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Bill Analysis

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Racheal Vargo, Research Analyst

SUMMARY

Wolfdog hybrids

- Creates a regulatory scheme, similar to existing regulations for dangerous dogs, that imposes requirements on an owner, keeper, or harborer (“owner”) of a wolfdog hybrid regarding registration, transfer, insurance, and confinement.

Registration

- Establishes new registration requirements for wolfdog hybrids and requires every wolfdog hybrid owner to obtain a wolfdog hybrid registration from the county auditor, in addition to a standard dog registration.
- Exempts an animal shelter that keeps or harbors a wolfdog hybrid from the wolfdog hybrid registration requirements under certain conditions.
- Requires the county auditor to notify in writing the applicable county dog warden of a registration or address change when the auditor registers a wolfdog hybrid or receives a notification of an address change from the owner of a wolfdog hybrid.

Transfer and selling

- Establishes requirements governing the transfer or selling of a wolfdog hybrid, but exempts animal shelters from the transfer requirements under certain conditions.
- Establishes criminal penalties for a violation of those requirements and specifies that certain provisions are strict liability offenses.

Confinement requirements

- Establishes requirements regarding the confinement of a wolfdog hybrid, including requiring a wolfdog hybrid to be confined on the owner’s premises in a locked pen that

has a top, locked fenced yard with fencing constructed to prevent escape, or other locked enclosure with a top.

- Establishes criminal penalties for a violation of those provisions and specifies that certain provisions are strict liability offenses.

Insurance requirements

- Requires a wolfdog hybrid owner to obtain at least \$100,000 in liability insurance and provide proof of that insurance upon request.

Additional requirements and prohibitions

- Establishes additional notification and disclosure requirements that apply to wolfdog hybrid owners and prohibits debarking or surgically silencing of a wolfdog hybrid.
- Provides an affirmative defense to a veterinarian charged with debarking or surgically silencing a wolfdog hybrid if the veterinarian provides to the dog's owner a written waiver form that attests that the dog is not a wolfdog hybrid before the veterinarian debarks or surgically silences the dog.

Nuisance abatement

- Allows a board of county commissioners to provide for the abatement, control, or removal of animals from land in the county if the board determines that the animal constitutes a nuisance.
- Establishes a process whereby the board may recoup the costs incurred in performing such abatement, control, or removal services.

DETAILED ANALYSIS

Wolfdog hybrids

The bill establishes new statutory requirements that apply to an owner, keeper, or harbinger ("owner") of a wolfdog hybrid, including regulations governing registration, transfer and selling, confinement, insurance, and other specified requirements. Under the bill, a wolfdog hybrid is any of the following:

- A first generation wolfdog (which is the offspring of the reproduction between a wolf with a domestic dog);
- The offspring of the reproduction between any of the following:
 - A first generation wolfdog with a wolf;
 - A first generation wolfdog with a domestic dog;
 - A first generation wolfdog with a first generation wolfdog.

- An animal that is advertised or otherwise described or represented as a wolfdog hybrid by its owner.¹

Under current law, a wolfdog hybrid is specifically exempted from the definition of “dangerous wild animal,”² thus making them legal to own as pets. Ohio’s law governing dogs treats wolfdog hybrids as dogs (absent any behavioral act that would warrant the wolfdog hybrid to be designated as a nuisance, dangerous, or vicious dog). However, the bill establishes requirements that apply to a wolfdog hybrid owner that essentially mirror the current law requirements and penalties associated with owning a dangerous dog. Additionally, the bill clarifies that a wolfdog hybrid is a dog for purposes of Ohio’s Dog Law (therefore any provision that applies to a “regular” dog also applies to a wolfdog hybrid).³

Registration

The bill creates new registration requirements for wolfdog hybrids. Under the bill, a wolfdog hybrid owner must obtain an annual wolfdog hybrid registration from the county auditor,⁴ in addition to a regular dog registration.⁵ To obtain an annual wolfdog hybrid registration, the owner must submit all of the following to the county auditor:

- A \$100 fee;
- The person’s address, telephone number, and other appropriate means for the county auditor to contact the person, along with proof that the person is 18 or older;
- Either satisfactory evidence that the wolfdog hybrid has been neutered or spayed or a statement from a licensed veterinarian that neutering or spaying is medically contraindicated;
- Satisfactory evidence that the person has posted and will continue to post clearly visible signs at the person’s residence warning both minors and adults of the presence of a wolfdog hybrid on the property; and
- Satisfactory evidence that the wolfdog hybrid has been permanently identified by means of a microchip and the wolfdog hybrid’s microchip number.

Upon submission of that information, the county auditor must issue a wolfdog hybrid registration. Additionally, the county auditor must provide the owner with a uniformly designed tag that identifies the animal as a wolfdog hybrid.⁶

¹ R.C. 955.01(G).

² R.C. 935.01(C), not in the bill.

³ R.C. 955.01(H)(2).

⁴ R.C. 955.025.

⁵ R.C. 955.02, not in the bill.

⁶ R.C. 955.025(A) and (B).

If a wolfdog hybrid owner relocates to a new address within the same county, the owner must provide notice of the new address to the county auditor within ten days of relocating to the new address. If the registration holder relocates to a new address within another county, the owner must do both of the following within ten days of relocating to the new address:

1. Provide written notice of the new address and a copy of the original wolfdog hybrid registration to the county auditor of the new county;
2. Provide written notice of the new address to the county auditor of the county where the owner previously resided.⁷

Under the bill, whenever a county auditor registers a wolfdog hybrid or receives notification regarding an address change from a wolfdog hybrid owner, the county auditor must notify in writing the applicable county dog warden of the registration or address change.⁸

The bill requires a wolfdog hybrid owner to do all of the following:

- Obtain a wolfdog hybrid registration from the county auditor;
- Affix a tag that identifies the wolfdog hybrid as a wolfdog hybrid to its collar; and
- Ensure that the wolfdog hybrid wears the collar and tag at all times.

A violation of these provisions is a strict liability offense. Whoever violates these provisions is guilty of a fourth degree misdemeanor for the first offense and a third degree misdemeanor on each subsequent offense.⁹

Additionally, a wolfdog hybrid owner must present a valid wolfdog hybrid registration upon request of any law enforcement officer, dog warden, or public health official. A violation of that provision is a strict liability offense. Whoever violates the provision is guilty of a minor misdemeanor.¹⁰

An animal shelter that keeps or harbors a wolfdog hybrid more than three months old is exempt from the registration requirements if it is a nonprofit organization that is exempt from federal income taxation.¹¹

Transfer and selling

The bill also establishes requirements governing the transfer or selling of a wolfdog hybrid. Under the bill, if a seller or transferor (“seller”) of a dog has knowledge that the dog is a wolfdog hybrid, the seller must, within ten days after transferring the wolfdog hybrid, give a completed copy of a written form to the buyer or other transferee (“buyer”), the board of health

⁷ R.C. 955.025(C).

⁸ R.C. 955.024(B).

⁹ R.C. 955.025(F) and (G)(2).

¹⁰ R.C. 955.025(E) and (G)(1).

¹¹ R.C. 955.025(D).

for the district where the buyer resides, and the dog warden of the county where the buyer resides. The seller must furnish the following information on the form:

1. The name and address of the wolfdog hybrid buyer; and
2. The age, sex, color, applicable DNA information, and current registration number of the wolfdog hybrid.

Additionally, the seller must specifically answer the following questions on the form:

“Has the wolfdog hybrid ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the wolfdog hybrid ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the wolfdog hybrid ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.”

The seller must obtain the signature of the buyer after a statement on the form that the buyer understands that they are acquiring a wolfdog hybrid. The dog warden of the county where the seller resides must furnish the form to the seller at no cost.¹²

A violation of these provisions is a strict liability offense. Whoever violates these provisions is guilty of a minor misdemeanor on a first offense and a fourth degree misdemeanor on each subsequent offense.¹³

Additionally, if the wolfdog hybrid is sold, transferred to another person, or dies, the owner must notify the county auditor and the dog warden within ten days of the sale, transfer, or death. Failure to do so is a strict liability offense and whoever violates the requirement is guilty of a minor misdemeanor.¹⁴

The bill exempts an animal shelter for dogs from its wolfdog hybrid transfer requirements if: (1) the animal shelter did not have knowledge and could not have reasonably ascertained that the dog is a wolfdog hybrid, and (2) the animal shelter asks the following questions to the wolfdog hybrid’s previous owner, if such a person is known and if the wolfdog hybrid was not impounded due to animal abuse:

“Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred.”

“Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred.”

¹² R.C. 955.111(A).

¹³ R.C. 955.111(B) and (C).

¹⁴ R.C. 955.25(B)(4) and (G)(2).

“Has the dog ever seriously injured or killed a person? If yes, describe the incident(s) in which the behavior occurred.”¹⁵

Confinement requirements

The bill requires a wolfdog hybrid owner to do all of the following regarding the proper confinement of a wolfdog hybrid:

Location of the wolfdog hybrid	Requirement
Outdoors, but on the owner’s premises	Securely confine the wolfdog hybrid at all times in a locked pen that has a top, locked fenced yard with fencing that is sufficiently constructed to prevent escape, or other locked enclosure with a top
Inside a residential dwelling or other building on the owner’s premises, when there is an invitee inside the dwelling or building	Securely confine the wolfdog hybrid at all times so that there is no reasonable probability that the wolfdog hybrid encounters the invitee
Off the owner’s premises	<p>Keep that wolfdog hybrid on a chain-link leash or tether that is no more than six feet and additionally do at least one of the following:</p> <ul style="list-style-type: none"> ▪ Keep the wolfdog hybrid locked in a pen that has a top, locked fenced yard with fencing that is sufficiently construed to prevent escape, or other locked enclosure with a top; ▪ Have the leash or tether controlled by a person who is of suitable age and discretion or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the wolfdog hybrid is adequately restrained and station such a person in close enough proximity to that wolfdog hybrid so as to prevent it from causing injury to any person; or ▪ Muzzle the wolfdog hybrid.

A violation of these provisions is a strict liability offense. Whoever violates these provisions is guilty of a fourth degree misdemeanor on a first offense and a third degree misdemeanor on each subsequent offense. Additionally, the court may order the offender to personally supervise the wolfdog hybrid that the offender owns, keeps, or harbors; cause the wolfdog hybrid to complete obedience training; or both. In the alternative, the court may order

¹⁵ R.C. 955.111(D).

the wolfdog hybrid to be humanely destroyed by a licensed veterinarian or the county dog warden at the owner's expense.¹⁶

Insurance requirements

The bill requires a wolfdog hybrid owner to obtain at least \$100,000 in liability insurance, exclusive of interest and costs. The liability insurance policy must be with an insurer authorized to write liability insurance in Ohio and must provide coverage in each occurrence because of damage or bodily injury to or death of a person caused by a wolfdog hybrid. Failure to obtain insurance is a strict liability offense and whoever violates the requirement is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense. Additionally, a wolfdog hybrid owner must provide proof of that liability insurance upon request to any law enforcement officer, county dog warden, or public health official. Failure to do so is a strict liability offense and whoever violates the requirement is guilty of a minor misdemeanor.¹⁷

Additional prohibitions

The bill also establishes additional prohibitions applicable to wolfdog hybrid owners, which are described in the table below:¹⁸

Prohibition	Specified mental state	Penalty
<p>Failing to notify the local dog warden immediately if any of the following occurs:</p> <ol style="list-style-type: none"> 1. The wolfdog hybrid is loose or unconfined; 2. The wolfdog hybrid bites a person, unless the dog is on its owner's property and the person who is bitten is unlawfully trespassing or committing a criminal act within the boundaries of that property; or 3. The wolfdog hybrid attacks another animal while it is off its owner's property. 	Strict liability	Minor misdemeanor
Failing to disclose to a trainer or licensed veterinarian that the wolfdog hybrid is a wolfdog hybrid before any training or veterinary care is provided to the wolfdog hybrid	Strict liability	Minor misdemeanor

¹⁶ R.C. 955.25(A) and (F).

¹⁷ R.C. 955.25(B)(1) and (2) and (G)(1) and (2).

¹⁸ R.C. 955.25(B)(3) and (5), (C), (G)(2), and (H).

Prohibition	Specified mental state	Penalty
Debarking or surgically silencing a dog that the person knows or has reason to believe is a wolfdog hybrid	Recklessly	Fourth degree felony
Possessing a wolfdog hybrid if the person knows or has reason to believe that the wolfdog hybrid has been debarked or surgically silenced	Recklessly	Fourth degree felony
Falsely attesting on a waiver form provided by a veterinarian that the person's dog is not a wolfdog hybrid or otherwise provide false information on that waiver form	Recklessly	Fourth degree felony

Additionally, the court must order that a wolfdog hybrid involved in any of the above-mentioned reckless violations be humanely destroyed by a licensed veterinarian or the county dog warden. Until the court makes a final determination and during any appeal of a violation and at the discretion of the dog warden, the wolfdog hybrid must be confined or restrained in accordance with the bill's confinement provisions or at the county dog pound at the owner's expense.¹⁹

Affirmative defense – debarking

The bill establishes an affirmative defense for a veterinarian who is charged with debarking or surgically silencing a wolfdog hybrid if the veterinarian obtained a written waiver form that attests that the dog is not a wolfdog hybrid before debarking or surgically silencing the dog. For the affirmative defense to apply, the written waiver must include all of the following information:

- The veterinarian's license number and current business address;
- The dog's license number if the dog is licensed;
- A reasonable description of the age, coloring, gender, and notable markings of the dog;
- The owner's signature attesting that the dog is not a wolfdog hybrid;
- A statement that Ohio law prohibits any person from doing any of the following:
 - Debarking or surgically silencing a dog that the person knows or has reason to believe is a wolfdog hybrid;
 - Possessing a wolfdog hybrid if the person knows or has reason to believe that the wolfdog hybrid has been debarked or surgically silenced;

¹⁹ R.C. 955.25(H).

- Falsely attesting on a wavier form provided by the veterinarian that the person's dog is not a wolfdog hybrid or otherwise provide false information on that waiver form.²⁰

Nuisance abatement

The bill also establishes provisions that allow a board of county commissioners to provide for the abatement, control, or removal of one or more animals from land in the county if the board determines that the maintenance of or lack of care of the animal constitutes a nuisance. However, for the board to abate, control, or remove ("abate") an animal, the animal must be legally seized or disposed of and such abatement is or becomes the financial responsibility of a board.²¹

The bill allows the board to employ the necessary labor, materials, and equipment to perform the abatement. It also allows the board to recoup the costs incurred by the board in performing the abatement from the owner of land where the animals were primarily kept if the board does so in accordance with the bill's abatement provisions.²²

Abatement process

At least seven days before providing for the abatement of any animal, the board must notify the landowner and any lienholders of record on the property of both of the following:

- That the owner is ordered to abate, control, or remove the animals because the maintenance or care of those animals has been determined by the board to be a nuisance; and
- If the animal or animals are not abated, controlled, or removed, or if provision for those actions is not made, within seven days, the board must provide for the abatement, control, or removal. Any costs incurred by the board in performing those actions must be entered on the tax list and become a lien on the land where the animal or animals were kept from the date of entry.

If the board provides for or is financially responsible for the abatement of an animal and that task was done in an emergency situation, the board must notify the landowner where the animal or animals were kept and any lienholders of record on the land of the abatement. The board also must notify those individuals that the costs incurred by the board must be entered on the tax list and become a lien on the land from the date of entry.²³

The board must send the notice to the landowner by certified mail if the owner is a resident of the county or is a nonresident whose address is known, and by certified mail to lienholders of record. Alternatively, the board may give notice to the owner by causing any of its agents or employees to post the notice on the principal structure on the land and to photograph

²⁰ R.C. 955.25(D) and (E).

²¹ R.C. 305.87(A) and (B).

²² R.C. 305.87(B) and (C).

²³ R.C. 305.87(D).

that posted notice with a camera capable of recording the date of the photograph. If the owner's address is unknown and cannot reasonably be obtained, the board may publish the notice once using at least one of the following methods:

- In the print or digital edition of a newspaper of general circulation in the county;
- On the official public notice website;
- On the county's website and social media account.²⁴

All costs incurred must be paid out of the county general fund from money not otherwise appropriated. If the costs exceed \$500, the board may borrow money from a financial institution to pay for the costs in whole or in part.²⁵

If a board abates an animal, the board must make a written report to the applicable county auditor of the board's action. The board must include in the report a legal description of the premises and a statement of all costs incurred in providing for the abatement. It must include the board's charges for its services, the costs incurred in providing notice, any fees or interest paid to borrow money, and the amount paid for labor, materials, and equipment. The county auditor must place the costs on the tax list. The costs are a lien on the land from and after the date of entry and must be collected in the same manner as taxes on real property. The county treasurer must provide for payment of any collected costs to the general fund of the county that filed the report.²⁶

HISTORY

Action	Date
Introduced	02-03-26

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²⁴ R.C. 305.87(E).

²⁵ R.C. 305.87(F).

²⁶ R.C. 305.87(G).