section 955.54 169
of the Revised Code is guilty of a misdemeanor of the first 170
degree. 171

(P) (1) If a dog is confined at the county dog pound 172
pursuant to division (G), (H), or (L) of this section, the 173
county dog warden shall give written notice of the confinement 174
to the owner of the dog. If the county dog warden is unable to 175
give the notice to the owner of the dog, the county dog warden 176
shall post the notice on the door of the residence of the owner 177
of the dog or in another conspicuous place on the premises at 178
which the dog was seized. The notice shall include a statement 179
that a security in the amount of one hundred dollars is due to 180
the county dog warden within ten days to secure payment of all 181
reasonable expenses, including medical care and boarding of the 182
dog for sixty days, expected to be incurred by the county dog 183
pound in caring for the dog pending the determination. The 184
county dog warden may draw from the security any actual costs 185
incurred in caring for the dog. 186

(2) If the person ordered to post security under division 187
(P) (1) of this section does not do so within ten days of the 188
confinement of the animal, the dog is forfeited, and the county 189
dog warden may determine the disposition of the dog unless the 190
court issues an order that specifies otherwise. 191

(3) Not more than ten days after the court makes a final 192

determination under division (G), (H), or (L) of this section, 193
the county dog warden shall provide the owner of the dog with 194
the actual cost of the confinement of the dog. If the county dog 195
warden finds that the security provided under division (P) (1) of 196
this section is less than the actual cost of confinement of the 197
dog, the owner shall remit the difference between the security 198
provided and the actual cost to the county dog warden within 199
thirty days after the court's determination. If the county dog 200
warden finds that the security provided under division (P) (1) of 201
this section is greater than that actual cost, the county dog 202
warden shall remit the difference between the security provided 203
and the actual cost to the owner within thirty days after the 204
court's determination. 205

(Q) Whoever violates division (B) or (C) of section 955.31 206
of the Revised Code is guilty of a misdemeanor of the second 207
degree on a first offense and a misdemeanor of the first degree 208
on each subsequent offense. 209

(R) As used in this section, "nuisance dog," "dangerous 210
dog," and "vicious dog" have the same meanings as in section 211
955.11 of the Revised Code. 212

Section 2. That existing section 955.99 of the Revised 213
Code is hereby repealed. 214