

As Introduced

136th General Assembly

Regular Session

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H. B. No. 947

Representatives Creech, Thomas, D.

To amend section 1533.99 and to enact section 1
1533.711 of the Revised Code to establish 2
requirements related to the possession of 3
certain animals for commercial purposes. 4

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

Section 1. That section 1533.99 be amended and section 5
1533.711 of the Revised Code be enacted to read as follows: 6

Sec. 1533.711. (A) As used in this section: 7

(1) "Appropriate facility" means any of the following: 8

(a) A facility that is an accredited member of the 9
association of zoos and aquariums; 10

(b) An individual or facility holding a valid wildlife 11
rehabilitation permit issued under section 1533.08 of the 12
Revised Code; 13

(c) A rescue facility. 14

(2) "Commercial purposes" means, for financial gain or 15
profit, to possess, raise, propagate, or sell a covered animal. 16

(3) "Covered animal" means any of the following animals: 17

(a) A fur-bearing animal and any hybrid thereof; 18

(b) A rabbit and any hybrid thereof, if the rabbit is 19
possessed, raised, propagated, or sold primarily for the value 20
of its fur; 21

(c) A wolf hybrid. 22

(4) "Federal animal welfare act" has the same meaning as 23
in section 959.131 of the Revised Code. 24

(5) "Rescue facility" means a nonprofit organization that 25
is organized under 26 U.S.C. 501(c)(3) and that operates a place 26
of refuge where abused, neglected, unwanted, impounded, 27
abandoned, orphaned, or displaced animals are provided care for 28
their lifetime or released back to their natural habitat. 29
"Rescue facility" does not include an organization that does any 30
of the following: 31

(a) Sells, trades, or barter animals or animal body 32
parts; 33

(b) Uses animals in any manner for profit; 34

(c) Breeds animals; 35

(d) Allows the public the opportunity to come into 36
physical contact with an animal. 37

(6) "Wolf" means an animal of the species Canis rufus or 38
Canis lupus, but does not include a domestic dog (Canis lupus 39
familiaris). 40

(7) "Wolf-dog" is a canid hybrid produced by the mating of 41
a domestic dog with a wolf. 42

(8) "Wolf hybrid" means a wolf-dog or a canid resulting 43
from the breeding of any of the following: 44

(a) A wolf-dog with a wolf; 45

<u>(b) A wolf-dog with a domestic dog;</u>	46
<u>(c) A wolf-dog with a wolf-dog.</u>	47
<u>(B) In addition to obtaining any license or permit</u>	48
<u>required under this chapter or any other provision of law, no</u>	49
<u>person who possesses, raises, propagates, or sells any live</u>	50
<u>covered animal for commercial purposes shall recklessly fail to</u>	51
<u>do any of the following:</u>	52
<u>(1) Beginning ninety days after the chief of the division</u>	53
<u>of wildlife adopts rules under division (D) of this section,</u>	54
<u>comply with those rules;</u>	55
<u>(2) Comply with the recordkeeping requirements established</u>	56
<u>under division (E) of this section;</u>	57
<u>(3) Obtain and maintain a current and valid United States</u>	58
<u>department of agriculture license pursuant to the federal animal</u>	59
<u>welfare act, if required under that act.</u>	60
<u>(C) This section does not apply to any of the following:</u>	61
<u>(1) Research facilities, as defined in the federal animal</u>	62
<u>welfare act;</u>	63
<u>(2) A person who possesses a valid class C exhibitor</u>	64
<u>license in good standing issued by the United States department</u>	65
<u>of agriculture under the federal animal welfare act;</u>	66
<u>(3) With respect to dogs only, a person that is regulated</u>	67
<u>by the director of agriculture under Chapter 956. of the Revised</u>	68
<u>Code;</u>	69
<u>(4) A veterinary business facility that is licensed under</u>	70
<u>Chapter 4741. of the Revised Code;</u>	71
<u>(5) A veterinarian that is licensed under Chapter 4741. of</u>	72

the Revised Code when acting within the scope of the 73
veterinarian's license; 74

(6) A law enforcement officer when acting in accordance 75
with the officer's official duties; 76

(7) A person transporting a legally owned covered animal 77
through the state if the transit time is not more than forty- 78
eight hours, the animal is not exhibited, and the animal is 79
maintained at all times in a species-appropriate cage or travel 80
container. 81

(D) Not later than one year after the effective date of 82
this section, the chief shall adopt rules in accordance with 83
Chapter 119. of the Revised Code that establish requirements and 84
procedures for possessing, raising, propagating, and selling 85
live covered animals for commercial purposes. The rules shall 86
include both of the following: 87

(1) Requirements to ensure the health and safety of live 88
covered animals and the public, including a requirement that 89
facilities and enclosures for live covered animals are 90
constructed in a manner to minimize escape; 91

(2) Requirements and procedures governing disease 92
prevention, including weekly disinfection of enclosures; 93
biological waste disposal procedures; regular vaccinations as 94
recommended by a veterinarian licensed under Chapter 4741. of 95
the Revised Code; and monthly testing for and reporting of 96
diseases, including SARS-CoV-2, avian influenza H5N1, and other 97
pathogens that pose a risk to animal and human health. 98

(E) Any person who possesses, raises, propagates, or sells 99
live covered animals for commercial purposes shall maintain 100
records of all of the following regarding each covered animal: 101

<u>(1) The scientific and common names of the animal,</u>	102
<u>including the species;</u>	103
<u>(2) The name and address of the person from whom the</u>	104
<u>animal was purchased or otherwise acquired, if applicable;</u>	105
<u>(3) The date on which the animal was acquired, if</u>	106
<u>applicable;</u>	107
<u>(4) If the person propagated the animal, the date of birth</u>	108
<u>of the animal;</u>	109
<u>(5) The name and address of the person to whom the animal</u>	110
<u>was sold or otherwise transferred, if applicable;</u>	111
<u>(6) The date on which the animal died or escaped, if</u>	112
<u>applicable.</u>	113
<u>The person shall permanently keep the records on the</u>	114
<u>premises where the covered animal is possessed and shall ensure</u>	115
<u>the records are open for inspection by any authorized</u>	116
<u>representative of the division of wildlife at all reasonable</u>	117
<u>times.</u>	118
<u>(F) (1) At least once annually, the chief or the chief's</u>	119
<u>designee, at a reasonable time, may enter any premises at which</u>	120
<u>a covered animal is possessed, raised, propagated, or sold for</u>	121
<u>commercial purposes to ensure compliance with this section and</u>	122
<u>the rules adopted under it. The chief or the chief's designee</u>	123
<u>shall do so only with the consent of the owner of the premises.</u>	124
<u>(2) If the chief or the chief's designee is denied access</u>	125
<u>to any such premises, and reasonably suspects that the person is</u>	126
<u>not in compliance with this section or the rules adopted under</u>	127
<u>it, the chief may apply to a court of competent jurisdiction in</u>	128
<u>the county in which the premises is located for a search warrant</u>	129

authorizing access to the premises. 130

(3) The court may issue the search warrant for the 131
purposes requested if there is probable cause to believe that 132
the person is not in compliance with this section or the rules 133
adopted under it. The finding of probable cause may be based on 134
hearsay, provided that there is a substantial basis for 135
believing that the source of the hearsay is credible and there 136
is a factual basis for the information furnished. 137

(4) The chief shall create and maintain written reports of 138
each inspection and those reports shall be made available to the 139
public as provided in section 149.43 of the Revised Code. 140

(5) If evidence is found during an inspection of a 141
violation of Chapter 959. of the Revised Code, the chief or the 142
chief's designee shall notify the appropriate county humane 143
society organized under section 1717.05 of the Revised Code. 144

(G) (1) If the chief determines that a person has violated 145
or is violating this section or the rules adopted under it, the 146
chief may issue and cause to be served, by certified mail or 147
personal service, a citation for violation and a notice 148
requiring the person to take corrective actions to eliminate the 149
conditions that constitute a violation of this section or the 150
rules adopted under it. 151

The notice shall state all of the following: 152

(a) The provision or provisions of this section or the 153
rules adopted under this section that have been violated and the 154
facts constituting the violation; 155

(b) The actions that the person must take to correct the 156
deficiencies; 157

(c) A time period of not more than ten days within which 158
the person must correct the violation. The chief shall not 159
extend the time period for correcting the violation or issue a 160
new citation for the same violation. 161

The chief shall not issue a notice for corrective action 162
in circumstances in which a covered animal's life is in 163
immediate danger. 164

(2) The attorney general, upon request of the chief, shall 165
bring an action for injunction against any person who violates 166
this section or the rules adopted under it. The attorney general 167
shall bring the action in a court of competent jurisdiction in 168
the county in which the violation occurred. The court has 169
jurisdiction to and may grant preliminary and permanent 170
injunctive relief upon a showing that the person against whom 171
the action is brought has recklessly violated this section or 172
the rules adopted under it. 173

(3) The chief or the chief's designee may seize and cause 174
to be impounded a covered animal if there is probable cause to 175
believe that a violation of this section or the rules adopted 176
under it has occurred. The seized animal may be temporarily 177
placed with an appropriate facility. 178

(4) After seizing and impounding a covered animal, the 179
chief or the chief's designee shall do both of the following: 180

(a) Within twenty-four hours of the seizure and 181
impoundment, give written notice of the seizure and impoundment 182
to the possessor of the covered animal; 183

(b) Within seventy-two hours of the seizure and 184
impoundment, petition a court of competent jurisdiction in the 185
county where the covered animal was seized or impounded for a 186

hearing to determine whether this section or the rules adopted 187
under it have been violated. 188

(5) If the person from whom the covered animal is seized 189
pleads guilty to, or is convicted of, a violation of this 190
section or the rules adopted under it, the court may order the 191
covered animal to be forfeited by the person and placed in the 192
permanent custody of an appropriate facility or, if no other 193
humane alternative is available, humanely euthanized. 194

(H) A municipal corporation may adopt and enforce 195
ordinances relating to the possession, raising, propagating, or 196
sale of covered animals for commercial purposes that are more 197
stringent than the requirements established by this section and 198
the rules adopted under it. 199

Sec. 1533.99. (A) Whoever violates section 1533.17 of the 200
Revised Code is guilty of a misdemeanor of the third degree on a 201
first offense and a misdemeanor of the second degree on each 202
subsequent offense. In addition to any other sanction imposed 203
under this division, on a second or subsequent offense occurring 204
within a period of three consecutive years after the date of 205
conviction of the immediately preceding violation of that 206
section any firearms or other hunting implements in the 207
possession or under the control of the offender at the time of 208
the violation are subject to seizure in accordance with section 209
1531.20 of the Revised Code. If the offender persists in the 210
offense after reasonable warning or request to desist, the 211
offender is guilty of a misdemeanor of the second degree. 212

(B) Whoever violates section 1533.161, 1533.23, 1533.24, 213
1533.301, 1533.40, 1533.41, 1533.45, 1533.48, 1533.511, 1533.55, 214
1533.56, 1533.58, 1533.62, 1533.631, 1533.66, 1533.71, 1533.72, 215
1533.73, 1533.74, 1533.76, 1533.77, or 1533.79, division (J) of 216

section 1533.731, or division (B) or (C) of section 1533.97 of	217
the Revised Code is guilty of a misdemeanor of the third degree.	218
(C) Whoever violates division (B) of section 1533.03,	219
section 1533.07, 1533.171, 1533.34, 1533.341, 1533.342, 1533.35,	220
1533.42, 1533.51, 1533.63, 1533.64, 1533.67, 1533.68, 1533.721,	221
1533.881, or 1533.882, division (B) (2), (3), or (4) of section	222
1533.731, or division (A) of section 1533.97 of the Revised Code	223
is guilty of a misdemeanor of the first degree.	224
(D) Whoever violates division (D) of section 1533.97 of	225
the Revised Code is guilty of a misdemeanor of the fourth	226
degree. The court shall require any person who is convicted of	227
or pleads guilty to the offense to refund to all participants in	228
the fishing tournament operated by the person any entry fees	229
paid by the participants.	230
(E) Whoever violates division (C) or (D) of section	231
1533.632 of the Revised Code is guilty of a felony of the fifth	232
degree.	233
(F) Whoever violates any section of this chapter for which	234
no penalty is otherwise provided is guilty of a misdemeanor of	235
the fourth degree. This division does not apply to division (A)	236
of section 1533.751 of the Revised Code.	237
(G) A court that imposes sentence for a violation of any	238
section of this chapter governing the holding, taking, or	239
possession of wild animals may require the person who is	240
convicted of or pleads guilty to the offense, in addition to any	241
fine, term of imprisonment, seizure, and forfeiture imposed, to	242
make restitution for the minimum value of the wild animal or	243
animals illegally held, taken, or possessed as established under	244
section 1531.201 of the Revised Code. An officer who collects	245

moneys paid as restitution under this section shall pay those 246
moneys to the treasurer of state who shall deposit them in the 247
state treasury to the credit of the wildlife fund established 248
under section 1531.17 of the Revised Code. 249

(H) Except as otherwise provided in this division, whoever 250
violates section 1533.75 of the Revised Code is guilty of a 251
misdemeanor of the first degree. Whoever violates that section 252
when the violation involves the importing or releasing of a wild 253
boar or feral swine is guilty of a felony of the fifth degree. 254
In addition to any other penalty, the court shall require any 255
person who is convicted of or pleads guilty to a violation of 256
that section to pay the costs incurred by any state or federal 257
agency for the investigation, control, and eradication of wild 258
boar or feral swine that resulted from the violation. Money paid 259
to the division of wildlife shall be credited to the wildlife 260
fund established under section 1531.17 of the Revised Code. 261

(I) (1) Whoever violates section 1533.711 of the Revised 262
Code or the rules adopted under it is guilty of a misdemeanor of 263
the first degree. Each covered animal possessed, raised, 264
propagated, or sold for commercial purposes in violation of that 265
section or the rules adopted under it shall constitute a 266
separate violation. 267

(2) Upon conviction of a violation of section 1533.711 of 268
the Revised Code or the rules adopted under it, the court may 269
suspend or revoke any license or permit issued to the person 270
under this chapter, including a license issued under section 271
1533.71 of the Revised Code. 272

Section 2. That existing section 1533.99 of the Revised 273
Code is hereby repealed. 274