

As Reported by the Senate Finance Committee

131st General Assembly

Regular Session

2015-2016

Sub. S. B. No. 331

Senator Peterson

A BILL

To amend sections 956.01, 956.03, 956.04, 956.12, 1
956.13, 956.14, 956.15, and 956.18 and to enact 2
sections 956.051, 956.181, 956.19, 956.20, 3
956.21, 956.22, 956.23, and 956.99 of the 4
Revised Code, and to amend Section 211.10 of Am. 5
Sub. H.B. 64 of the 131st General Assembly to 6
regulate the sale of dogs from pet stores and 7
dog retailers, to require the Director of 8
Agriculture to license pet stores, to revise the 9
civil penalties applicable to dog breeders and 10
other specified entities, and to make an 11
appropriation. 12

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

Section 1. That sections 956.01, 956.03, 956.04, 956.12, 13
956.13, 956.14, 956.15, and 956.18 be amended and sections 14
956.051, 956.181, 956.19, 956.20, 956.21, 956.22, 956.23, and 15
956.99 of the Revised Code be enacted to read as follows: 16

Sec. 956.01. As used in this chapter: 17

~~(A)~~ "Accredited veterinarian" means a veterinarian 18
accredited by the United States department of agriculture. 19

"Adult dog" means a dog that is twelve months of age or older. 20
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~~(B)~~—"Animal rescue for dogs" means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs. 22
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~~(C)~~—"Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals. 36
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~~(D)~~—"Boarding kennel" means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration. 44
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~~(E)~~—"Breeding dog" means an unneutered, unspayed dog that is primarily harbored or housed on property that is the dog's 48
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primary residence. 50

~~(F)~~—"High volume breeder" means an establishment that 51
keeps, houses, and maintains adult breeding dogs that produce at 52
least nine litters of puppies in any given calendar year and, in 53
return for a fee or other consideration, sells sixty or more 54
adult dogs or puppies per calendar year. 55

~~(G)~~—"Humane society" means an organization that is 56
organized under section 1717.05 of the Revised Code. 57

~~(H)~~—"Dog retailer" means a person who buys, sells, or 58
offers to sell dogs at wholesale for resale to another or who 59
sells or gives one or more dogs to a pet store annually. "Dog 60
retailer" does not include an animal rescue for dogs, an animal 61
shelter for dogs, a humane society, a medical kennel for dogs, a 62
research kennel for dogs, a pet store, or a veterinarian. 63

~~(I)~~—"Environmental division of the Franklin county 64
municipal court" means the environmental division of the 65
Franklin county municipal court created in section 1901.011 of 66
the Revised Code. 67

~~(J)~~—"Medical kennel for dogs" means a facility that is 68
maintained by a veterinarian and operated primarily for the 69
treatment of sick or injured dogs. 70

~~(K)~~—"Pet store" means a an individual retail store that to 71
which both of the following apply: the store sells dogs to the 72
public; and with regard to the sale of a dog from the store, the 73
sales person, the buyer of a dog, and the dog for sale are 74
physically present during the sales transaction so that the 75
buyer may personally observe the dog and help ensure its health 76
prior to taking custody. "Pet store" does not include an animal 77
rescue for dogs, an animal shelter for dogs, a humane society, a 78

medical kennel for dogs, or a research kennel for dogs. 79

~~(L)~~ "Puppy" means a dog that is under twelve months of 80
age. 81

~~(M)~~ "Research kennel for dogs" means a facility housing 82
dogs that is maintained exclusively for research purposes. 83

~~(N)~~ "Veterinarian" means either a veterinarian licensed in 84
this state under Chapter 4741. of the Revised Code or a 85
veterinarian licensed out of this state by an applicable state 86
entity. 87

Sec. 956.03. (A) The director of agriculture shall adopt 88
rules in accordance with Chapter 119. of the Revised Code 89
establishing all of the following: 90

~~(A)~~ (1) Requirements and procedures governing high volume 91
breeders, including the licensing and inspection of and record 92
keeping by high volume breeders, in addition to the requirements 93
and procedures established in this chapter; 94

~~(B)~~ (2) Requirements and procedures for conducting 95
background investigations of each applicant for a license issued 96
under section 956.04 of the Revised Code in order to determine 97
if the applicant has been convicted of or pleaded guilty to any 98
of the violations specified in division (A) (2) of section 956.15 99
of the Revised Code; 100

~~(C)~~ (3) Requirements and procedures governing dog 101
retailers, including the licensing of and record keeping by dog 102
retailers, in addition to the requirements and procedures 103
established in this chapter; 104

~~(D)~~ (4) The form of applications for licenses issued under 105
this chapter and the information that is required to be 106

submitted in the applications and the form for registering as an 107
animal rescue for dogs under this chapter and the information 108
that is required to be provided with a registration, including 109
the name and address of each foster home that an animal rescue 110
for dogs utilizes; 111

~~(E)~~ (5) A requirement that each high volume breeder submit 112
to the director, with an application for a high volume breeder 113
license, evidence of insurance or, in the alternative, evidence 114
of a surety bond payable to the state to ensure compliance with 115
this chapter and rules adopted under it. The face value of the 116
insurance coverage or bond shall be in the following amounts: 117

~~(1)~~ (a) Five thousand dollars for high volume breeders 118
keeping, housing, and maintaining not more than twenty-five 119
adult dogs; 120

~~(2)~~ (b) Ten thousand dollars for high volume breeders 121
keeping, housing, and maintaining at least twenty-six adult 122
dogs, but not more than fifty adult dogs; 123

~~(3)~~ (c) Fifty thousand dollars for high volume breeders 124
keeping, housing, and maintaining more than fifty adult dogs. 125

The rules shall require that the insurance be payable to 126
the state or that the surety bond be subject to redemption by 127
the state, as applicable, upon a suspension or revocation of a 128
high volume breeder license for the purpose of paying for the 129
maintenance and care of dogs that are seized or otherwise 130
impounded from the high volume breeder in accordance with this 131
chapter. 132

~~(F)~~ ~~(1)~~ (6) (a) For high volume breeders, standards of care 133
governing all of the following: 134

~~(a)~~ (i) Housing; 135

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| (b) <u>(ii)</u> Nutrition; | 136 |
| (c) <u>(iii)</u> Exercise; | 137 |
| (d) <u>(iv)</u> Grooming; | 138 |
| (e) <u>(v)</u> Biosecurity and disease control; | 139 |
| (f) <u>(vi)</u> Waste management; | 140 |
| (g) <u>(vii)</u> Whelping; | 141 |
| (h) <u>(viii)</u> Any other general standards of care for dogs. | 142 |
| (2) <u>(b)</u> In adopting rules under division (F)(1) <u>(A)(6)(a)</u> | 143 |
| of this section, the director shall consider the following | 144 |
| factors, without limitation: | 145 |
| (a) <u>(i)</u> Best management practices for the care and well-being of dogs; | 146 147 |
| (b) <u>(ii)</u> Biosecurity; | 148 |
| (c) <u>(iii)</u> The prevention of disease; | 149 |
| (d) <u>(iv)</u> Morbidity and mortality data; | 150 |
| (e) <u>(v)</u> Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association; | 151 152 153 |
| (f) <u>(vi)</u> Standards established by the United States department of agriculture under the federal animal welfare act as defined in section 959.131 of the Revised Code. | 154 155 156 |
| (G) <u>(7)</u> Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections; | 157 158 159 160 |

~~(H)~~ ~~(1)~~ ~~(8)~~ (a) A requirement that an in-state retailer of a puppy or adult dog provide to the purchaser the complete name, address, and telephone number of all high volume breeders, dog retailers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;

~~(2)~~ (b) A requirement that an out-of-state retailer of a puppy or adult dog that is conducting business in this state provide to the purchaser a valid health certificate from the state of origin pertaining to the puppy or adult dog and the complete name, address, and telephone number of all breeders, retailers, and private owners that kept, housed, or maintained the puppy or adult dog prior to its coming into the possession of the retailer or proof that the puppy or adult dog was acquired through an animal rescue for dogs, animal shelter for dogs, or humane society in this state or another state.

~~(I)~~ (9) A requirement that a high volume breeder or a dog retailer who advertises the sale of a puppy or adult dog include with the advertisement the vendor number assigned by the tax commissioner to the high volume breeder or to the dog retailer if the sale of the puppy or dog is subject to the tax levied under Chapter 5739. of the Revised Code;

~~(J)~~ (10) A requirement that a licensed high volume breeder and a licensed dog retailer comply with Chapter 5739. of the Revised Code. The rules shall authorize the director to suspend or revoke a license for failure to comply with that chapter. The director shall work in conjunction with the tax commissioner for

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| the purposes of rules adopted under this division. | 191 |
| (K) <u>(11) Requirements and procedures governing pet stores,</u> | 192 |
| <u>including requirements and procedures governing the initial</u> | 193 |
| <u>licensing of pet stores and the renewal of pet store licenses;</u> | 194 |
| <u>(12) The application form for a license issued under</u> | 195 |
| <u>division (A) of section 956.21 of the Revised Code and the</u> | 196 |
| <u>information that is required to be submitted in the application;</u> | 197 |
| <u>(13) Requirements governing permanent implanted</u> | 198 |
| <u>identification microchips for dogs to be sold at a pet store and</u> | 199 |
| <u>by a dog retailer;</u> | 200 |
| <u>(14) Any other requirements and procedures that are</u> | 201 |
| determined by the director to be necessary for the | 202 |
| administration and enforcement of this chapter and rules adopted | 203 |
| under it. However, rules adopted under this division shall not | 204 |
| establish additional requirements and procedures governing | 205 |
| animal rescues for dogs other than those adopted under division | 206 |
| (D) <u>(A) (4) of this section.</u> | 207 |
| <u>(B) The director of agriculture may adopt rules in</u> | 208 |
| <u>accordance with Chapter 119. of the Revised Code establishing</u> | 209 |
| <u>disease testing protocols and vaccination requirements for dogs</u> | 210 |
| <u>to be sold at a pet store.</u> | 211 |
| Sec. 956.04. (A) (1) No person shall operate a high volume | 212 |
| breeder in this state without a high volume breeder license | 213 |
| issued by the director of agriculture in accordance with this | 214 |
| section and rules adopted under section 956.03 of the Revised | 215 |
| Code. | 216 |
| (2) The director shall not issue a license under this | 217 |
| section unless the director determines that the applicant will | 218 |
| operate or will continue to operate the high volume breeder in | 219 |

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| accordance with this chapter and rules adopted under it. | 220 |
| (B) In determining whether an establishment is a high | 221 |
| volume breeder requiring a license under this chapter, the | 222 |
| director shall determine if, in any given year, the | 223 |
| establishment is a high volume breeder as defined in section | 224 |
| 956.01 of the Revised Code. All facilities that are located at | 225 |
| an individual postal address shall be licensed as one high | 226 |
| volume breeder. Not more than one license shall be issued under | 227 |
| this section for any given postal address. | 228 |
| (C) A person who is proposing to operate a new high volume | 229 |
| breeder shall submit an application for a license to the | 230 |
| director at least ninety days before commencing operation of the | 231 |
| high volume breeder. The application shall be submitted in the | 232 |
| form and with the information required by rules adopted under | 233 |
| section 956.03 of the Revised Code and shall include with it at | 234 |
| least all of the following: | 235 |
| (1) An affidavit signed under oath or solemn affirmation | 236 |
| of the number of adult dogs that are kept, housed, and | 237 |
| maintained by the applicant at the location that is the subject | 238 |
| of the application; | 239 |
| (2) An estimate of the number of puppies to be kept, | 240 |
| housed, and maintained and of the number of litters of puppies | 241 |
| or total number of puppies to be produced during the term of the | 242 |
| license; | 243 |
| (3) Photographic evidence documenting the facilities where | 244 |
| dogs will be kept, housed, and maintained by the applicant. The | 245 |
| director may conduct an inspection of the facilities that are | 246 |
| the subject of an application in addition to reviewing | 247 |
| photographic evidence submitted by an applicant for a license. | 248 |

(4) A signed release permitting the performance of a 249
background investigation regarding the applicant in accordance 250
with rules adopted under section 956.03 of the Revised Code; 251

(5) Proof that the applicant has established a veterinary- 252
client-patient relationship as described in section 4741.04 of 253
the Revised Code. 254

(D) During the month of December, but before the first day 255
of January of the next year, a person who is proposing to 256
continue the operation of a high volume breeder shall obtain a 257
license for the high volume breeder from the director for the 258
following year. The person shall apply for the license in the 259
same manner as for an initial license, except that the person 260
does not need to include with the application the photographic 261
evidence required under division (C) (3) of this section. 262

(E) The owner or operator of a high volume breeder that is 263
in operation on ~~the effective date of this section~~ March 13, 264
2013, shall submit to the director an application for a high 265
volume breeder license not later than three months after ~~the~~ 266
~~effective date of this section~~ March 13, 2013. The director 267
shall issue or deny the application for a license within ninety 268
days after the receipt of the completed application. 269

(F) A person who has received a license under this 270
section, upon sale or other disposition of the high volume 271
breeder, may have the license transferred to another person with 272
the consent of the director, provided that the transferee 273
otherwise qualifies to be licensed as a high volume breeder 274
under this chapter and rules adopted under it and does not have 275
a certified unpaid debt to the state. 276

(G) An applicant for a license issued under this section 277

shall demonstrate that the high volume breeder that is the 278
subject of the application complies with standards established 279
in rules adopted under section 956.03 of the Revised Code. 280

Sec. 956.051. (A) No dog retailer shall negligently sell, 281
deliver, barter, auction, broker, give away, or transfer a live 282
dog to a pet store in this state unless the dog was obtained 283
from one of the following sources: 284

(1) An animal rescue for dogs; 285

(2) An animal shelter for dogs; 286

(3) A humane society; 287

(4) A qualified breeder as defined in section 956.19 of 288
the Revised Code. 289

(B) No dog retailer shall negligently sell, deliver, 290
barter, auction, broker, give away, or transfer to a pet store 291
in this state any of the following: 292

(1) A dog that is less than eight weeks old; 293

(2) A dog without a certificate of veterinarian inspection 294
signed by an accredited veterinarian; 295

(3) A dog that does not have a permanent implanted 296
identification microchip that is approved for use by the 297
director of agriculture under rules adopted under section 956.03 298
of the Revised Code; 299

(4) A dog to a person who is younger than eighteen years 300
of age as verified by valid photo identification; 301

(5) A dog acquired from a qualified breeder as defined in 302
section 956.19 of the Revised Code unless the dog retailer 303
provides to the person acquiring the dog, at a time prior to the 304

transaction for the acquisition of the dog, a written 305
certification that includes all of the following information: 306

(a) The name of the breeder that bred the dog; 307

(b) The address, if available, of the breeder that bred 308
the dog; 309

(c) The United States department of agriculture license 310
number of the breeder that bred the dog, if applicable, and a 311
copy of the most current United States department of agriculture 312
inspection report for the breeder; 313

(d) The dog's birth date, if known; 314

(e) The date that the pet store took possession of the 315
dog; 316

(f) The breed, gender, color, and any identifying marks of 317
the dog; 318

(g) A document signed by an accredited veterinarian that 319
describes any known disease, illness, or congenital or 320
hereditary condition that adversely affects the health of the 321
dog at the time of examination; 322

(h) A document signed by the dog retailer certifying that 323
all information required to be provided to the person acquiring 324
the dog under this section is accurate. A dog retailer shall 325
keep a copy of the certification for a period of at least two 326
years from the date of the acquisition. The dog retailer shall 327
make the copy of the certification available for inspection or 328
duplication by the department of agriculture. 329

(C) No dog retailer shall recklessly alter or provide 330
false information on a certification provided in accordance with 331
division (B) (5) of this section. 332

(D) This section does not apply to any dog that is being 333
sold, delivered, bartered, auctioned, given away, brokered, or 334
transferred from the premises where the dog was bred and reared. 335

Sec. 956.12. If the director of agriculture or the 336
director's authorized representative determines that a person 337
has violated or is violating this chapter or rules adopted under 338
it, the director may issue and cause to be served by certified 339
mail or personal service a citation of violation and ~~an order a~~ 340
notice requiring the person to cease the acts or practices that 341
constitute a violation of this chapter or rules adopted under it 342
or requiring the person to take corrective actions to eliminate 343
the conditions that constitute a violation of this chapter and 344
rules adopted under it. The ~~order notice~~ shall state 345
specifically the provision or provisions of this chapter or the 346
rule or rules adopted under this chapter that have been violated 347
and the facts constituting the violation, the actions that the 348
person must take to correct the deficiencies, and the time 349
period within which the person must correct the violations. 350

Sec. 956.13. (A) The director of agriculture may assess a 351
civil penalty against a person violating ~~this chapter sections~~ 352
956.01 to 956.18 of the Revised Code or rules adopted under it 353
if all of the following occur: 354

(1) The person has received ~~an order a~~ notice and been 355
notified of the violation by certified mail or personal service 356
as required in section 956.12 of the Revised Code. 357

(2) After the time period for correcting the violation 358
specified in the ~~order notice~~ has elapsed, the director or the 359
director's authorized representative has ~~inspected the premises~~ 360
~~where the violation has occurred and~~ determined that the 361
violation has not been corrected, and the director has issued a 362

notice of an adjudication hearing pursuant to division (A) (3) of 363
this section. 364

(3) The director affords the person an opportunity for an 365
adjudication hearing under Chapter 119. of the Revised Code to 366
challenge the director's determination that the person is not in 367
compliance with this chapter or rules adopted under it, the 368
imposition of the civil penalty, or both. A person may waive the 369
opportunity for an adjudication hearing. 370

(B) If the opportunity for an adjudication hearing is 371
waived or if, after an adjudication hearing, the director 372
determines that a violation of this chapter or a rule adopted 373
under it has occurred or is occurring, the director may assess a 374
civil penalty. The civil penalty may be appealed in accordance 375
with section 119.12 of the Revised Code, except that the civil 376
penalty may be appealed only to the environmental division of 377
the Franklin county municipal court. 378

~~(C) Civil penalties shall be assessed in the following 379
amounts: 380~~

~~(1) A person who has violated division (A) (1) of section 381
956.04 or division (A) (1) of section 956.05 of the Revised Code 382
shall pay a civil penalty in an amount that is established in 383
rules adopted under section 956.03 of the Revised Code. 384~~

~~(2) A person who has violated any other provision of this 385
chapter or rules adopted under it shall pay a civil penalty of 386
one hundred dollars. A person who is assessed a civil penalty 387
under this section is liable for a civil penalty of not more 388
than five hundred dollars for a first violation, not more than 389
two thousand five hundred dollars for a second violation, and 390
not more than ten thousand dollars for a third or subsequent 391~~

violation. 392

Each day that a violation continues constitutes a separate 393
violation. 394

(D) Any person assessed a civil penalty under this section 395
shall pay the amount prescribed to the department of 396
agriculture. The department shall remit all money collected 397
under this section to the treasurer of state for deposit in the 398
high volume breeder kennel control license fund created under 399
section 956.18 of the Revised Code. 400

Sec. 956.14. The attorney general, upon the request of the 401
director of agriculture, may bring an action for injunction 402
against a person who has violated or is violating this chapter, 403
rules adopted under it, or ~~an order~~ a notice issued under 404
section 956.12 of the Revised Code. An action for injunction 405
shall be filed in the appropriate court in the county in which 406
the violation is alleged to have occurred. The court shall grant 407
such injunctive relief upon a showing that the person against 408
whom the action is brought has violated or is violating this 409
chapter, rules adopted under it, or ~~an order~~ a notice issued 410
under it. The court shall give precedence to such an action over 411
all other cases. 412

Sec. 956.15. (A) The director of agriculture shall deny an 413
application for a license that is submitted under section 956.04 414
or 956.05 of the Revised Code for either of the following 415
reasons: 416

(1) The applicant for the license has violated any 417
provision of this chapter or a rule adopted under it if the 418
violation materially threatens the health or welfare of a dog. 419

(2) The applicant, in the past twenty years, has been 420

convicted of or pleaded guilty to violating section 959.01, 421
959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the 422
Revised Code or an equivalent municipal ordinance, ~~law of~~ 423
~~another state, or law of the federal government~~ or, in the past 424
twenty years, has been convicted of or pleaded guilty to 425
violating more than once section 2919.25 of the Revised Code or 426
an equivalent municipal ordinance, ~~law of another state, or law~~ 427
~~of the federal government.~~ 428

(B) The director may suspend or revoke a license issued 429
under this chapter for violation of any provision of this 430
chapter or a rule adopted or order issued under it if the 431
violation materially threatens the health and welfare of a dog. 432

(C) An application or a license shall not be denied, 433
suspended, or revoked under this section without a written order 434
of the director stating the findings on which the denial, 435
suspension, or revocation is based. A copy of the order shall be 436
sent to the applicant or license holder by certified mail or may 437
be provided to the applicant or license holder by personal 438
service. In addition, the person to whom a denial, suspension, 439
or revocation applies may request an adjudication hearing under 440
Chapter 119. of the Revised Code. The director shall comply with 441
such a request. The determination of the director at an 442
adjudication hearing may be appealed in accordance with section 443
119.12 of the Revised Code, except that the determination may be 444
appealed only to the environmental division of the Franklin 445
county municipal court. 446

Sec. 956.18. (A) All money collected by the director of 447
agriculture from license fees under section 956.07 and civil 448
penalties assessed under section 956.13 of the Revised Code 449
shall be deposited in the state treasury to the credit of the 450

high volume breeder kennel control license fund, which is hereby 451
created. The fund shall also consist of money appropriated to 452
it. 453

~~(B) No money may be released from the fund without 454
controlling board approval. The director shall request the 455
controlling board to release money in an amount not to exceed 456
two million five hundred thousand dollars per biennium. 457~~

~~(C) The director shall use the money in the fund for the 458
purpose of administering this chapter sections 956.01 to 956.18 459
of the Revised Code and rules adopted under it. 460~~

Sec. 956.181. (A) All money collected by the director of 461
agriculture from license fees under section 956.21 and civil 462
penalties assessed under section 956.22 of the Revised Code 463
shall be deposited in the state treasury to the credit of the 464
pet store license fund, which is hereby created. The fund shall 465
also consist of money appropriated to it. 466

(B) The director shall use the money in the fund for the 467
purpose of administering sections 956.19 to 956.23 of the 468
Revised Code and rules adopted under it. 469

Sec. 956.19. As used in section 956.20 of the Revised 470
Code, a "qualified breeder" means either of the following: 471

(A) A breeder that keeps, houses, and maintains female 472
adult dogs that is not a high volume breeder as defined in 473
section 956.01 of the Revised Code. 474

(B) A high volume breeder located in or out of this state 475
that meets all of the following requirements: 476

(1) The breeder is licensed by the United States 477
department of agriculture under 7 U.S.C. 2133 and, if 478

applicable, a state agency. 479

(2) The breeder has not been issued a report of a direct 480
noncompliance violation by the United States department of 481
agriculture under the federal animal welfare act, as defined in 482
section 959.131 of the Revised Code, for a period of three years 483
prior to offering for sale, delivering, bartering, auctioning, 484
brokering, giving away, transferring, or selling a dog. 485

(3) The breeder has not had three or more noncompliance 486
violations documented in any report issued by the United States 487
department of agriculture under the federal animal welfare act, 488
as defined in section 959.131 of the Revised Code, for a period 489
of twelve months prior to offering for sale, delivering, 490
bartering, auctioning, brokering, giving away, transferring, or 491
selling a dog. 492

(4) The breeder has been issued a dog retailer license 493
under section 956.05 of the Revised Code. 494

Sec. 956.20. (A) No owner, manager, or employee of a pet 495
store shall negligently display, offer for sale, deliver, 496
barter, auction, broker, give away, transfer, or sell any live 497
dog from a pet store to a person unless the dog was obtained 498
from one of the following sources: 499

(1) An animal rescue for dogs; 500

(2) An animal shelter for dogs; 501

(3) A humane society; 502

(4) A dog retailer, provided that, if the dog retailer 503
originally obtained the dog from a breeder, the breeder is a 504
qualified breeder; 505

(5) A qualified breeder. 506

(B) No owner, manager, or employee of a pet store shall 507
negligently sell, deliver, barter, auction, broker, give away, 508
or transfer any of the following: 509

(1) A dog that is less than eight weeks old; 510

(2) A dog without a certificate of veterinarian inspection 511
signed by an accredited veterinarian; 512

(3) A dog that does not have a permanent implanted 513
identification microchip that is approved for use by the 514
director of agriculture under rules adopted under section 956.03 515
of the Revised Code; 516

(4) A dog to a person who is younger than eighteen years 517
of age as verified by valid photo identification; 518

(5) A dog acquired from a qualified breeder or a dog 519
retailer unless the owner, manager, or employee provides to the 520
person acquiring the dog, at a time prior to the transaction for 521
the acquisition of the dog, a written certification that 522
includes all of the following information: 523

(a) The name of the breeder that bred the dog; 524

(b) The address, if available, of the breeder that bred 525
the dog; 526

(c) The United States department of agriculture license 527
number of the breeder that bred the dog, if applicable, and a 528
copy of the most current United States department of agriculture 529
inspection report for the breeder; 530

(d) The dog's birth date, if known; 531

(e) The date that the pet store took possession of the 532
dog; 533

| | |
|---|-----|
| <u>(f) The breed, gender, color, and any identifying marks of</u> | 534 |
| <u>the dog;</u> | 535 |
| <u>(g) A document signed by an accredited veterinarian that</u> | 536 |
| <u>describes any known disease, illness, or congenital or</u> | 537 |
| <u>hereditary condition that adversely affects the health of the</u> | 538 |
| <u>dog at the time of examination;</u> | 539 |
| <u>(h) A document signed by the owner, manager, or employee</u> | 540 |
| <u>of the pet store certifying that all information required to be</u> | 541 |
| <u>provided to the person acquiring the dog under division (B) (5)</u> | 542 |
| <u>of this section is accurate. A pet store shall keep a copy of</u> | 543 |
| <u>the certification for a period of at least two years from the</u> | 544 |
| <u>date of the acquisition. The owner, manager, or an employee of</u> | 545 |
| <u>the pet store shall make the copy of the certification available</u> | 546 |
| <u>for inspection or duplication by the department of agriculture.</u> | 547 |
| <u>(6) A dog acquired from a qualified breeder or a dog</u> | 548 |
| <u>retailer unless all of the following information regarding the</u> | 549 |
| <u>dog is available to the general public at the pet store:</u> | 550 |
| <u>(a) The name of the breeder that bred the dog;</u> | 551 |
| <u>(b) The address, if available, of the breeder that bred</u> | 552 |
| <u>the dog;</u> | 553 |
| <u>(c) The United States department of agriculture license</u> | 554 |
| <u>number of the breeder that bred the dog, if applicable;</u> | 555 |
| <u>(d) The dog's birth date, if known;</u> | 556 |
| <u>(e) The breed of the dog.</u> | 557 |
| <u>(C) No owner, manager, or employee of a pet store shall</u> | 558 |
| <u>recklessly alter or provide false information on a certification</u> | 559 |
| <u>provided in accordance with division (B) (5) of this section.</u> | 560 |

(D) This section does not apply to any dog that is being 561
sold, delivered, bartered, auctioned, given away, brokered, or 562
transferred from the premises where the dog was bred and reared. 563

Sec. 956.21. (A) The director of agriculture may issue a 564
pet store license to an owner or operator of a pet store when 565
the owner or operator does all of the following: 566

(1) Applies for a license in accordance with this section 567
and rules adopted under it; 568

(2) Affirms in writing that the owner or operator will 569
maintain compliance with the applicable requirements established 570
under section 959.20 of the Revised Code; 571

(3) Submits with the application for a pet store license a 572
fee of five hundred dollars. 573

(B) The director of agriculture may deny, suspend, or 574
revoke a license issued under this section for a violation of 575
division (A), (B), or (C) of section 956.20 of the Revised Code 576
or rules adopted under this section. The denial, suspension, or 577
revocation of a license is not effective until the licensee is 578
given written notice of the violation, a reasonable amount of 579
time to correct the violation, if possible, and an opportunity 580
for a hearing. 581

The director also may refuse to issue a license under 582
division (B) of this section if the applicant has violated 583
division (A), (B), or (C) of section 956.20 of the Revised Code 584
or the rules adopted under this section during the thirty-six- 585
month period prior to submitting an application for the license. 586

(C) Any license issued under this section is valid for a 587
period of one year from the date of issuance. A pet store 588
license must be renewed annually in the manner provided in rules 589

adopted under this section. 590

(D) Money collected by the director of agriculture from 591
each application fee submitted under this section shall be 592
deposited in the state treasury to the credit of the pet store 593
license fund created in section 956.181 of the Revised Code. 594

(E) No owner, operator, or manager of a pet store shall 595
negligently display, offer for sale, deliver, barter, auction, 596
broker, give away, transfer, or sell any live dog from a pet 597
store in this state unless a license has been issued for the pet 598
store by the director of agriculture in accordance with this 599
section and rules adopted under it. 600

Sec. 956.22. (A) The director of agriculture may assess a 601
civil penalty against a person that violates division (A), (B), 602
or (C) of section 956.20 of the Revised Code or division (E) of 603
section 956.21 of the Revised Code if all of the following 604
occur: 605

(1) The person has received a notice and been notified of 606
the violation by certified mail or personal service under 607
section 956.12 of the Revised Code. 608

(2) After the time period for correcting the violation 609
specified in the notice has elapsed, the director or the 610
director's authorized representative has determined that the 611
violation has not been corrected, and the director has issued a 612
notice of an adjudication hearing pursuant to division (A) (3) of 613
this section. 614

(3) The director affords the person an opportunity for an 615
adjudication hearing under Chapter 119. of the Revised Code to 616
challenge the director's determination that the person is not in 617
compliance with this chapter or rules adopted under it, the 618

imposition of the civil penalty, or both. A person may waive the 619
opportunity for an adjudication hearing. 620

(B) If the opportunity for an adjudication hearing is 621
waived or if, after an adjudication hearing, the director 622
determines that a violation of this chapter or a rule adopted 623
under it has occurred or is occurring, the director may assess a 624
civil penalty. The civil penalty may be appealed in accordance 625
with section 119.12 of the Revised Code, except that the civil 626
penalty may be appealed only to the environmental division of 627
the Franklin county municipal court. 628

(C) The person who is assessed a civil penalty under this 629
section is liable for a civil penalty of not more than five 630
hundred dollars for a first violation, not more than two 631
thousand five hundred dollars for a second violation, and not 632
more than ten thousand dollars for a third or subsequent 633
violation. 634

(D) Any person assessed a civil penalty under this section 635
shall pay the amount prescribed to the department of 636
agriculture. The department shall remit all money collected 637
under this section to the treasurer of state for deposit in the 638
pet store license fund created under section 956.181 of the 639
Revised Code. 640

Sec. 956.23. The regulation of pet stores is a matter of 641
general statewide interest that requires statewide regulation. 642
Sections 956.181 to 956.23 of the Revised Code and section 643
956.99 of the Revised Code constitute a comprehensive plan with 644
respect to all aspects of the regulation of pet stores. 645
Accordingly, it is the intent of the general assembly to preempt 646
any local ordinance, resolution, or other law adopted to 647
regulate the sale, delivery, barter, auction, broker, or 648

transfer of a dog to a person from a pet store. 649

Sec. 956.99. Whoever violates division (A), (B), or (C) of section 956.051 of the Revised Code, division (A), (B), or (C) of section 956.20 of the Revised Code, or division (E) of section 956.21 of the Revised Code is guilty of a misdemeanor of the fourth degree. 650
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Section 2. That existing sections 956.01, 956.03, 956.04, 956.12, 956.13, 956.14, 956.15, and 956.18 of the Revised Code are hereby repealed. 655
656
657

Section 3. That Section 211.10 of Am. Sub. H.B. 64 of the 131st General Assembly be amended to read as follows: 658
659

Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE 660

General Revenue Fund 661

| | | | | | |
|-----|--------|------------------------|--------------|--------------|-----|
| GRF | 700401 | Animal Health Programs | \$ 3,686,687 | \$ 3,686,687 | 662 |
| GRF | 700403 | Dairy Division | \$ 1,163,115 | \$ 1,163,115 | 663 |
| GRF | 700404 | Ohio Proud | \$ 50,000 | \$ 50,000 | 664 |
| GRF | 700406 | Consumer Protection | \$ 1,287,556 | \$ 1,287,556 | 665 |
| | | Lab | | | 666 |
| GRF | 700407 | Food Safety | \$ 1,287,556 | \$ 1,287,556 | 667 |
| GRF | 700409 | Farmland Preservation | \$ 72,750 | \$ 72,750 | 668 |
| GRF | 700410 | Plant Industry | \$ 150,000 | \$ 150,000 | 669 |
| GRF | 700412 | Weights and Measures | \$ 600,000 | \$ 600,000 | 670 |
| GRF | 700415 | Poultry Inspection | \$ 592,978 | \$ 592,978 | 671 |
| GRF | 700418 | Livestock Regulation | \$ 1,108,071 | \$ 1,108,071 | 672 |

| | | | | | |
|-----------|--------|------------------------------|---------------|--------------------------|-----|
| | | Program | | | 673 |
| GRF | 700424 | Livestock Testing and | \$ 92,493 | \$ 92,493 | 674 |
| | | Inspections | | | 675 |
| GRF | 700426 | Dangerous and | \$ 800,000 | \$ 800,000 | 676 |
| | | Restricted Animals | | | 677 |
| GRF | 700427 | High Volume Breeder | \$ 350,000 | \$ 350,000 | 678 |
| | | Kennel Control | | <u>1,364,700</u> | 679 |
| GRF | 700428 | Soil and Water | \$ 1,807,700 | \$ 3,619,000 | 680 |
| | | Division | | | 681 |
| GRF | 700499 | Meat Inspection | \$ 4,425,097 | \$ 4,425,097 | 682 |
| | | Program - State Share | | | 683 |
| GRF | 700501 | County Agricultural | \$ 391,415 | \$ 391,415 | 684 |
| | | Societies | | | 685 |
| GRF | 700509 | Soil and Water | \$ 0 | \$ 3,250,000 | 686 |
| | | District Support | | | 687 |
| TOTAL GRF | | General Revenue Fund | \$ 17,865,418 | \$ 22,926,718 | 688 |
| | | | | <u>23,941,418</u> | 689 |
| | | Dedicated Purpose Fund Group | | | 690 |
| 4900 | 700651 | License Plates - | \$ 7,000 | \$ 7,000 | 691 |
| | | Sustainable Agriculture | | | 692 |
| 4940 | 700612 | Agricultural Commodity | \$ 213,000 | \$ 213,000 | 693 |
| | | Marketing Program | | | 694 |
| 4960 | 700626 | Ohio Grape Industries | \$ 970,000 | \$ 970,000 | 695 |

| | | | | | |
|------|--------|------------------------|--------------|--------------|-----|
| 4970 | 700627 | Grain Warehouse | \$ 332,672 | \$ 332,672 | 696 |
| | | Program | | | 697 |
| 4C90 | 700605 | Commercial Feed and | \$ 1,760,000 | \$ 1,760,000 | 698 |
| | | Seed | | | 699 |
| 4D20 | 700609 | Auction Education | \$ 35,000 | \$ 35,000 | 700 |
| 4E40 | 700606 | Utility Radiological | \$ 125,000 | \$ 125,000 | 701 |
| | | Safety | | | 702 |
| 4P70 | 700610 | Food Safety Inspection | \$ 957,328 | \$ 957,328 | 703 |
| 4R00 | 700636 | Ohio Proud Marketing | \$ 35,500 | \$ 35,500 | 704 |
| 4R20 | 700637 | Dairy Industry | \$ 1,658,247 | \$ 1,658,247 | 705 |
| | | Inspection | | | 706 |
| 4T60 | 700611 | Poultry and Meat | \$ 120,000 | \$ 120,000 | 707 |
| | | Inspection | | | 708 |
| 5780 | 700620 | Ride Inspection | \$ 1,215,142 | \$ 1,215,142 | 709 |
| 5880 | 700633 | Brand Registration | \$ 5,000 | \$ 5,000 | 710 |
| 5B80 | 700629 | Auctioneers | \$ 340,000 | \$ 340,000 | 711 |
| 5BV0 | 700660 | Heidelberg Water | \$ 125,000 | \$ 250,000 | 712 |
| | | Quality Lab | | | 713 |
| 5BV0 | 700661 | Soil and Water | \$ 4,000,000 | \$ 8,000,000 | 714 |
| | | Districts | | | 715 |
| 5CP0 | 700652 | License Plate | \$ 10,000 | \$ 10,000 | 716 |
| | | Scholarships | | | 717 |

| | | | | | |
|--------------------------------------|--------|------------------------|---------------|---------------|-----|
| 5FC0 | 700648 | Plant Pest Program | \$ 1,190,000 | \$ 1,190,000 | 718 |
| 5H20 | 700608 | Metrology Lab and | \$ 552,000 | \$ 552,000 | 719 |
| | | Scale Certification | | | 720 |
| 5L80 | 700604 | Livestock Management | \$ 135,000 | \$ 135,000 | 721 |
| | | Program | | | 722 |
| 5MA0 | 700657 | Dangerous and | \$ 50,000 | \$ 50,000 | 723 |
| | | Restricted Animals | | | 724 |
| 5MR0 | 700658 | High Volume Breeders | \$ 174,000 | \$ 174,000 | 725 |
| | | and Kennels | | | 726 |
| 5QW0 | 700653 | Watershed Assistance | \$ 557,500 | \$ 515,000 | 727 |
| 6520 | 700634 | Animal, Consumer, | \$ 4,966,383 | \$ 4,966,383 | 728 |
| | | and ATL Labs | | | 729 |
| 6690 | 700635 | Pesticide, Fertilizer, | \$ 4,418,041 | \$ 4,418,041 | 730 |
| | | and Lime Inspection | | | 731 |
| | | Program | | | 732 |
| TOTAL DPF Dedicated Purpose | | | \$ 23,951,813 | \$ 28,034,313 | 733 |
| Fund Group | | | | | 734 |
| Internal Service Activity Fund Group | | | | | 735 |
| 5DA0 | 700644 | Laboratory | \$ 1,164,000 | \$ 1,164,000 | 736 |
| | | Administration Support | | | 737 |
| 5GH0 | 700655 | Administrative Support | \$ 4,404,073 | \$ 4,404,073 | 738 |
| TOTAL ISA Internal Service Activity | | | \$ 5,568,073 | \$ 5,568,073 | 739 |

| | | | | | |
|---------------------------------------|--------|------------------------|---------------|--------------------------|-----|
| Fund Group | | | | | 740 |
| Capital Projects Fund Group | | | | | 741 |
| 7057 | 700632 | Clean Ohio | \$ 310,000 | \$ 310,000 | 742 |
| | | Agricultural | | | 743 |
| | | Easement Operating | | | 744 |
| TOTAL CPF Capital Projects Fund Group | | | \$ 310,000 | \$ 310,000 | 745 |
| Federal Fund Group | | | | | 746 |
| 3260 | 700618 | Meat Inspection | \$ 4,450,000 | \$ 4,450,000 | 747 |
| | | Program | | | 748 |
| | | - Federal Share | | | 749 |
| 3360 | 700617 | Ohio Farm Loan - | \$ 101,000 | \$ 101,000 | 750 |
| | | Revolving | | | 751 |
| 3820 | 700601 | Federal Cooperative | \$ 4,827,900 | \$ 5,131,500 | 752 |
| | | Contracts | | | 753 |
| 3AB0 | 700641 | Agricultural Easement | \$ 150,000 | \$ 150,000 | 754 |
| 3J40 | 700607 | Federal Administrative | \$ 1,200,000 | \$ 1,200,000 | 755 |
| | | Programs | | | 756 |
| 3R20 | 700614 | Federal Plant Industry | \$ 6,000,000 | \$ 6,000,000 | 757 |
| TOTAL FED Federal Fund Group | | | \$ 16,728,900 | \$ 17,032,500 | 758 |
| TOTAL ALL BUDGET FUND GROUPS | | | \$ 64,424,204 | \$ 73,871,604 | 759 |
| | | | | <u>74,886,304</u> | 760 |
| DANGEROUS AND RESTRICTED WILD ANIMALS | | | | | 761 |

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in fiscal year 2017 shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin to comply with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines is appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use

appropriation item 700661, Soil and Water Districts, to pay any 791
soil and water conservation district an annual amount not to 792
exceed \$40,000 upon receipt of a request and justification from 793
the district and approval by the Ohio Soil and Water 794
Conservation Commission. The county auditor shall credit the 795
payments to the special fund established under section 940.08 of 796
the Revised Code for the local soil and water conservation 797
district. Moneys received by each district shall be expended for 798
the purposes of the district. 799

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES 800

The foregoing appropriation item 700632, Clean Ohio 801
Agricultural Easement Operating, shall be used by the Department 802
of Agriculture in administering Ohio Agricultural Easement Fund 803
(Fund 7057) projects pursuant to sections 901.21, 901.22, and 804
5301.67 to 5301.70 of the Revised Code. 805

Section 4. That existing Section 211.10 of Am. Sub. H.B. 806
64 of the 131st General Assembly is hereby repealed. 807