

As Introduced

**131st General Assembly
Regular Session
2015-2016**

H. B. No. 573

Representative Scherer

A BILL

To amend sections 956.01, 956.13, and 956.18 and to 1
enact sections 956.051, 956.181, 956.19, 956.20, 2
956.21, 956.22, 956.23, and 956.99 of the 3
Revised Code to regulate the sale of dogs from 4
pet stores and dog retailers and to require the 5
Director of Agriculture to license pet stores. 6

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

Section 1. That sections 956.01, 956.13, and 956.18 be 7
amended and sections 956.051, 956.181, 956.19, 956.20, 956.21, 8
956.22, 956.23, and 956.99 of the Revised Code be enacted to 9
read as follows: 10

Sec. 956.01. As used in this chapter: 11

~~(A)~~ "Accredited veterinarian" means a veterinarian 12
accredited by the United States department of agriculture. 13

"Adult dog" means a dog that is twelve months of age or 14
older. 15

~~(B)~~ "Animal rescue for dogs" means an individual or 16
organization recognized by the director of agriculture that 17
keeps, houses, and maintains dogs and that is dedicated to the 18

welfare, health, safety, and protection of dogs, provided that 19
the individual or organization does not operate for profit, does 20
not sell dogs for a profit, does not breed dogs, and does not 21
purchase more than nine dogs in any given calendar year unless 22
the dogs are purchased from a dog warden appointed under Chapter 23
955. of the Revised Code, a humane society, or another animal 24
rescue for dogs. "Animal rescue for dogs" includes an individual 25
or organization that offers spayed or neutered dogs for adoption 26
and charges reasonable adoption fees to cover the costs of the 27
individual or organization, including, but not limited to, costs 28
related to spaying or neutering dogs. 29

~~(C)~~—"Animal shelter for dogs" means a facility that keeps, 30
houses, and maintains dogs such as a dog pound operated by a 31
municipal corporation, or by a county under Chapter 955. of the 32
Revised Code, or that is operated by a humane society, animal 33
welfare society, society for the prevention of cruelty to 34
animals, or other nonprofit organization that is devoted to the 35
welfare, protection, and humane treatment of dogs and other 36
animals. 37

~~(D)~~—"Boarding kennel" means an establishment operating for 38
profit that keeps, houses, and maintains dogs solely for the 39
purpose of providing shelter, care, and feeding of the dogs in 40
return for a fee or other consideration. 41

~~(E)~~ "Breeding dog" means an unneutered, unspayed dog that 42
is primarily harbored or housed on property that is the dog's 43
primary residence. 44

~~(F)~~—"High volume breeder" means an establishment that 45
keeps, houses, and maintains more than four female adult 46
~~breeding dogs that produce at least nine litters of puppies in~~ 47
~~any given calendar year and, in return for a fee or other~~ 48

~~consideration, sells sixty or more adult dogs or puppies per- 49
calendar year are not sterilized. 50~~

~~(G)~~—"Humane society" means an organization that is 51
organized under section 1717.05 of the Revised Code. 52

~~(H)~~—"Dog retailer" means a person who buys, sells, or 53
offers to sell dogs at wholesale for resale to another or who 54
sells or gives one or more dogs to a pet store annually. "Dog 55
retailer" does not include an animal rescue for dogs, an animal 56
shelter for dogs, a humane society, a medical kennel for dogs, a 57
research kennel for dogs, a pet store, or a veterinarian. 58

~~(I)~~—"Environmental division of the Franklin county 59
municipal court" means the environmental division of the 60
Franklin county municipal court created in section 1901.011 of 61
the Revised Code. 62

~~(J)~~—"Medical kennel for dogs" means a facility that is 63
maintained by a veterinarian and operated primarily for the 64
treatment of sick or injured dogs. 65

~~(K)~~—"Pet store" means a an individual retail store that to 66
which both of the following apply: the store sells dogs to the 67
public; and with regard to the sale of a dog from the store, the 68
sales person, the buyer of a dog, and the dog for sale are 69
physically present during the sales transaction so that the 70
buyer may personally observe the dog and help ensure its health 71
prior to taking custody. "Pet store" does not include an animal 72
rescue for dogs, an animal shelter for dogs, a humane society, a 73
medical kennel for dogs, or a research kennel for dogs. 74

~~(L)~~—"Puppy" means a dog that is under twelve months of 75
age. 76

~~(M)~~—"Research kennel for dogs" means a facility housing 77

dogs that is maintained exclusively for research purposes. 78

~~(N)~~ "Veterinarian" means either a veterinarian licensed in 79
this state under Chapter 4741. of the Revised Code or a 80
veterinarian licensed out of this state by an applicable state 81
entity. 82

Sec. 956.051. (A) No dog retailer shall negligently sell, 83
deliver, barter, auction, broker, give away, or transfer any of 84
the following: 85

(1) A dog that is less than eight weeks old; 86

(2) A dog without a certificate of veterinarian inspection 87
signed by an accredited veterinarian; 88

(3) A dog that does not have a permanent implanted 89
identification microchip; 90

(4) A dog to a person who is younger than eighteen years 91
of age as verified by valid photo identification; 92

(5) A dog acquired from a qualified breeder as defined in 93
section 956.19 of the Revised Code unless the owner, manager, or 94
employee provides to the person acquiring the dog, at the time 95
of the acquisition, a written certification that includes all of 96
the following information: 97

(a) The name of the breeder that bred the dog; 98

(b) The address, if available, of the breeder that bred 99
the dog; 100

(c) The United States department of agriculture license 101
number of the breeder that bred the dog, if applicable, and a 102
copy of the most current United States department of agriculture 103
inspection report for the breeder; 104

<u>(d) The dog's birth date, if known;</u>	105
<u>(e) The date that the pet store took possession of the</u> <u>dog;</u>	106 107
<u>(f) The breed, gender, color, and any identifying marks of</u> <u>the dog;</u>	108 109
<u>(g) A document signed by an accredited veterinarian that</u> <u>describes any known disease, illness, or congenital or</u> <u>hereditary condition that adversely affects the health of the</u> <u>dog;</u>	110 111 112 113
<u>(h) A document signed by the dog retailer certifying that</u> <u>all information required to be provided to the person acquiring</u> <u>the dog under this section is accurate. A dog retailer shall</u> <u>keep a copy of the certification for a period of at least two</u> <u>years from the date of the acquisition. The dog retailer shall</u> <u>make the copy of the certification available for inspection or</u> <u>duplication by the department of agriculture.</u>	114 115 116 117 118 119 120
<u>(B) No dog retailer shall recklessly alter or provide</u> <u>false information on a certification provided in accordance with</u> <u>division (A) (5) of this section.</u>	121 122 123
<u>(C) This section does not apply to any dog that is being</u> <u>sold, delivered, bartered, auctioned, given away, brokered, or</u> <u>transferred from the premises where the dog was bred and reared.</u>	124 125 126
Sec. 956.13. (A) The director of agriculture may assess a civil penalty against a person violating this chapter sections <u>956.01 to 956.18 of the Revised Code</u> or rules adopted under it if all of the following occur:	127 128 129 130
(1) The person has received an order and been notified of the violation by certified mail or personal service as required	131 132

in section 956.12 of the Revised Code. 133

(2) After the time period for correcting the violation 134
specified in the order has elapsed, the director or the 135
director's authorized representative has inspected the premises 136
where the violation has occurred and determined that the 137
violation has not been corrected, and the director has issued a 138
notice of an adjudication hearing pursuant to division (A) (3) of 139
this section. 140

(3) The director affords the person an opportunity for an 141
adjudication hearing under Chapter 119. of the Revised Code to 142
challenge the director's determination that the person is not in 143
compliance with this chapter or rules adopted under it, the 144
imposition of the civil penalty, or both. A person may waive the 145
opportunity for 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 of this chapter or a rule adopted 149
under it has occurred or is occurring, the director may assess a 150
civil penalty. The civil penalty may be appealed in accordance 151
with section 119.12 of the Revised Code, except that the civil 152
penalty may be appealed only to the environmental division of 153
the Franklin county municipal court. 154

(C) Civil penalties shall be assessed in the following 155
amounts: 156

(1) A person who has violated division (A) (1) of section 157
956.04 or division (A) (1) of section 956.05 of the Revised Code 158
shall pay a civil penalty in an amount that is established in 159
rules adopted under section 956.03 of the Revised Code. 160

(2) A person who has violated any other provision of this 161

chapter or rules adopted under it shall pay a civil penalty of 162
one hundred dollars. 163

Each day that a violation continues constitutes a separate 164
violation. 165

Sec. 956.18. (A) All money collected by the director of 166
agriculture from license fees under section 956.07 and civil 167
penalties assessed under section 956.13 of the Revised Code 168
shall be deposited in the state treasury to the credit of the 169
high volume breeder kennel control license fund, which is hereby 170
created. The fund shall also consist of money appropriated to 171
it. 172

~~(B) No money may be released from the fund without 173
controlling board approval. The director shall request the 174
controlling board to release money in an amount not to exceed 175
two million five hundred thousand dollars per biennium. 176~~

~~(C) The director shall use the money in the fund for the 177
purpose of administering this chapter sections 956.01 to 956.18 178
of the Revised Code and rules adopted under it. 179~~

Sec. 956.181. (A) All money collected by the director of 180
agriculture from license fees under section 956.21 and civil 181
penalties assessed under section 956.22 of the Revised Code 182
shall be deposited in the state treasury to the credit of the 183
pet store license fund, which is hereby created. The fund shall 184
also consist of money appropriated to it. 185

(B) The director shall use the money in the fund for the 186
purpose of administering sections 956.19 to 956.23 of the 187
Revised Code and rules adopted under it. 188

Sec. 956.19. As used in section 956.20 of the Revised 189
Code, a "qualified breeder" means either of the following: 190

(A) A breeder that keeps, houses, and maintains female adult dogs that is not a high volume breeder as defined in section 956.01 of the Revised Code. 191
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(B) A high volume breeder located in or out of this state that meets all of the following requirements: 194
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(1) The breeder is licensed by the United States department of agriculture under 7 U.S.C. 2133 and, if applicable, a state agency. 196
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(2) The breeder has not been issued a report of a direct noncompliance violation by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of three years prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 199
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(3) The breeder has not had three or more noncompliance violations documented in any report issued by the United States department of agriculture under the federal animal welfare act, as defined in section 959.131 of the Revised Code, for a period of two years prior to offering for sale, delivering, bartering, auctioning, brokering, giving away, transferring, or selling a dog. 205
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(4) If the breeder is located out of this state, the breeder has been issued a dog retailer license under section 956.05 of the Revised Code. 212
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Sec. 956.20. (A) No owner, manager, or employee of a pet store shall negligently display, offer for sale, deliver, barter, auction, broker, give away, transfer, or sell any live dog from a pet store to a person unless the dog was obtained from one of the following sources: 215
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<u>(1) An animal rescue for dogs;</u>	220
<u>(2) An animal shelter for dogs;</u>	221
<u>(3) A humane society;</u>	222
<u>(4) A dog retailer;</u>	223
<u>(5) A qualified breeder.</u>	224
<u>(B) No owner, manager, or employee of a pet store shall</u>	225
<u>negligently sell, deliver, barter, auction, broker, give away,</u>	226
<u>or transfer any of the following:</u>	227
<u>(1) A dog that is less than eight weeks old;</u>	228
<u>(2) A dog without a certificate of veterinarian inspection</u>	229
<u>signed by an accredited veterinarian;</u>	230
<u>(3) A dog that does not have a permanent implanted</u>	231
<u>identification microchip;</u>	232
<u>(4) A dog to a person who is younger than eighteen years</u>	233
<u>of age as verified by valid photo identification;</u>	234
<u>(5) A dog acquired from a qualified breeder or a dog</u>	235
<u>retailer unless the owner, manager, or employee provides to the</u>	236
<u>person acquiring the dog, at the time of the acquisition, a</u>	237
<u>written certification that includes all of the following</u>	238
<u>information:</u>	239
<u>(a) The name of the breeder that bred the dog;</u>	240
<u>(b) The address, if available, of the breeder that bred</u>	241
<u>the dog;</u>	242
<u>(c) The United States department of agriculture license</u>	243
<u>number of the breeder that bred the dog, if applicable, and a</u>	244
<u>copy of the most current United States department of agriculture</u>	245

<u>inspection report for the breeder;</u>	246
<u>(d) The dog's birth date, if known;</u>	247
<u>(e) The date that the pet store took possession of the</u> <u>dog;</u>	248 249
<u>(f) The breed, gender, color, and any identifying marks of</u> <u>the dog;</u>	250 251
<u>(g) A document signed by an accredited veterinarian that</u> <u>describes any known disease, illness, or congenital or</u> <u>hereditary condition that adversely affects the health of the</u> <u>dog;</u>	252 253 254 255
<u>(h) A document signed by the owner, manager, or employee</u> <u>of the pet store certifying that all information required to be</u> <u>provided to the person acquiring the dog under division (B) (5)</u> <u>of this section is accurate. A pet store shall keep a copy of</u> <u>the certification for a period of at least two years from the</u> <u>date of the acquisition. The owner, manager, or an employee of</u> <u>the pet store shall make the copy of the certification available</u> <u>for inspection or duplication by the department of agriculture.</u>	256 257 258 259 260 261 262 263
<u>(C) No owner, manager, or employee of a pet store shall</u> <u>recklessly alter or provide false information on a certification</u> <u>provided in accordance with division (B) (5) of this section.</u>	264 265 266
<u>(D) This section does not apply to any dog that is being</u> <u>sold, delivered, bartered, auctioned, given away, brokered, or</u> <u>transferred from the premises where the dog was bred and reared.</u>	267 268 269
<u>(E) The director of agriculture may adopt rules in</u> <u>accordance with Chapter 119. of the Revised Code establishing</u> <u>vaccination requirements for dogs to be sold at a pet store.</u>	270 271 272
<u>Sec. 956.21. (A) The director of agriculture shall adopt</u>	273

<u>rules in accordance with Chapter 119. of the Revised Code</u>	274
<u>establishing all of the following:</u>	275
<u>(1) Requirements and procedures governing pet stores,</u>	276
<u>including the initial licensing of pet stores and the renewal of</u>	277
<u>pet store licenses;</u>	278
<u>(2) The application form for a license issued under</u>	279
<u>division (B) of this section and the information that is</u>	280
<u>required to be submitted in the application;</u>	281
<u>(3) Any other requirements and procedures that are</u>	282
<u>determined by the director to be necessary for the</u>	283
<u>administration and enforcement of sections 956.19 to 956.21 of</u>	284
<u>the Revised Code.</u>	285
<u>(B) The director of agriculture may issue a pet store</u>	286
<u>license to an owner or operator of a pet store when the owner or</u>	287
<u>operator does all of the following:</u>	288
<u>(1) Applies for a license in accordance with this section</u>	289
<u>and rules adopted under it;</u>	290
<u>(2) Affirms in writing that the owner or operator will</u>	291
<u>maintain compliance with the applicable requirements established</u>	292
<u>under section 959.20 of the Revised Code;</u>	293
<u>(3) Submits with the application for a pet store license a</u>	294
<u>fee of five hundred dollars.</u>	295
<u>(C) The director of agriculture may deny, suspend, or</u>	296
<u>revoke a license issued under this section for a violation of</u>	297
<u>division (A), (B), or (C) of section 956.20 of the Revised Code</u>	298
<u>or rules adopted under this section. The denial, suspension, or</u>	299
<u>revocation of a license is not effective until the licensee is</u>	300
<u>given written notice of the violation, a reasonable amount of</u>	301

time to correct the violation, if possible, and an opportunity 302
for a hearing. 303

The director also may refuse to issue a license under 304
division (B) of this section if the applicant has violated 305
division (A), (B), or (C) of section 956.20 of the Revised Code 306
or the rules adopted under this section during the thirty-six- 307
month period prior to submitting an application for the license. 308

(D) Any license issued under this section is valid for a 309
period of one year from the date of issuance. A pet store 310
license must be renewed annually in the manner provided in rules 311
adopted under this section. 312

(E) Money collected by the director of agriculture from 313
each application fee submitted under this section shall be 314
deposited in the state treasury to the credit of the pet store 315
license fund created in section 956.181 of the Revised Code. 316

(F) No owner, operator, or manager of a pet store shall 317
negligently display, offer for sale, deliver, barter, auction, 318
broker, give away, transfer, or sell any live dog from a pet 319
store in this state unless a license has been issued for the pet 320
store by the director of agriculture in accordance with this 321
section and rules adopted under it. 322

Sec. 956.22. (A) The director of agriculture may assess a 323
civil penalty against a person that violates division (A), (B), 324
or (C) of section 956.20 of the Revised Code or division (F) of 325
section 956.21 of the Revised Code. The person is liable for a 326
civil penalty of not more than five hundred dollars for a first 327
violation, not more than two thousand five hundred dollars for a 328
second violation, and not more than ten thousand dollars for a 329
third or subsequent violation. 330

(B) Any person assessed a civil penalty under this section 331
shall pay the amount prescribed to the department of 332
agriculture. The department shall remit all money collected 333
under this section to the treasurer of state for deposit in the 334
pet store license fund created under section 956.181 of the 335
Revised Code. 336

Sec. 956.23. The regulation of pet stores is a matter of 337
general statewide interest that requires statewide regulation. 338
Sections 956.181 to 956.23 of the Revised Code and section 339
956.99 of the Revised Code constitute a comprehensive plan with 340
respect to all aspects of the regulation of pet stores. 341
Accordingly, it is the intent of the general assembly to preempt 342
any local ordinance, resolution, or other law adopted to 343
regulate the sale, delivery, barter, auction, broker, or 344
transfer of a dog to a person from a pet store. 345

Sec. 956.99. Whoever violates division (A) or (B) of 346
section 956.051 of the Revised Code, division (A), (B), or (C) 347
of section 956.20 of the Revised Code, or division (F) of 348
section 956.21 of the Revised Code is guilty of a misdemeanor of 349
the fourth degree. 350

Section 2. That existing sections 956.01, 956.13, and 351
956.18 of the Revised Code are hereby repealed. 352