

As Introduced

134th General Assembly  
Regular Session  
2021-2022

S. B. No. 164

Senators Hottinger, Yuko  
Cosponsors: Senators Romanchuk, Craig

---

A BILL

To amend sections 959.06, 959.131, 959.99, and 1  
2901.01 of the Revised Code to revise the law 2  
and penalties associated with companion animal 3  
cruelty and to prohibit the destruction of a 4  
domestic animal by the use of a gas chamber. 5

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

**Section 1.** That sections 959.06, 959.131, 959.99, and 6  
2901.01 of the Revised Code be amended to read as follows: 7

**Sec. 959.06.** (A) As used in this section, "animal shelter" 8  
means a facility operated by a humane society or any society 9  
organized under Chapter 1717. of the Revised Code, a dog pound 10  
operated pursuant to Chapter 955. of the Revised Code, or a 11  
local animal shelter that is operated by any entity of local 12  
government. 13

(B) No person shall recklessly destroy any domestic animal 14  
by the use of ~~a~~ either of the following: 15

(1) A high altitude decompression chamber; 16

or ~~by any~~ 17

(2) Any method other than a method that immediately and 18  
painlessly renders the domestic animal initially unconscious and 19  
subsequently dead. 20

~~(B)~~ (C) (1) Except as provided in division (C) (2) of this 21  
section, no animal shelter shall recklessly destroy a domestic 22  
animal by the use of a carbon monoxide gas chamber, carbon 23  
dioxide gas chamber, or any other nonanesthetic inhalant. 24

(2) An animal shelter may destroy a domestic animal by the 25  
use of a carbon monoxide gas chamber, carbon dioxide gas 26  
chamber, or any other nonanesthetic inhalant if the state 27  
veterinary medical licensing board, in consultation with the 28  
state board of pharmacy, declares that there is a shortage of 29  
approved lethal injection substances. 30

(D) This section does not apply to or prohibit the 31  
destruction of an animal under Chapter 941. of the Revised Code, 32  
the slaughtering of livestock under Chapter 945. of the Revised 33  
Code, or the taking of any wild animal, as defined in section 34  
1531.01 of the Revised Code, when taken in accordance with 35  
Chapter 1533. of the Revised Code. 36

(E) This section does not apply to either of the 37  
following: 38

(1) The lawful practice of veterinary medicine by a person 39  
who has been issued a license, temporary permit, or registration 40  
certificate under Chapter 4741. of the Revised Code; 41

(2) An animal used in scientific research conducted by a 42  
research facility in accordance with the federal animal welfare 43  
act and related regulations. As used in division (E) (2) of this 44  
section, "federal animal welfare act" has the same meaning as in 45  
section 959.131 of the Revised Code. 46

Sec. 959.131. (A) As used in this section: 47

(1) "Companion animal" means any animal that is kept 48  
inside a residential dwelling and any dog or cat regardless of 49  
where it is kept, including a pet store as defined in section 50  
956.01 of the Revised Code. "Companion animal" does not include 51  
livestock or any wild animal. 52

(2) "Cruelty," "torment," and "torture" have the same 53  
meanings as in section 1717.01 of the Revised Code. 54

(3) "Residential dwelling" means a structure or shelter or 55  
the portion of a structure or shelter that is used by one or 56  
more humans for the purpose of a habitation. 57

(4) "Practice of veterinary medicine" has the same meaning 58  
as in section 4741.01 of the Revised Code. 59

(5) "Wild animal" has the same meaning as in section 60  
1531.01 of the Revised Code. 61

(6) "Federal animal welfare act" means the "Laboratory 62  
Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 63  
U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 64  
1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal 65  
Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 66  
417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99- 67  
198, 99 Stat. 1354 (1985), and as it may be subsequently 68  
amended. 69

(7) "Dog kennel" means an animal rescue for dogs ~~that is~~ 70  
~~registered under section 956.06 of the Revised Code,~~ a boarding 71  
kennel, or a training kennel. 72

(8) "Boarding kennel" ~~has~~ and "animal rescue for dogs" 73  
have the same ~~meaning~~ meanings as in section 956.01 of the 74

Revised Code.	75
(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.	76 77 78
(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 or fiber.	79 80 81 82 83
(11) "Captive white-tailed deer" has the same meaning as in section 1531.01 of the Revised Code.	84 85
<del>(12) "Serious physical harm" means any of the following:</del>	86
<del>(a) Physical harm that carries an unnecessary or unjustifiable substantial risk of death;</del>	87 88
<del>(b) Physical harm that involves either partial or total permanent incapacity;</del>	89 90
<del>(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;</del>	91 92 93
<del>(d) Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.</del>	94 95 96 97
(B) <u>(1)</u> 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.	98 99 100
<u>(2) No person shall knowingly needlessly kill a companion</u>	101

animal or do any of the following, unnecessarily or 102  
unjustifiably, to a companion animal that causes acute pain that 103  
results in substantial suffering, prolonged or intractable pain, 104  
or that carries a substantial risk of death to the companion 105  
animal: 106

(a) Cruelly beat; 107

(b) Mutilate or maim; 108

(c) Poison. 109

(C) (1) No person shall knowingly ~~cause serious physical~~ 110  
~~harm to~~ do any of the following, unnecessarily or unjustifiably, 111  
to a companion animal that proximately causes the companion 112  
animal's death: 113

(a) Cruelly beat; 114

(b) Mutilate or maim; 115

(c) Poison. 116

(2) No person shall knowingly organize, promote, aid, or 117  
abet in violating division (C) (1) of this section. 118

(D) No person who confines or who is the custodian or 119  
caretaker of a companion animal shall negligently do any of the 120  
following: 121

(1) Torture, torment, or commit an act of cruelty against 122  
the companion animal; 123

(2) Deprive the companion animal of necessary sustenance 124  
or confine the companion animal without supplying it during the 125  
confinement with sufficient quantities of good, wholesome food 126  
and water if it can reasonably be expected that the companion 127  
animal would become sick or suffer in any other way as a result 128

of or due to the deprivation or confinement; 129

(3) Impound or confine the companion animal without 130  
affording it, during the impoundment or confinement, with access 131  
to shelter from heat, cold, wind, rain, snow, or excessive 132  
direct sunlight if it can reasonably be expected that the 133  
companion animal would become sick or suffer in any other way as 134  
a result of or due to the lack of adequate shelter. 135

(E) No person who confines or who is the custodian or 136  
caretaker of a companion animal shall recklessly deprive the 137  
companion animal of necessary sustenance or confine the 138  
companion animal without supplying it during the confinement 139  
with sufficient quantities of good, wholesome food and water. 140

(F) No owner, manager, or employee of a dog kennel who 141  
confines or is the custodian or caretaker of a companion animal 142  
shall knowingly do any of the following: 143

(1) Torture, torment, needlessly mutilate or maim, cruelly 144  
beat, poison, needlessly kill, or commit an act of cruelty 145  
against the companion animal; 146

(2) Deprive the companion animal of necessary sustenance 147  
or confine the companion animal without supplying it during the 148  
confinement with sufficient quantities of good, wholesome food 149  
and water if it ~~is~~ can reasonably be expected that the companion 150  
animal would ~~die or experience unnecessary or unjustifiable pain~~ 151  
~~or suffering~~ become sick or suffer in any other way as a result 152  
of or due to the deprivation or confinement; 153

(3) Impound or confine the companion animal without 154  
affording it, during the impoundment or confinement, with access 155  
to shelter from heat, cold, wind, rain, snow, or excessive 156  
direct sunlight if it ~~is~~ can reasonably be expected that the 157

companion animal would ~~die or experience unnecessary or~~ 158  
~~unjustifiable pain or suffering~~ become sick or suffer in any 159  
other way as a result of or due to the lack of adequate shelter. 160

~~(F)~~ (G) No owner, manager, or employee of a dog kennel who 161  
confines or is the custodian or caretaker of a companion animal 162  
shall negligently do any of the following: 163

(1) Torture, torment, or commit an act of cruelty against 164  
the companion animal; 165

(2) Deprive the companion animal of necessary sustenance 166  
or confine the companion animal without supplying it during the 167  
confinement with sufficient quantities of good, wholesome food 168  
and water if it can reasonably be expected that the companion 169  
animal would become sick or suffer in any other way as a result 170  
of or due to the deprivation or confinement; 171

(3) Impound or confine the companion animal without 172  
affording it, during the impoundment or confinement, with access 173  
to shelter from heat, cold, wind, rain, snow, or excessive 174  
direct sunlight if it can reasonably be expected that the 175  
companion animal would become sick or suffer in any other way as 176  
a result of or due to the lack of adequate shelter. 177

~~(G)~~ (H) Divisions (B), (C), (D), (E), ~~and (F)~~, and (G) of 178  
this section do not apply to any of the following: 179

(1) A companion animal used in scientific research 180  
conducted by an institution in accordance with the federal 181  
animal welfare act and related regulations; 182

(2) The lawful practice of veterinary medicine by a person 183  
who has been issued a license, temporary permit, or registration 184  
certificate to do so under Chapter 4741. of the Revised Code; 185

(3) Dogs being used or intended for use for hunting or 186  
field trial purposes, provided that the dogs are being treated 187  
in accordance with usual and commonly accepted practices for the 188  
care of hunting dogs; 189

(4) The use of common training devices, if the companion 190  
animal is being treated in accordance with usual and commonly 191  
accepted practices for the training of animals; 192

(5) The administering of medicine to a companion animal 193  
that was properly prescribed by a person who has been issued a 194  
license, temporary permit, or registration certificate under 195  
Chapter 4741. of the Revised Code. 196

~~(H)~~ (I) Notwithstanding any section of the Revised Code 197  
that otherwise provides for the distribution of fine moneys, the 198  
clerk of court shall forward all fines the clerk collects that 199  
are so imposed for any violation of this section to the 200  
treasurer of the political subdivision or the state, whose 201  
county humane society or law enforcement agency is to be paid 202  
the fine money as determined under this division. The treasurer 203  
to whom the fines are forwarded shall pay the fine moneys to the 204  
county humane society or the county, township, municipal 205  
corporation, or state law enforcement agency in this state that 206  
primarily was responsible for or involved in the investigation 207  
and prosecution of the violation. If a county humane society 208  
receives any fine moneys under this division, the county humane 209  
society shall use the fine moneys either to provide the training 210  
that is required for humane society agents under section 211  
1717.061 of the Revised Code or to provide additional training 212  
for humane society agents. 213

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 214  
of the Revised Code is guilty of a minor misdemeanor. 215



(B) Except as otherwise provided in this division, whoever 216  
violates section 959.02 of the Revised Code is guilty of a 217  
misdemeanor of the second degree. If the value of the animal 218  
killed or the injury done amounts to three hundred dollars or 219  
more, whoever violates section 959.02 of the Revised Code is 220  
guilty of a misdemeanor of the first degree. 221

(C) Whoever violates section 959.03, 959.06, division (C) 222  
of section 959.09, 959.12, or 959.17 or division (A) of section 223  
959.15 of the Revised Code is guilty of a misdemeanor of the 224  
fourth degree. 225

(D) Whoever violates division (A) of section 959.13 or 226  
section 959.21 of the Revised Code is guilty of a misdemeanor of 227  
the second degree. In addition, the court may order the offender 228  
to forfeit the animal or livestock and may provide for its 229  
disposition, including, but not limited to, the sale of the 230  
animal or livestock. If an animal or livestock is forfeited and 231  
sold pursuant to this division, the proceeds from the sale first 232  
shall be applied to pay the expenses incurred with regard to the 233  
care of the animal from the time it was taken from the custody 234  
of the former owner. The balance of the proceeds from the sale, 235  
if any, shall be paid to the former owner of the animal. 236

(E) (1) Whoever violates division ~~(B)~~ (B) (1) or (E) of 237  
section 959.131 of the Revised Code is guilty of a misdemeanor 238  
of the first degree on a first offense and a felony of the fifth 239  
degree on each subsequent offense. 240

(2) Whoever violates division (B) (2) of section 959.131 of 241  
the Revised Code is guilty of a felony of the fifth degree. 242

(3) Whoever violates division ~~(C)~~ (C) (1) of section 959.131 243  
of the Revised Code is guilty of a felony of the ~~fifth~~ fourth 244

degree.	245
<u><del>(3)</del>(4) Conduct of the type described in division (C)(2)</u>	246
<u>of section 959.131 of the Revised Code shall not be prosecuted</u>	247
<u>under section 2923.03 of the Revised Code, but rather shall be</u>	248
<u>prosecuted as a violation of division (C)(2) of section 959.131</u>	249
<u>of the Revised Code. Whoever violates division (C)(2) of section</u>	250
<u>959.131 of the Revised Code is guilty of a felony of the fifth</u>	251
<u>degree.</u>	252
<u>(5) Whoever violates section 959.01 of the Revised Code or</u>	253
<u>division (D) of section 959.131 of the Revised Code is guilty of</u>	254
<u>a misdemeanor of the second degree on a first offense and a</u>	255
<u>misdemeanor of the first degree on each subsequent offense.</u>	256
<u><del>(4)</del>(6) Whoever violates division <del>(E)</del>(F) of section</u>	257
<u>959.131 of the Revised Code is guilty of a felony of the fifth</u>	258
<u>degree.</u>	259
<u><del>(5)</del>(7) Whoever violates division <del>(F)</del>(G) of section</u>	260
<u>959.131 of the Revised Code is guilty of a misdemeanor of the</u>	261
<u>first degree.</u>	262
<u><del>(6)</del>(a)<del>(8)</del>(a) A court may order a person who is convicted</u>	263
<u>of or pleads guilty to a violation of section 959.131 of the</u>	264
<u>Revised Code to forfeit to an impounding agency, as defined in</u>	265
<u>section 959.132 of the Revised Code, any or all of the companion</u>	266
<u>animals in that person's ownership or care. The court also may</u>	267
<u>prohibit or place limitations on the person's ability to own or</u>	268
<u>care for any companion animals for a specified or indefinite</u>	269
<u>period of time.</u>	270
<u>(b) A court may order a person who is convicted of or</u>	271
<u>pleads guilty to a violation of division (A) of section 959.13</u>	272
<u>or section 959.131 of the Revised Code to reimburse an</u>	273

impounding agency for the reasonable and necessary costs 274  
incurred by the agency for the care of an animal or livestock 275  
that the agency impounded as a result of the investigation or 276  
prosecution of the violation, provided that the costs were not 277  
otherwise paid under section 959.132 of the Revised Code. 278

~~(7)~~ (9) If a court has reason to believe that a person who 279  
is convicted of or pleads guilty to a violation of section 280  
959.131 or 959.21 of the Revised Code suffers from a mental or 281  
emotional disorder that contributed to the violation, the court 282  
may impose as a community control sanction or as a condition of 283  
probation a requirement that the offender undergo psychological 284  
evaluation or counseling. The court shall order the offender to 285  
pay the costs of the evaluation or counseling. 286

(F) Whoever violates section 959.14 of the Revised Code is 287  
guilty of a misdemeanor of the second degree on a first offense 288  
and a misdemeanor of the first degree on each subsequent 289  
offense. 290

(G) Whoever violates section 959.05 or 959.20 of the 291  
Revised Code is guilty of a misdemeanor of the first degree. 292

(H) Whoever violates section 959.16 of the Revised Code is 293  
guilty of a felony of the fourth degree for a first offense and 294  
a felony of the third degree on each subsequent offense. 295

(I) Whoever violates division (B) or (C) of section 959.15 296  
of the Revised Code is guilty of a felony and shall be fined not 297  
more than ten thousand dollars. 298

**Sec. 2901.01.** (A) As used in the Revised Code: 299

(1) "Force" means any violence, compulsion, or constraint 300  
physically exerted by any means upon or against a person or 301  
thing. 302

(2) "Deadly force" means any force that carries a	303
substantial risk that it will proximately result in the death of	304
any person.	305
(3) "Physical harm to persons" means any injury, illness,	306
or other physiological impairment, regardless of its gravity or	307
duration.	308
(4) "Physical harm to property" means any tangible or	309
intangible damage to property that, in any degree, results in	310
loss to its value or interferes with its use or enjoyment.	311
"Physical harm to property" does not include wear and tear	312
occasioned by normal use.	313
(5) "Serious physical harm to persons" means any of the	314
following:	315
(a) Any mental illness or condition of such gravity as	316
would normally require hospitalization or prolonged psychiatric	317
treatment;	318
(b) Any physical harm that carries a substantial risk of	319
death;	320
(c) Any physical harm that involves some permanent	321
incapacity, whether partial or total, or that involves some	322
temporary, substantial incapacity;	323
(d) Any physical harm that involves some permanent	324
disfigurement or that involves some temporary, serious	325
disfigurement;	326
(e) Any physical harm that involves acute pain of such	327
duration as to result in substantial suffering or that involves	328
any degree of prolonged or intractable pain.	329
(6) "Serious physical harm to property" means any physical	330

harm to property that does either of the following:	331
(a) Results in substantial loss to the value of the property or requires a substantial amount of time, effort, or money to repair or replace;	332 333 334
(b) Temporarily prevents the use or enjoyment of the property or substantially interferes with its use or enjoyment for an extended period of time.	335 336 337
(7) "Risk" means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.	338 339 340
(8) "Substantial risk" means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.	341 342 343 344
(9) "Offense of violence" means any of the following:	345
(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, of division (A) (1) of section 2903.34, of division (A) (1), (2), or (3) of section 2911.12, or of division (B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;	346 347 348 349 350 351 352 353 354 355
(b) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in division (A) (9) (a) of this section;	356 357 358 359

(c) An offense, other than a traffic offense, under an existing or former municipal ordinance or law of this or any other state or the United States, committed purposely or knowingly, and involving physical harm to persons or a risk of serious physical harm to persons;

(d) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A) (9) (a), (b), or (c) of this section;

(e) A violation of section 959.131 of the Revised Code that is a misdemeanor of the first degree or a felony.

(10) (a) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(b) As used in division (A) (10) of this section, "trade secret" has the same meaning as in section 1333.61 of the Revised Code, and "telecommunications service" and "information service" have the same meanings as in section 2913.01 of the

Revised Code.	390
(c) As used in divisions (A) (10) and (13) of this section,	391
"cable television service," "computer," "computer software,"	392
"computer system," "computer network," "data," and	393
"telecommunications device" have the same meanings as in section	394
2913.01 of the Revised Code.	395
(11) "Law enforcement officer" means any of the following:	396
(a) A sheriff, deputy sheriff, constable, police officer	397
of a township or joint police district, marshal, deputy marshal,	398
municipal police officer, member of a police force employed by a	399
metropolitan housing authority under division (D) of section	400
3735.31 of the Revised Code, or state highway patrol trooper;	401
(b) An officer, agent, or employee of the state or any of	402
its agencies, instrumentalities, or political subdivisions, upon	403
whom, by statute, a duty to conserve the peace or to enforce all	404
or certain laws is imposed and the authority to arrest violators	405
is conferred, within the limits of that statutory duty and	406
authority;	407
(c) A mayor, in the mayor's capacity as chief conservator	408
of the peace within the mayor's municipal corporation;	409
(d) A member of an auxiliary police force organized by	410
county, township, or municipal law enforcement authorities,	411
within the scope of the member's appointment or commission;	412
(e) A person lawfully called pursuant to section 311.07 of	413
the Revised Code to aid a sheriff in keeping the peace, for the	414
purposes and during the time when the person is called;	415
(f) A person appointed by a mayor pursuant to section	416
737.01 of the Revised Code as a special patrolling officer	417

during riot or emergency, for the purposes and during the time 418  
when the person is appointed; 419

(g) A member of the organized militia of this state or the 420  
armed forces of the United States, lawfully called to duty to 421  
aid civil authorities in keeping the peace or protect against 422  
domestic violence; 423

(h) A prosecuting attorney, assistant prosecuting 424  
attorney, secret service officer, or municipal prosecutor; 425

(i) A veterans' home police officer appointed under 426  
section 5907.02 of the Revised Code; 427

(j) A member of a police force employed by a regional 428  
transit authority under division (Y) of section 306.35 of the 429  
Revised Code; 430

(k) A special police officer employed by a port authority 431  
under section 4582.04 or 4582.28 of the Revised Code; 432

(l) The house of representatives sergeant at arms if the 433  
house of representatives sergeant at arms has arrest authority 434  
pursuant to division (E) (1) of section 101.311 of the Revised 435  
Code and an assistant house of representatives sergeant at arms; 436

(m) The senate sergeant at arms and an assistant senate 437  
sergeant at arms; 438

(n) A special police officer employed by a municipal 439  
corporation at a municipal airport, or other municipal air 440  
navigation facility, that has scheduled operations, as defined 441  
in section 119.3 of Title 14 of the Code of Federal Regulations, 442  
14 C.F.R. 119.3, as amended, and that is required to be under a 443  
security program and is governed by aviation security rules of 444  
the transportation security administration of the United States 445



department of transportation as provided in Parts 1542. and 446  
1544. of Title 49 of the Code of Federal Regulations, as 447  
amended. 448

(12) "Privilege" means an immunity, license, or right 449  
conferred by law, bestowed by express or implied grant, arising 450  
out of status, position, office, or relationship, or growing out 451  
of necessity. 452

(13) "Contraband" means any property that is illegal for a 453  
person to acquire or possess under a statute, ordinance, or 454  
rule, or that a trier of fact lawfully determines to be illegal 455  
to possess by reason of the property's involvement in an 456  
offense. "Contraband" includes, but is not limited to, all of 457  
the following: 458

(a) Any controlled substance, as defined in section 459  
3719.01 of the Revised Code, or any device or paraphernalia; 460

(b) Any unlawful gambling device or paraphernalia; 461

(c) Any dangerous ordnance or obscene material. 462

(14) A person is "not guilty by reason of insanity" 463  
relative to a charge of an offense only if the person proves, in 464  
the manner specified in section 2901.05 of the Revised Code, 465  
that at the time of the commission of the offense, the person 466  
did not know, as a result of a severe mental disease or defect, 467  
the wrongfulness of the person's acts. 468

(B) (1) (a) Subject to division (B) (2) of this section, as 469  
used in any section contained in Title XXIX of the Revised Code 470  
that sets forth a criminal offense, "person" includes all of the 471  
following: 472

(i) An individual, corporation, business trust, estate, 473

trust, partnership, and association; 474

(ii) An unborn human who is viable. 475

(b) As used in any section contained in Title XXIX of the 476  
Revised Code that does not set forth a criminal offense, 477  
"person" includes an individual, corporation, business trust, 478  
estate, trust, partnership, and association. 479

(c) As used in division (B) (1) (a) of this section: 480

(i) "Unborn human" means an individual organism of the 481  
species *Homo sapiens* from fertilization until live birth. 482

(ii) "Viable" means the stage of development of a human 483  
fetus at which there is a realistic possibility of maintaining 484  
and nourishing of a life outside the womb with or without 485  
temporary artificial life-sustaining support. 486

(2) Notwithstanding division (B) (1) (a) of this section, in 487  
no case shall the portion of the definition of the term "person" 488  
that is set forth in division (B) (1) (a) (ii) of this section be 489  
applied or construed in any section contained in Title XXIX of 490  
the Revised Code that sets forth a criminal offense in any of 491  
the following manners: 492

(a) Except as otherwise provided in division (B) (2) (a) of 493  
this section, in a manner so that the offense prohibits or is 494  
construed as prohibiting any pregnant woman or her physician 495  
from performing an abortion with the consent of the pregnant 496  
woman, with the consent of the pregnant woman implied by law in 497  
a medical emergency, or with the approval of one otherwise 498  
authorized by law to consent to medical treatment on behalf of 499  
the pregnant woman. An abortion that violates the conditions 500  
described in the immediately preceding sentence may be punished 501  
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 502

2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 503  
2903.21, or 2903.22 of the Revised Code, as applicable. An 504  
abortion that does not violate the conditions described in the 505  
second immediately preceding sentence, but that does violate 506  
section 2919.12, division (B) of section 2919.13, or section 507  
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 508  
be punished as a violation of section 2919.12, division (B) of 509  
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 510  
2919.18 of the Revised Code, as applicable. Consent is 511  
sufficient under this division if it is of the type otherwise 512  
adequate to permit medical treatment to the pregnant woman, even 513  
if it does not comply with section 2919.12 of the Revised Code. 514

(b) In a manner so that the offense is applied or is 515  
construed as applying to a woman based on an act or omission of 516  
the woman that occurs while she is or was pregnant and that 517  
results in any of the following: 518

(i) Her delivery of a stillborn baby; 519

(ii) Her causing, in any other manner, the death in utero 520  
of a viable, unborn human that she is carrying; 521

(iii) Her causing the death of her child who is born alive 522  
but who dies from one or more injuries that are sustained while 523  
the child is a viable, unborn human; 524

(iv) Her causing her child who is born alive to sustain 525  
one or more injuries while the child is a viable, unborn human; 526

(v) Her causing, threatening to cause, or attempting to 527  
cause, in any other manner, an injury, illness, or other 528  
physiological impairment, regardless of its duration or gravity, 529  
or a mental illness or condition, regardless of its duration or 530  
gravity, to a viable, unborn human that she is carrying. 531

(C) As used in Title XXIX of the Revised Code:	532
(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.	533 534
(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.	535 536 537
(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center, or the governing body of a school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.	538 539 540 541 542 543 544 545
(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.	546 547
<b>Section 2.</b> That existing sections 959.06, 959.131, 959.99, and 2901.01 of the Revised Code are hereby repealed.	548 549
<b>Section 3.</b> Section 959.99 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 24 and H.B. 33 of the 133rd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.	550 551 552 553 554 555 556 557 558