

As Introduced

135th General Assembly
Regular Session
2023-2024

H. B. No. 678

Representative Fischer
Cosponsors: Representatives Williams, Sweeney

A BILL

To amend section 959.131 of the Revised Code to
revise the definition of "companion animal" for
purposes of the law governing cruelty to
companion animals.

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

Section 1. That section 959.131 of the Revised Code be
amended to read as follows:

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

(1) "Companion animal" means any ~~animal that is kept~~
~~inside a residential dwelling and any dog or cat regardless of~~
~~where it is kept, including a pet store as defined in section~~
~~956.01 of the Revised Code~~ of the following:

(a) Any animal that is kept inside a residential dwelling;

(b) Any dog;

(c) Any cat. "Companion animal"

"Companion animal" does not include livestock or any wild
animal.

- (2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code. 17
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- (3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation. 19
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- (4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code. 22
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- (5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code. 24
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- (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. 26
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- (7) "Dog kennel" means an animal rescue for dogs, a boarding kennel, or a training kennel. 34
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- (8) "Boarding kennel" and "animal rescue for dogs" have the same meanings as in section 956.01 of the Revised Code. 36
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- (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. 38
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- (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 41
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or fiber.	45
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	46 47
(12) "Serious physical harm" means any of the following:	48
(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;	49 50
(b) Physical harm that involves either partial or total permanent incapacity;	51 52
(c) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain.	53 54 55
(B) No person shall knowingly torture, torment, needlessly mutilate or maim, cruelly beat, poison, needlessly kill, or commit an act of cruelty against a companion animal.	56 57 58
(C) No person shall knowingly cause serious physical harm to a companion animal.	59 60
(D) No person who confines or who is the custodian or caretaker of a companion animal shall negligently do any of the following:	61 62 63
(1) Torture, torment, or commit an act of cruelty against the companion animal;	64 65
(2) Deprive the companion animal of necessary sustenance or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation or confinement;	66 67 68 69 70 71

(3) Impound or confine the companion animal without 72
affording it, during the impoundment or confinement, with access 73
to shelter from heat, cold, wind, rain, snow, or excessive 74
direct sunlight if it can reasonably be expected that the 75
companion animal would become sick or suffer in any other way as 76
a result of or due to the lack of adequate shelter. 77

(E) No person who confines or who is the custodian or 78
caretaker of a companion animal shall recklessly deprive the 79
companion animal of necessary sustenance or confine the 80
companion animal without supplying it during the confinement 81
with sufficient quantities of good, wholesome food and water. 82

(F) No owner, manager, or employee of a dog kennel who 83
confines or is the custodian or caretaker of a companion animal 84
shall knowingly do any of the following: 85

(1) Torture, torment, needlessly mutilate or maim, cruelly 86
beat, poison, needlessly kill, or commit an act of cruelty 87
against the companion animal; 88

(2) Deprive the companion animal of necessary sustenance 89
or confine the companion animal without supplying it during the 90
confinement with sufficient quantities of good, wholesome food 91
and water if it is reasonably expected that the companion animal 92
would die or experience unnecessary or unjustifiable pain or 93
suffering as a result of the deprivation or confinement; 94

(3) Impound or confine the companion animal without 95
affording it, during the impoundment or confinement, with access 96
to shelter from heat, cold, wind, rain, snow, or excessive 97
direct sunlight if it is reasonably expected that the companion 98
animal would die or experience unnecessary or unjustifiable pain 99
or suffering as a result of or due to the lack of adequate 100

shelter.	101
(G) No owner, manager, or employee of a dog kennel who	102
confines or is the custodian or caretaker of a companion animal	103
shall negligently do any of the following:	104
(1) Torture, torment, or commit an act of cruelty against	105
the companion animal;	106
(2) Deprive the companion animal of necessary sustenance	107
or confine the companion animal without supplying it during the	108
confinement with sufficient quantities of good, wholesome food	109
and water if it can reasonably be expected that the companion	110
animal would become sick or suffer in any other way as a result	111
of or due to the deprivation or confinement;	112
(3) Impound or confine the companion animal without	113
affording it, during the impoundment or confinement, with access	114
to shelter from heat, cold, wind, rain, snow, or excessive	115
direct sunlight if it can reasonably be expected that the	116
companion animal would become sick or suffer in any other way as	117
a result of or due to the lack of adequate shelter.	118
(H) Divisions (B), (C), (D), (E), (F), and (G) of this	119
section do not apply to any of the following:	120
(1) A companion animal used in scientific research	121
conducted by an institution in accordance with the federal	122
animal welfare act and related regulations;	123
(2) The lawful practice of veterinary medicine by a person	124
who has been issued a license, temporary permit, or registration	125
certificate to do so under Chapter 4741. of the Revised Code;	126
(3) Dogs being used or intended for use for hunting or	127
field trial purposes, provided that the dogs are being treated	128

in accordance with usual and commonly accepted practices for the 129
care of hunting dogs; 130

(4) The use of common training devices, if the companion 131
animal is being treated in accordance with usual and commonly 132
accepted practices for the training of animals; 133

(5) The administering of medicine to a companion animal 134
that was properly prescribed by a person who has been issued a 135
license, temporary permit, or registration certificate under 136
Chapter 4741. of the Revised Code. 137

(I) Notwithstanding any section of the Revised Code that 138
otherwise provides for the distribution of fine moneys, the 139
clerk of court shall forward all fines the clerk collects that 140
are so imposed for any violation of this section to the 141
treasurer of the political subdivision or the state, whose 142
county humane society or law enforcement agency is to be paid 143
the fine money as determined under this division. The treasurer 144
to whom the fines are forwarded shall pay the fine moneys to the 145
county humane society or the county, township, municipal 146
corporation, or state law enforcement agency in this state that 147
primarily was responsible for or involved in the investigation 148
and prosecution of the violation. If a county humane society 149
receives any fine moneys under this division, the county humane 150
society shall use the fine moneys either to provide the training 151
that is required for humane society agents under section 152
1717.061 of the Revised Code or to provide additional training 153
for humane society agents. 154

Section 2. That existing section 959.131 of the Revised 155
Code is hereby repealed. 156