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Sub. H. B. No. 503

Representatives Peterson, Jones

Cosponsors: Representatives Miller, J., Abrams, Brennan, Carruthers, Claggett, Cutrona, Dobos, Fowler Arthur, Gross, Hall, Isaacsohn, Jarrells, King, Klopfenstein, LaRe, Lorenz, Mathews, Miller, K., Mohamed, Patton, Richardson, Robb Blasdel, Santucci, Seitz, Stewart, Swearingen, Thomas, C., Willis

A BILL

To amend sections 901.43, 942.01, 942.02, 943.23, 1
943.26, 1531.01, 1533.01, 1533.731, 1533.99, and 2
4745.01; to amend, for the purpose of adopting a 3
new section number as indicated in parentheses, 4
section 942.13 (942.05); to enact new sections 5
942.03 and 942.04 and sections 1533.75 and 6
1533.751; and to repeal sections 942.03, 942.04, 7
942.05, 942.06, 942.07, 942.10, 942.11, 942.12, 8
and 942.99 of the Revised Code to prohibit 9
certain activities regarding garbage-fed swine, 10
feral swine, and wild boar. 11

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

Section 1. That sections 901.43, 942.01, 942.02, 943.23, 12
943.26, 1531.01, 1533.01, 1533.731, 1533.99, and 4745.01 be 13
amended; section 942.13 (942.05) be amended for the purpose of 14
adopting a new section number as indicated in parentheses; and 15
new sections 942.03 and 942.04 and sections 1533.75 and 1533.751 16
of the Revised Code be enacted to read as follows: 17

Sec. 901.43. (A) The director of agriculture may authorize 18
any department of agriculture laboratory to perform a laboratory 19
service for any person, organization, political subdivision, 20
state agency, federal agency, or other entity, whether public or 21
private. The director shall adopt and enforce rules to provide 22
for the rendering of a laboratory service. 23

(B) The director may charge a reasonable fee for the 24
performance of a laboratory service, except when the service is 25
performed on an official sample taken by the director acting 26
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 27
Revised Code; by a board of health acting as the licenser of 28
retail food establishments or food service operations under 29
Chapter 3717. of the Revised Code; or by the director of health 30
acting as the licenser of food service operations under Chapter 31
3717. of the Revised Code. The director of agriculture shall 32
adopt rules specifying what constitutes an official sample. 33

The director shall publish a list of laboratory services 34
offered, together with the fee for each service. 35

(C) The director may enter into a contract with any 36
person, organization, political subdivision, state agency, 37
federal agency, or other entity for the provision of a 38
laboratory service. 39

(D) (1) The director may adopt rules establishing standards 40
for accreditation of laboratories and laboratory services and in 41
doing so may adopt by reference existing or recognized standards 42
or practices. 43

(2) The director may inspect and accredit laboratories and 44
laboratory services, and may charge a reasonable fee for the 45
inspections and accreditation. 46

(E) (1) There is hereby created in the state treasury the
animal and consumer protection laboratory fund. Moneys from the
following sources shall be deposited into the state treasury to
the credit of the fund: all moneys collected by the director
under this section that are from fees generated by a laboratory
service performed by the department and related to the diseases
of animals, all moneys so collected that are from fees generated
for the inspection and accreditation of laboratories and
laboratory services related to the diseases of animals, all
moneys collected by the director under this section that are
from fees generated by a laboratory service performed by the
consumer protection laboratory, all moneys so collected that are
from fees generated for the inspection and accreditation of
laboratories and laboratory services not related to weights and
measures, money received by the director under sections 947.01
to 947.06 of the Revised Code, and all moneys collected under
Chapters ~~942.~~~~943.~~ and 953. of the Revised Code. The director
may use the moneys held in the fund to pay the expenses
necessary to operate the animal industry laboratory and the
consumer protection laboratory, including the purchase of
supplies and equipment.

(2) All moneys collected by the director under this
section that are from fees generated by a laboratory service
performed by the weights and measures laboratory, and all moneys
so collected that are from fees generated for the inspection and
accreditation of laboratories and laboratory services related to
weights and measures, shall be deposited in the state treasury
to the credit of the weights and measures laboratory fund, which
is hereby created in the state treasury. The moneys held in the
fund may be used to pay the expenses necessary to operate the
division of weights and measures, including the purchase of

supplies and equipment. 78

Sec. 942.01. As used in sections 942.01 to ~~942.13~~ 942.05
of the Revised Code: 79
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~~(A) "Conveyance" means a vehicle, trailer, or compartment
that is used to transport raw rendering material.~~ 81
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~~(B)~~ "Garbage" means all waste material derived in whole or
in part from the meat of any animal, including fish and poultry,
or other animal material, and other refuse of any character that
has been associated with such waste material resulting from the
handling, preparation, cooking, or consumption of food. 83
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~~(C)~~ (B) "Person" means any individual, corporation,
partnership, association, society, company, firm, or other legal
entity. 88
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~~(D)~~ (C) "Raw rendering material" has the same meaning as
in section 953.21 of the Revised Code. 91
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~~(E)~~ (D) "Treated garbage" means any edible garbage for
consumption by swine that has been heated at boiling point while
being agitated, except in steam cooking equipment, to ensure
that the garbage is heated throughout for thirty minutes ~~under
the supervision of a person licensed pursuant to section 942.02
of the Revised Code.~~ 93
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Sec. 942.02. (A) No person shall feed on the person's
premises, or permit the feeding of, garbage or treated garbage
to swine ~~without a license to do so issued by the department of
agriculture.~~ 99
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(B) ~~An application for a license to feed treated garbage
shall be made in writing on a form prescribed by the director of
agriculture~~ No person shall bring into this state a swine that
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has been fed garbage or treated garbage. 106

~~(C) A license shall be renewed before the thirty-first day
of December of each year, and an application for renewal shall
be filed before the thirtieth day of November of each year.~~ 107
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~~(D) The fee for the license shall be one hundred dollars
per annum. A late fee of fifty dollars shall be paid for each
application that is received after the thirtieth day of November
each year.~~ 110
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~~(E) All money collected under this section shall be
credited to the animal and consumer protection laboratory fund
created in section 901.43 of the Revised Code.~~ 114
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Sec. 942.03. (A) Upon receipt of a complaint or on the 117
director of agriculture's own initiative, the director may 118
investigate violations of section 942.02 of the Revised Code and 119
make inquiries into any alleged violations as are necessary to 120
secure compliance with this chapter and orders issued under it. 121

(B) With the consent of the owner of a premises, lessee of 122
a premises, or the owner, keeper, or harborer of a swine that is 123
kept or harbored on a premises, the director or the director's 124
authorized representative may enter at all reasonable times on 125
any premises where swine are kept or harbored for the purpose of 126
determining compliance with section 942.02 of the Revised Code. 127
If the director or the director's authorized representative is 128
denied access to the premises and suspects that section 942.02 129
of the Revised Code is not being complied with, the director may 130
apply for a search warrant authorizing access from a court of 131
competent jurisdiction. The court shall issue the search warrant 132
if there is probable cause. Probable cause may be based on 133
hearsay, provided that there is substantial basis for believing 134

the source is credible and there is factual basis for the 135
information. 136

(C) Upon entering a premises in accordance with division 137
(B) of this section, the director or the director's authorized 138
representative shall observe biosecurity measures in order to 139
prevent spreading disease and infecting livestock. 140

Sec. 942.04. (A) The director of agriculture may assess a 141
civil penalty against a person that violates section 942.02 of 142
the Revised Code. The director may assess a civil penalty only 143
if the director affords the person an opportunity for an 144
adjudication hearing under Chapter 119. of the Revised Code. The 145
person may waive the right to an adjudication hearing. 146

(B) If the opportunity for an adjudication hearing is 147
waived or if, after an adjudication hearing, the director 148
determines that a violation has occurred or is occurring, the 149
director may issue an order requiring compliance with section 150
942.02 of the Revised Code and assess the civil penalty. The 151
order and assessment of the civil penalty may be appealed in 152
accordance with section 119.12 of the Revised Code. 153

(C) The director may assess a civil penalty for a 154
violation of section 942.02 of the Revised Code in the following 155
amounts: 156

(1) For a first violation, not more than five hundred 157
dollars; 158

(2) For each subsequent violation, not more than one 159
thousand dollars. 160

(D) Money collected under division (C) of this section 161
shall be credited to the animal and consumer protection fund 162
created in section 943.26 of the Revised Code. 163

Sec. ~~942.13~~ 942.05. This chapter does not apply to either 164
of the following: 165

(A) An individual who feeds garbage from the individual's 166
household to the individual's own animals or an individual who 167
only feeds bakery waste, candy waste, eggs, vegetables, or dairy 168
products to swine; 169

(B) Rendered products. As used in this division, "rendered 170
product" means raw rendering material that has been ground and 171
heated to a minimum temperature of two hundred thirty degrees 172
Fahrenheit to make products such as animal, poultry, or fish 173
protein, grease, or tallow. 174

Sec. 943.23. (A) A captive whitetail deer licensee shall 175
comply with the requirements established in sections 943.20 to 176
943.26 of the Revised Code and in rules. The director of 177
agriculture may suspend or revoke a license issued under section 178
943.03 or 943.031 of the Revised Code regarding monitored 179
captive deer, captive deer with status, or captive deer with 180
certified chronic wasting disease status if the licensee fails 181
to comply with those requirements. 182

(B) (1) The director, after providing an opportunity for an 183
adjudication hearing under Chapter 119. of the Revised Code, may 184
assess a civil penalty against a person who has violated or is 185
in violation of section 943.20 of the Revised Code. If the 186
director assesses a civil penalty, the director shall do so as 187
follows: 188

(a) If, within five years of the violation, the director 189
has not previously assessed a civil penalty against the person 190
under this section, in an amount not exceeding five hundred 191
dollars; 192

(b) If, within five years of the violation, the director 193
has previously assessed one civil penalty against the person 194
under this section, in an amount not exceeding two thousand five 195
hundred dollars; 196

(c) If, within five years of the violation, the director 197
has previously assessed two or more civil penalties against the 198
person under this section, in an amount not exceeding ten 199
thousand dollars. 200

(2) Money collected under division (B) (1) of this section 201
shall be deposited in the state treasury to the credit of the 202
~~captive deer animal and consumer protection~~ fund created in 203
section 943.26 of the Revised Code. 204

Sec. 943.26. Notwithstanding section 943.04 of the Revised 205
Code, all money collected through the issuance of licenses to 206
captive whitetail deer licensees under this chapter and all 207
money collected under section 942.04 of the Revised Code shall 208
be credited to the ~~captive deer animal and consumer protection~~ 209
fund, which is hereby created in the state treasury. The 210
director of agriculture shall use money in the fund to 211
administer Chapter 942. and sections 943.20 to 943.26 of the 212
Revised Code and rules. 213

Sec. 1531.01. As used in this chapter and Chapter 1533. of 214
the Revised Code: 215

(A) "Person" means a person as defined in section 1.59 of 216
the Revised Code or a company; an employee, agent, or officer of 217
such a person or company; a combination of individuals; the 218
state; a political subdivision of the state; an interstate body 219
created by a compact; or the federal government or a department, 220
agency, or instrumentality of it. 221

(B) "Resident" means either of the following:	222
(1) An individual who has resided in this state for not less than six months preceding the date of making application for a license or permit;	223 224 225
(2) An individual who is a full-time student enrolled in an accredited Ohio public or private college or university and who resides in this state at the time the individual makes application for a license or permit and who attests to the individual's full-time student status in a manner determined by the chief of the division of wildlife.	226 227 228 229 230 231
(C) "Nonresident" means any individual who does not qualify as a resident.	232 233
(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.	234 235 236
(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.	237 238 239
(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.	240 241 242
(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act	243 244 245 246 247 248 249 250

of assistance to any other person in killing or capturing or	251
attempting to kill or capture a wild animal.	252
(H) "Possession" means both actual and constructive	253
possession and any control of things referred to.	254
(I) "Bag limit" means the number, measurement, or weight	255
of any kind of crayfish, aquatic insects, fish, frogs, turtles,	256
wild birds, and wild quadrupeds permitted to be taken.	257
(J) "Transport and transportation" means carrying or	258
moving or causing to be carried or moved.	259
(K) "Sell and sale" means barter, exchange, or offer or	260
expose for sale.	261
(L) "Whole to include part" means that every provision	262
relating to any wild animal protected by this chapter and	263
Chapter 1533. of the Revised Code applies to any part of the	264
wild animal with the same effect as it applies to the whole.	265
(M) "Angling" means fishing with not more than two hand	266
lines, not more than two units of rod and line, or a combination	267
of not more than one hand line and one rod and line, either in	268
hand or under control at any time while fishing. The hand line	269
or rod and line shall have attached to it not more than three	270
baited hooks, not more than three artificial fly rod lures, or	271
one artificial bait casting lure equipped with not more than	272
three sets of three hooks each.	273
(N) "Trotline" means a device for catching fish that	274
consists of a line having suspended from it, at frequent	275
intervals, vertical lines with hooks attached.	276
(O) "Fish" means a cold-blooded vertebrate having fins.	277
(P) "Measurement of fish" means length from the end of the	278

nose to the longest tip or end of the tail.	279
(Q) "Wild birds" includes game birds and nongame birds.	280
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	281 282
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated grouse, wild turkey, Hungarian partridge, Chukar partridge, woodcocks, black-breasted plover, golden plover, Wilson's snipe or jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, duck, geese, brant, and crows.	283 284 285 286 287 288
(T) "Nongame birds" includes all other wild birds not included and defined as game birds or migratory game birds.	289 290
(U) "Wild quadrupeds" includes game quadrupeds and , <u>fur-bearing animals, and wild boar or feral swine.</u>	291 292
(V) "Game quadrupeds" includes cottontail rabbits, gray squirrels, black squirrels, fox squirrels, red squirrels, flying squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, wild bear, elk, and black bears.	293 294 295 296
(W) "Fur-bearing animals" includes minks, weasels, raccoons, skunks, opossums, muskrats, fox, beavers, badgers, otters, coyotes, and bobcats.	297 298 299
(X) "Wild animals" includes mollusks, crustaceans, aquatic insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, and all other wild mammals, but does not include domestic deer.	300 301 302 303
(Y) "Hunting" means pursuing, shooting, killing, following after or on the trail of, lying in wait for, shooting at, or wounding wild birds or wild quadrupeds while employing any	304 305 306

device commonly used to kill or wound wild birds or wild 307
quadrupeds whether or not the acts result in killing or 308
wounding. "Hunting" includes every attempt to kill or wound and 309
every act of assistance to any other person in killing or 310
wounding or attempting to kill or wound wild birds or wild 311
quadrupeds. 312

(Z) "Trapping" means securing or attempting to secure 313
possession of a wild bird or wild quadruped by means of setting, 314
placing, drawing, or using any device that is designed to close 315
upon, hold fast, confine, or otherwise capture a wild bird or 316
wild quadruped whether or not the means results in capture. 317
"Trapping" includes every act of assistance to any other person 318
in capturing wild birds or wild quadrupeds by means of the 319
device whether or not the means results in capture. 320

(AA) "Muskrat spear" means any device used in spearing 321
muskrats. 322

(BB) "Channels and passages" means those narrow bodies of 323
water lying between islands or between an island and the 324
mainland in Lake Erie. 325

(CC) "Island" means a rock or land elevation above the 326
waters of Lake Erie having an area of five or more acres above 327
water. 328

(DD) "Reef" means an elevation of rock, either broken or 329
in place, or gravel shown by the latest United States chart to 330
be above the common level of the surrounding bottom of the lake, 331
other than the rock bottom, or in place forming the base or 332
foundation rock of an island or mainland and sloping from the 333
shore of it. "Reef" also means all elevations shown by that 334
chart to be above the common level of the sloping base or 335

foundation rock of an island or mainland, whether running from 336
the shore of an island or parallel with the contour of the shore 337
of an island or in any other way and whether formed by rock, 338
broken or in place, or from gravel. 339

(EE) "Fur farm" means any area used exclusively for 340
raising fur-bearing animals or in addition thereto used for 341
hunting game, the boundaries of which are plainly marked as 342
such. 343

(FF) "Waters" includes any lake, pond, reservoir, stream, 344
channel, lagoon, or other body of water, or any part thereof, 345
whether natural or artificial. 346

(GG) "Crib" or "car" refers to that particular compartment 347
of the net from which the fish are taken when the net is lifted. 348

(HH) "Commercial fish" means those species of fish 349
permitted to be taken, possessed, bought, or sold unless 350
otherwise restricted by the Revised Code or division rule and 351
are alewife (*Alosa pseudoharengus*), American eel (*Anguilla* 352
rostrata), bowfin (*Amia calva*), burbot (*Lota lota*), carp 353
(*Cyprinus carpio*), smallmouth buffalo (*Ictiobus bubalus*), 354
bigmouth buffalo (*Ictiobus cyprinellus*), black bullhead 355
(*Ictalurus melas*), yellow bullhead (*Ictalurus natalis*), brown 356
bullhead (*Ictalurus nebulosus*), channel catfish (*Ictalurus* 357
punctatus), flathead catfish (*Pylodictis olivaris*), whitefish 358
(*Coregonus* sp.), cisco (*Coregonus* sp.), freshwater drum or 359
sheepshead (*Aplodinotus grunniens*), gar (*Lepisosteus* sp.), 360
gizzard shad (*Dorosoma cepedianum*), goldfish (*Carassius* 361
auratus), lake trout (*Salvelinus namaycush*), mooneye (*Hiodon* 362
tergisus), quillback (*Carpiodes cyprinus*), smelt (*Allosmerus* 363
elongatus, *Hypomesus* sp., *Osmerus* sp., *Spirinchus* sp.), sturgeon 364
(*Acipenser* sp., *Scaphirhynchus* sp.), sucker other than buffalo 365

and quillback (*Carpiodes* sp., *Catostomus* sp., *Hypentelium* sp.,
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Minytrema sp., *Moxostoma* sp.), white bass (*Morone chrysops*),
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white perch (*Roccus americanus*), and yellow perch (*Perca*
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flavescens). When the common name of a fish is used in this
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chapter or Chapter 1533. of the Revised Code, it refers to the
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fish designated by the scientific name in this definition.
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(II) "Fishing" means taking or attempting to take fish by
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any method, and all other acts such as placing, setting,
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drawing, or using any device commonly used to take fish whether
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resulting in a taking or not.
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(JJ) "Fillet" means the pieces of flesh taken or cut from
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both sides of a fish, joined to form one piece of flesh.
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(KK) "Part fillet" means a piece of flesh taken or cut
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from one side of a fish.
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(LL) "Round" when used in describing fish means with head
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and tail intact.
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(MM) "Migrate" means the transit or movement of fish to or
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from one place to another as a result of natural forces or
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instinct and includes, but is not limited to, movement of fish
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induced or caused by changes in the water flow.
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(NN) "Spreader bar" means a brail or rigid bar placed
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across the entire width of the back, at the top and bottom of
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the cars in all trap, crib, and fyke nets for the purpose of
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keeping the meshes hanging squarely while the nets are fishing.
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(OO) "Fishing guide" means any person who, for
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consideration or hire, operates a boat, rents, leases, or
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otherwise furnishes angling devices, ice fishing shanties or
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shelters of any kind, or other fishing equipment, and
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accompanies, guides, directs, or assists any other person in
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order for the other person to engage in fishing.	395
(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.	396 397 398 399
(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.	400 401 402 403
(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.	404 405
(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.	406 407 408 409
(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or otherwise specifically marked fish within a limited period of time.	410 411 412 413 414
(UU) "Tenant" means an individual who resides on land for which the individual pays rent and whose annual income is primarily derived from agricultural production conducted on that land, as "agricultural production" is defined in section 929.01 of the Revised Code.	415 416 417 418 419
(VV) "Nonnative wildlife" means any wild animal not indigenous to this state, but does not include domestic deer.	420 421
(WW) "Reptiles" includes common musk turtle (<i>sternotherus</i>	422

odoratus), common snapping turtle (<i>Chelydra serpentina</i>	423
<i>serpentina</i>), spotted turtle (<i>Clemmys guttata</i>), eastern box	424
turtle (<i>Terrapene carolina carolina</i>), Blanding's turtle	425
(<i>Emydoidea blandingii</i>), common map turtle (<i>Graptemys</i>	426
<i>geographica</i>), ouachita map turtle (<i>Graptemys pseudogeographica</i>	427
<i>ouachitensis</i>), midland painted turtle (<i>Chrysemys picta</i>	428
<i>marginata</i>), red-eared slider (<i>Trachemys scripta elegans</i>),	429
eastern spiny softshell turtle (<i>Apalone spinifera spinifera</i>),	430
midland smooth softshell turtle (<i>Apalone mutica mutica</i>),	431
northern fence lizard (<i>Sceloporus undulatus hyacinthinus</i>),	432
ground skink (<i>Scincella lateralis</i>), five-lined skink (<i>Eumeces</i>	433
<i>fasciatus</i>), broadhead skink (<i>Eumeces laticeps</i>), northern coal	434
skink (<i>Eumeces anthracinus anthracinus</i>), European wall lizard	435
(<i>Podarcis muralis</i>), queen snake (<i>Regina septemvittata</i>),	436
Kirtland's snake (<i>Clonophis kirtlandii</i>), northern water snake	437
(<i>Nerodia sipedon sipedon</i>), Lake Erie watersnake (<i>Nerodia sipedon</i>	438
<i>insularum</i>), copperbelly water snake (<i>Nerodia erythrogaster</i>	439
<i>neglecta</i>), northern brown snake (<i>Storeria dekayi dekayi</i>),	440
midland brown snake (<i>Storeria dekayi wrightorum</i>), northern	441
redbelly snake (<i>Storeria occipitomaculata occipitomaculata</i>),	442
eastern garter snake (<i>Thamnophis sirtalis sirtalis</i>), eastern	443
plains garter snake (<i>Thamnophis radix radix</i>), Butler's garter	444
snake (<i>Thamnophis butleri</i>), shorthead garter snake (<i>Thamnophis</i>	445
<i>brachystoma</i>), eastern ribbon snake (<i>Thamnophis sauritus</i>	446
<i>sauritus</i>), northern ribbon snake (<i>Thamnophis sauritus</i>	447
<i>septentrionalis</i>), eastern hognose snake (<i>Heterodon platirhinos</i>),	448
eastern smooth earth snake (<i>Virginia valeriae valeriae</i>),	449
northern ringneck snake (<i>Diadophis punctatus edwardsii</i>), midwest	450
worm snake (<i>Carphophis amoenus helena</i>), eastern worm snake	451
(<i>Carphophis amoenus amoenus</i>), black racer (<i>Coluber constrictor</i>	452
<i>constrictor</i>), blue racer (<i>Coluber constrictor foxii</i>), rough	453
green snake (<i>Opheodrys aestivus</i>), smooth green snake (<i>Opheodrys</i>	454

vernalis vernalis), black rat snake (<i>Elaphe obsoleta obsoleta</i>),	455
eastern fox snake (<i>Elaphe vulpina gloydi</i>), black kingsnake	456
(<i>Lampropeltis getula nigra</i>), eastern milk snake (<i>Lampropeltis</i>	457
<i>triangulum triangulum</i>), northern copperhead (<i>Agkistrodon</i>	458
<i>contortrix mokasen</i>), eastern massasauga (<i>Sistrurus catenatus</i>	459
<i>catenatus</i>), and timber rattlesnake (<i>Crotalus horridus horridus</i>).	460
(XX) "Amphibians" includes eastern hellbender	461
(<i>Cryptobranchus alleganiensis alleganiensis</i>), mudpuppy (<i>Necturus</i>	462
<i>maculosus maculosus</i>), red-spotted newt (<i>Notophthalmus</i>	463
<i>viridescens viridescens</i>), Jefferson salamander (<i>Ambystoma</i>	464
<i>jeffersonianum</i>), spotted salamander (<i>Ambystoma maculatum</i>), blue-	465
spotted salamander (<i>Ambystoma laterale</i>), smallmouth salamander	466
(<i>Ambystoma texanum</i>), streamside salamander (<i>Ambystoma barbouri</i>),	467
marbled salamander (<i>Ambystoma opacum</i>), eastern tiger salamander	468
(<i>Ambystoma tigrinum tigrinum</i>), northern dusky salamander	469
(<i>Desmognathus fuscus fuscus</i>), mountain dusky salamander	470
(<i>Desmognathus ochrophaeus</i>), redback salamander (<i>Plethodon</i>	471
<i>cinereus</i>), ravine salamander (<i>Plethodon richmondi</i>), northern	472
slimy salamander (<i>Plethodon glutinosus</i>), Wehrle's salamander	473
(<i>Plethodon wehrlei</i>), four-toed salamander (<i>Hemidactylium</i>	474
<i>scutatum</i>), Kentucky spring salamander (<i>Gyrinophilus</i>	475
<i>porphyriticus duryi</i>), northern spring salamander (<i>Gyrinophilus</i>	476
<i>porphyriticus porphyriticus</i>), mud salamander (<i>Pseudotriton</i>	477
<i>montanus</i>), northern red salamander (<i>Pseudotriton ruber ruber</i>),	478
green salamander (<i>Aneides aeneus</i>), northern two-lined salamander	479
(<i>Eurycea bislineata</i>), longtail salamander (<i>Eurycea longicauda</i>	480
<i>longicauda</i>), cave salamander (<i>Eurycea lucifuga</i>), southern two-	481
lined salamander (<i>Eurycea cirrigera</i>), Fowler's toad (<i>Bufo</i>	482
<i>woodhousii fowleri</i>), American toad (<i>Bufo americanus</i>), eastern	483
spadefoot (<i>Scaphiopus holbrookii</i>), Blanchard's cricket frog	484
(<i>Acris crepitans blanchardi</i>), northern spring peeper (<i>Pseudacris</i>	485

crucifer crucifer), gray treefrog (<i>Hyla versicolor</i>), Cope's gray	486
treefrog (<i>Hyla chrysoscelis</i>), western chorus frog (<i>Pseudacris</i>	487
<i>triseriata triseriata</i>), mountain chorus frog (<i>Pseudacris</i>	488
<i>brachyphona</i>), bullfrog (<i>Rana catesbeiana</i>), green frog (<i>Rana</i>	489
<i>clamitans melanota</i>), northern leopard frog (<i>Rana pipiens</i>),	490
pickerel frog (<i>Rana palustris</i>), southern leopard frog (<i>Rana</i>	491
<i>utricularia</i>), and wood frog (<i>Rana sylvatica</i>).	492
(YY) "Deer" means white-tailed deer (<i>Odocoileus</i>	493
<i>virginianus</i>).	494
(ZZ) "Domestic deer" means nonnative deer that have been	495
legally acquired or their offspring and that are held in private	496
ownership for primarily agricultural purposes.	497
(AAA) "Migratory game bird" includes waterfowl (<i>Anatidae</i>);	498
doves (<i>Columbidae</i>); cranes (<i>Gruidae</i>); cormorants	499
(<i>Phalacrocoracidae</i>); rails, coots, and gallinules (<i>Rallidae</i>);	500
and woodcock and snipe (<i>Scolopacidae</i>).	501
(BBB) "Accompany" means to go along with another person	502
while staying within a distance from the person that enables	503
uninterrupted, unaided visual and auditory communication.	504
(CCC) "All-purpose vehicle" means any vehicle that is	505
designed primarily for cross-country travel on land, water, or	506
land and water and that is steered by wheels, caterpillar	507
treads, or a combination of wheels and caterpillar treads and	508
includes vehicles that operate on a cushion of air, vehicles	509
commonly known as all-terrain vehicles, all-season vehicles,	510
mini-bikes, and trail bikes.	511
(DDD) "Wholly enclosed preserve" means an area of land	512
that is surrounded by a fence that is at least six feet in	513
height, unless otherwise specified in division rule, and is	514

constructed of a woven wire mesh, or another enclosure that the 515
division of wildlife may approve, where game birds, game 516
quadrupeds, reptiles, amphibians, or fur-bearing animals are 517
raised and may be sold under the authority of a commercial 518
propagating license or captive white-tailed deer propagation 519
license obtained under section 1533.71 of the Revised Code. 520

(EEE) "Commercial bird shooting preserve" means an area of 521
land where game birds are released and hunted by shooting as 522
authorized by a commercial bird shooting preserve license 523
obtained under section 1533.72 of the Revised Code. 524

(FFF) "Wild animal hunting preserve" means an area of land 525
where game, captive white-tailed deer, and nonnative wildlife, 526
other than game birds, are released and hunted as authorized by 527
a wild animal hunting preserve license obtained under section 528
1533.721 of the Revised Code. 529

(GGG) "Captive white-tailed deer" means legally acquired 530
deer that are held in private ownership at a facility licensed 531
under section 943.03 or 943.031 of the Revised Code and under 532
section 1533.71 or 1533.721 of the Revised Code. 533

(HHH) "Wild boar" or "feral swine" means either of the 534
following: 535

(1) Members of the family suidae, including both of the 536
following: 537

(a) Wild pig, wild hog, feral hog, and feral pig; 538

(b) Old world swine, razorbacks, European wild boar, and 539
Russian wild boar, and any hybrids or crossbreeds thereof; 540

(2) Members of the family tayassuidae, including collared 541
peccary and javelina, and any hybrids or crossbreeds of members 542

of the family tayassuidea. 543

Sec. 1533.01. As used in this chapter, "person," 544
"resident," "nonresident," "division rule," "rule," "closed 545
season," "open season," "take or taking," "possession," "bag 546
limit," "transport and transportation," "sell and sale," "whole 547
to include part," "angling," "trotline," "fish," "measurement of 548
fish," "wild birds," "game," "game birds," "nongame birds," 549
"wild quadrupeds," "game quadrupeds," "fur-bearing animals," 550
"wild animals," "hunting," "trapping," "muskrat spear," 551
"channels and passages," "island," "reef," "fur farm," "waters," 552
"crib," "car," "commercial fish," "fishing," "fillet," "part 553
fillet," "round," "migrate," "spreader bar," "fishing guide," 554
"net," "commercial fishing gear," "native wildlife," "gill net," 555
"tag fishing tournament," "tenant," "nonnative wildlife," 556
"reptiles," "amphibians," "deer," "domestic deer," "migratory 557
game bird," "accompany," "all-purpose vehicle," "wholly enclosed 558
preserve," "commercial bird shooting preserve," "wild animal 559
hunting preserve," "wild boar," "feral swine," and "captive 560
white-tailed deer" have the same meanings as in section 1531.01 561
of the Revised Code. 562

Sec. 1533.731. (A) No wild animal hunting preserve shall 563
be less than eighty acres in area. Each such preserve shall be 564
in one continuous block of land, except that the block of land 565
may be intersected by highways or roads. No wild animal hunting 566
preserve shall be located within one thousand five hundred feet 567
of another such preserve. 568

The boundaries of each wild animal hunting preserve shall 569
be clearly defined by posting, at intervals of not more than 570
four hundred feet, with signs prescribed by the division of 571
wildlife. Each wild animal hunting preserve shall be surrounded 572

by a fence at least eight feet in height, with a minimal 573
deviation not to exceed four per cent, that is constructed of a 574
woven wire mesh, or such other enclosure approved by the chief 575
of the division of wildlife. 576

(B) (1) Except as provided in divisions (B) (2) ~~and~~ (3) and (4) 577
of this section, game and nonnative wildlife that have 578
been approved by the chief for such use and that have been 579
legally acquired or propagated under the authority of a 580
propagating license issued under section 1533.71 of the Revised 581
Code or propagated within the confines of a licensed wild animal 582
hunting preserve may be released and hunted within the confines 583
of the licensed wild animal hunting preserve between one-half 584
hour before sunrise and one-half hour after sunset, without 585
regard to sex, bag limit, or open season, by hunters authorized 586
by the holder of the wild animal hunting preserve license to 587
hunt on those lands. The chief shall establish, by rule, the 588
allowable methods of taking game and nonnative wildlife in a 589
wild animal hunting preserve. 590

(2) No game or nonnative wildlife on the federal 591
endangered species list established in accordance with the 592
"Endangered Species Act of 1973," 87 Stat. 884, 16 U.S.C.A. 593
1531, as amended, or the state endangered species list 594
established in rules adopted under section 1531.25 of the 595
Revised Code, no bears native to North America, and no large 596
carnivores of the family Felidae shall be released for hunting 597
or hunted in any wild animal hunting preserve in this state. 598

(3) No person shall release for hunting or hunt within a 599
wild animal hunting preserve any game or nonnative wildlife not 600
listed in the application for a license for that preserve. 601

(4) No person shall release for hunting or hunt wild boar 602

or feral swine in any wild animal hunting preserve in this 603
state. A violation of division (B)(4) of this section is a 604
strict liability offense and section 2901.20 of the Revised Code 605
does not apply. 606

(C) Unless otherwise specified by division rule, all game 607
and nonnative wildlife released on a wild animal hunting 608
preserve shall be identified with a tag that shall bear upon it 609
a symbol identifying the preserve. 610

(D) No person shall remove living game or nonnative 611
wildlife from a wild animal hunting preserve unless the game or 612
nonnative wildlife are being transferred to another wild animal 613
hunting preserve in accordance with rules adopted by the 614
director of agriculture under section 943.24 of the Revised 615
Code. 616

(E) The holder of a wild animal hunting preserve license 617
shall keep a record of all animals that have been released into 618
the preserve. The record shall include all of the following: 619

(1) The date on which each animal was released into the 620
preserve; 621

(2) The number of each species of animals; 622

(3) The number of males and females of each species of 623
animals; 624

(4) The name and address of each person from whom each 625
animal was obtained. 626

The licensee shall record in a manner specified by the 627
division the name and address of each person that takes any game 628
or nonnative wildlife from the preserve. The licensee shall 629
maintain those records for a period of two years and make them 630

available for inspection by the division at all reasonable times 631
in conjunction with an active criminal investigation. 632

(F) In addition to complying with the requirements 633
established by division (E) of this section, the holder of a 634
wild animal hunting preserve license who has captive white- 635
tailed deer in the preserve shall keep a record of all known 636
escapes of those deer, deaths of those deer that were not a 637
result of hunting, and laboratory results for testing for 638
chronic wasting disease of those deer that is required by 639
section 943.21 of the Revised Code and rules adopted under 640
section 943.24 of the Revised Code. 641

(G) For the purposes of division (B) of section 1533.02 of 642
the Revised Code, the owner or operator of a wild animal hunting 643
preserve shall furnish each person who takes any game or 644
nonnative wildlife from the preserve a certificate bearing a 645
description of the animal, the date the animal was taken, and 646
the name of the preserve. 647

(H) The holder of a wild animal hunting preserve license 648
prominently shall display the license at the place of business 649
that is specified in the license. 650

(I) The chief shall adopt rules under section 1531.10 of 651
the Revised Code that provide for the safety of the public and 652
for the protection of the game and nonnative wildlife to be 653
hunted in a wild animal hunting preserve prior to their release 654
in the preserve. 655

(J) No holder of a wild animal hunting preserve license 656
shall violate this chapter or Chapter 1531. of the Revised Code 657
or any division rule. 658

(K) This section does not authorize the hunting of game 659

birds in a licensed wild animal hunting preserve unless the 660
licensee also possesses a valid commercial bird shooting 661
preserve license issued under section 1533.72 of the Revised 662
Code for the same land for which the wild animal hunting 663
preserve license was issued. 664

(L) A person may hunt game and nonnative wildlife in a 665
licensed wild animal hunting preserve without obtaining a 666
hunting license otherwise required by section 1533.10 of the 667
Revised Code or a deer permit otherwise required by section 668
1533.11 of the Revised Code. 669

Sec. 1533.75. (A) No person shall do any of the following: 670

(1) Import, transport, or possess live wild boar or feral 671
swine; 672

(2) Release wild boar or feral swine into the wild or 673
expand the range of a wild boar or feral swine by introducing 674
the wild boar or feral swine to a new location; 675

(3) Allow a swine that is under the ownership or 676
possession of the person to live in a feral state; 677

(4) Except as otherwise provided in section 1533.751 of 678
the Revised Code, hunt, trap, or kill a wild boar or feral swine 679
or assist in the hunting, trapping, or killing of a wild boar or 680
feral swine; 681

(5) Profit from the releasing, hunting, trapping, or 682
killing of wild boar or feral swine; 683

(6) Fail to notify the division of wildlife in accordance 684
with division (B) of section 1533.751 of the Revised Code. 685

(B) No person shall purposely feed a wild boar or feral 686
swine. 687

(C) A violation of division (A) of this section is a 688
strict liability offense and section 2901.20 of the Revised Code 689
does not apply. 690

Sec. 1533.751. (A) Except as provided in division rules, a 691
person, including a property owner, tenant, or person 692
responsible for a property's management, who knows or has reason 693
to believe a wild boar or feral swine is present on private or 694
public property shall notify the division of wildlife within 695
twenty-four hours of the person so knowing or having reason to 696
believe of the wild boar's or feral swine's presence. 697

(B) Except as provided in division rules, a person or a 698
person's agent who encounters wild boar or feral swine on 699
property owned or leased by that person may immediately 700
eradicate the wild boar or feral swine without a hunting license 701
required under section 1533.10 of the Revised Code if the person 702
or agent does both of the following: 703

(1) Notifies the division as soon as practicable, but not 704
later than twenty-four hours after the eradication or attempted 705
eradication of the wild boar or feral swine; 706

(2) Follows the instructions provided by the division 707
including the handling, preservation for testing, and disposal 708
of any wild boar or feral swine carcass. 709

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 710
Revised Code is guilty of a misdemeanor of the third degree on a 711
first offense and a misdemeanor of the second degree on each 712
subsequent offense. In addition to any other sanction imposed 713
under this division, on a second or subsequent offense occurring 714
within a period of three consecutive years after the date of 715
conviction of the immediately preceding violation of that 716

section any firearms or other hunting implements in the 717
possession or under the control of the offender at the time of 718
the violation are subject to seizure in accordance with section 719
1531.20 of the Revised Code. If the offender persists in the 720
offense after reasonable warning or request to desist, the 721
offender is guilty of a misdemeanor of the second degree. 722

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 723
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 724
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 725
1533.73, 1533.74, 1533.76, 1533.77, or 1533.79, division (J) of 726
section 1533.731, or division (B) or (C) of section 1533.97 of 727
the Revised Code is guilty of a misdemeanor of the third degree. 728

(C) Whoever violates division (B) of section 1533.03, 729
section 1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35, 730
1533.42, 1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721, 731
1533.881, or 1533.882, division (B) (2) ~~or~~, (3), or (4) of 732
section 1533.731, or division (A) of section 1533.97 of the 733
Revised Code is guilty of a misdemeanor of the first degree. 734

(D) Whoever violates division (D) of section 1533.97 of 735
the Revised Code is guilty of a misdemeanor of the fourth 736
degree. The court shall require any person who is convicted of 737
or pleads guilty to the offense to refund to all participants in 738
the fishing tournament operated by the person any entry fees 739
paid by the participants. 740

(E) Whoever violates division (C) or (D) of section 741
1533.632 of the Revised Code is guilty of a felony of the fifth 742
degree. 743

(F) Whoever violates any section of this chapter for which 744
no penalty is otherwise provided is guilty of a misdemeanor of 745

the fourth degree. This division does not apply to division (A) 746
of section 1533.751 of the Revised Code. 747

(G) A court that imposes sentence for a violation of any 748
section of this chapter governing the holding, taking, or 749
possession of wild animals may require the person who is 750
convicted of or pleads guilty to the offense, in addition to any 751
fine, term of imprisonment, seizure, and forfeiture imposed, to 752
make restitution for the minimum value of the wild animal or 753
animals illegally held, taken, or possessed as established under 754
section 1531.201 of the Revised Code. An officer who collects 755
moneys paid as restitution under this section shall pay those 756
moneys to the treasurer of state who shall deposit them in the 757
state treasury to the credit of the wildlife fund established 758
under section 1531.17 of the Revised Code. 759

(H) Except as otherwise provided in this division, whoever 760
violates section 1533.75 of the Revised Code is guilty of a 761
misdemeanor of the first degree. Whoever violates that section 762
when the violation involves the importing or releasing of a wild 763
boar or feral swine is guilty of a felony of the fifth degree. 764
In addition to any other penalty, the court shall require any 765
person who is convicted of or pleads guilty to a violation of 766
that section to pay the costs incurred by any state or federal 767
agency for the investigation, control, and eradication of wild 768
boar or feral swine that resulted from the violation. Money paid 769
to the division of wildlife shall be credited to the wildlife 770
fund established under section 1531.17 of the Revised Code. 771

Sec. 4745.01. (A) "Standard renewal procedure," as used in 772
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 773
927., ~~942.~~ 943., 953., 1321., 3710., 3713., 3719., 3742., 774
3748., 3769., 3783., 3921., 3951., 4104., 4105., 4169., 4561., 775

4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 776
4728., 4729., 4731., 4733., 4734., 4739., 4741., 4747., 4749., 777
4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 4773., 778
and 4775. of the Revised Code, means the license renewal 779
procedures specified in this chapter. 780

(B) "Licensing agency," as used in this chapter, means any 781
department, division, board, section of a board, or other state 782
governmental unit subject to the standard renewal procedure, as 783
defined in this section, and authorized by the Revised Code to 784
issue a license to engage in a specific profession, occupation, 785
or occupational activity, or to have charge of and operate 786
certain specified equipment, machinery, or premises. 787

(C) "License," as used in this chapter, means a license, 788
certificate, permit, card, or other authority issued or 789
conferred by a licensing agency by authority of which the 790
licensee has or claims the privilege to engage in the 791
profession, occupation, or occupational activity, or to have 792
control of and operate certain specific equipment, machinery, or 793
premises, over which the licensing agency has jurisdiction. 794

(D) "Licensee," as used in this chapter, means either the 795
person to whom the license is issued or renewed by a licensing 796
agency, or the person, partnership, or corporation at whose 797
request the license is issued or renewed. 798

(E) "Renewal" and "renewed," as used in this chapter and 799
in the chapters of the Revised Code specified in division (A) of 800
this section, includes the continuing licensing procedure 801
provided in Chapter 3748. of the Revised Code and rules adopted 802
under it and in sections 1321.05 and 3921.33 of the Revised 803
Code, and as applied to those continuing licenses any reference 804
in this chapter to the date of expiration of any license shall 805

be construed to mean the due date of the annual or other fee for 806
the continuing license. 807

Section 2. That existing sections 901.43, 942.01, 942.02, 808
942.13, 943.23, 943.26, 1531.01, 1533.01, 1533.731, 1533.99, and 809
4745.01 of the Revised Code are hereby repealed. 810

Section 3. That sections 942.03, 942.04, 942.05, 942.06, 811
942.07, 942.10, 942.11, 942.12, and 942.99 of the Revised Code 812
are hereby repealed. 813

Section 4. Any license to feed treated garbage to swine 814
issued by the director of agriculture pursuant to section 942.02 815
of the Revised Code prior to the effective date of this act 816
expires on that date. 817