

**As Reported by the Senate Agriculture Committee**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. H. B. No. 506**

**Representative Hill**

**Cosponsors: Representatives Thompson, Smith, R., Patterson, Schuring, Seitz,  
Koehler, Patton, Stein, West, Sweeney, Kick, Ryan, Hoops, Hambley, Rezabek,  
Rogers**

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**A BILL**

To amend sections 956.01, 956.02, 956.03, 956.04, 1  
956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 2  
956.11, 956.13, 956.14, 956.18, 956.181, 956.19, 3  
956.20, 956.21, and 956.22; to enact sections 4  
956.031 and 956.041; and to repeal section 5  
956.12 of the Revised Code to revise the law 6  
governing high volume dog breeders and other 7  
dog-related professionals and facilities. 8

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

**Section 1.** That sections 956.01, 956.02, 956.03, 956.04, 9  
956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 956.11, 956.13, 10  
956.14, 956.18, 956.181, 956.19, 956.20, 956.21, and 956.22 be 11  
amended and sections 956.031 and 956.041 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 956.01.** As used in this chapter: 14

"Accredited veterinarian" means a veterinarian accredited 15  
by the United States department of agriculture. 16

"Adult dog" means a dog that is twelve months of age or older. 17  
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"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, does not sell dogs to a dog broker or pet store, 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. 19  
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"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. 34  
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"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. 42  
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"Breeding dog" means an ~~unneutered,~~ unspayed adult female 46

dog that is primarily ~~harbored or housed on property that is the~~ 47  
~~dog's primary residence used for producing offspring.~~ 48

"Dog broker" means a person who buys, sells, or offers to 49  
sell dogs at wholesale for resale to another or who sells or 50  
gives one or more dogs to a pet store annually. "Dog broker" 51  
does not include an animal rescue for dogs, an animal shelter 52  
for dogs, a humane society, a medical kennel for dogs, a 53  
research kennel for dogs, a pet store, or a veterinarian. 54

"Enrichment" means any modification in the environment of 55  
a confined dog that seeks to enhance the dog's physical and 56  
psychological well-being by providing stimuli that meets the 57  
dog's breed-specific needs. 58

"Exercise" means activity that allows a dog to extend to 59  
full stride, play, and engage in other types of mentally 60  
stimulating and social behaviors. 61

"High volume breeder" means an establishment that keeps, 62  
houses, and maintains ~~adult six or more breeding dogs that~~ 63  
~~produce at least nine litters of puppies in any given calendar~~ 64  
~~year and, in return for a fee or other consideration, sells~~ 65  
~~sixty or more adult dogs or puppies per calendar year~~ and does 66  
~~at least one of the following:~~ 67

(1) In return for a fee or other consideration, sells five 68  
or more adult dogs or puppies in any calendar year to dog 69  
brokers or pet stores; 70

(2) In return for a fee or other consideration, sells 71  
forty or more puppies in any calendar year to the public; or 72

(3) Keeps, houses, and maintains, at any given time in a 73  
calendar year, more than forty puppies that are under four 74  
months of age, that have been bred on the premises of the 75

establishment, and that have been primarily kept, housed, and 76  
maintained from birth on the premises of the establishment. 77

"Humane society" means an organization that is organized 78  
under section 1717.05 of the Revised Code. 79

~~"Dog retailer" means a person who buys, sells, or offers~~ 80  
~~to sell dogs at wholesale for resale to another or who sells or~~ 81  
~~gives one or more dogs to a pet store annually. "Dog retailer"~~ 82  
~~does not include an animal rescue for dogs, an animal shelter~~ 83  
~~for dogs, a humane society, a medical kennel for dogs, a~~ 84  
~~research kennel for dogs, a pet store, or a veterinarian.~~ 85

"Environmental division of the Franklin county municipal 86  
court" means the environmental division of the Franklin county 87  
municipal court created in section 1901.011 of the Revised Code. 88

"Medical kennel for dogs" means a facility that is 89  
maintained by a veterinarian and operated primarily for the 90  
treatment of sick or injured dogs. 91

"Pet store" means an individual retail store to which both 92  
of the following apply: the store sells dogs to the public; and 93  
with regard to the sale of a dog from the store, the sales 94  
person, the buyer of a dog, and the dog for sale are physically 95  
present during the sales transaction so that the buyer may 96  
personally observe the dog and help ensure its health prior to 97  
taking custody. "Pet store" does not include an animal rescue 98  
for dogs, an animal shelter for dogs, a humane society, a 99  
medical kennel for dogs, or a research kennel for dogs. 100

"Puppy" means a dog that is under twelve months of age. 101

"Research kennel for dogs" means a facility housing dogs 102  
that is maintained exclusively for research purposes. 103

"Thermoneutral zone" means the range of ambient 104  
temperature in which a dog is able to maintain normal body 105  
temperature without a change in metabolic rate. 106

"Veterinarian" means either a veterinarian licensed in 107  
this state under Chapter 4741. of the Revised Code or a 108  
veterinarian licensed out of this state by an applicable state 109  
entity. 110

**Sec. 956.02.** All of the following are not required to 111  
obtain a license under this chapter or comply with any other 112  
requirements of this chapter and rules adopted under it: 113

(A) Medical kennels for dogs, ~~research;~~ 114

(B) Research kennels for dogs, ~~animal;~~ 115

(C) Animal shelters for dogs that are operated by a 116  
municipal corporation, or by a county under Chapter 955. of the 117  
Revised Code, and veterinarians are not required to obtain a 118  
license under this chapter or comply with any other requirements 119  
of this chapter and rules adopted under it; 120

(D) Animal shelters for dogs that are operated by a humane 121  
society; 122

(E) Veterinarians that provide clinical care and are not 123  
engaged in the practice of dog breeding. 124

**Sec. 956.03.** (A) The director of agriculture shall adopt 125  
rules in accordance with Chapter 119. of the Revised Code 126  
establishing all of the following: 127

(1) Requirements and procedures governing high volume 128  
breeders, including the licensing and inspection of and record 129  
keeping by high volume breeders, in addition to the requirements 130  
and procedures established in this chapter. The rules shall 131

include a requirement that a high volume breeder keep and 132  
maintain a record of veterinary care for each dog kept, housed, 133  
and maintained by the high volume breeder. The rules shall 134  
require the records to be kept and maintained for three years 135  
after the care is provided by a veterinarian. 136

(2) Requirements and procedures for conducting background 137  
investigations of each applicant for a license issued under 138  
section 956.04 of the Revised Code in order to determine if the 139  
applicant has been convicted of or pleaded guilty to any of the 140  
violations specified in division (A) (2) of section 956.15 of the 141  
Revised Code; 142

(3) Requirements and procedures governing dog 143  
~~retailers~~brokers, including the licensing of and record keeping 144  
by dog ~~retailers~~brokers, in addition to the requirements and 145  
procedures established in this chapter; 146

(4) The form of applications for licenses issued under 147  
this chapter and the information that is required to be 148  
submitted in the applications ~~and the~~; 149

(5) The form of an application for ~~registering~~ 150  
registration and registration renewal as an animal rescue for 151  
dogs under this chapter and the information that is required to 152  
be provided with a registration or registration renewal, 153  
including the name and address of each foster home that an 154  
animal rescue for dogs utilizes; 155

~~(5)~~ (6) A requirement that each high volume breeder submit 156  
to the director, with an application for a high volume breeder 157  
license, evidence of insurance or, in the alternative, evidence 158  
of a surety bond payable to the state to ensure compliance with 159  
this chapter and rules adopted under it. The face value of the 160

insurance coverage or bond shall be in the following amounts:	161
(a) Five thousand dollars for high volume breeders	162
keeping, housing, and maintaining not more than twenty-five	163
adult dogs;	164
(b) Ten thousand dollars for high volume breeders keeping,	165
housing, and maintaining at least twenty-six adult dogs, but not	166
more than fifty adult dogs;	167
(c) Fifty thousand dollars for high volume breeders	168
keeping, housing, and maintaining more than fifty adult dogs.	169
The rules shall require that the insurance be payable to	170
the state or that the surety bond be subject to redemption by	171
the state, as applicable, upon a suspension or revocation of a	172
high volume breeder license for the purpose of paying for the	173
maintenance and care of dogs that are seized or otherwise	174
impounded from the high volume breeder in accordance with this	175
chapter.	176
<del>(6)</del> <u>(7)</u> (a) For high volume breeders, standards of care	177
governing all of the following:	178
(i) Housing;	179
(ii) Nutrition;	180
(iii) Exercise;	181
(iv) Grooming;	182
(v) Biosecurity and disease control;	183
(vi) Waste management;	184
(vii) Whelping;	185
(viii) Any other general standards of care for dogs.	186

(b) In adopting rules under division (A) <del>(6)</del> <u>(7)</u> (a) of this section, the director shall consider the following factors, without limitation:	187 188 189
(i) Best management practices for the care and well-being of dogs;	190 191
(ii) Biosecurity;	192
(iii) The prevention of disease;	193
(iv) Morbidity and mortality data;	194
(v) Generally accepted veterinary medical standards and ethical standards established by the American veterinary medical association;	195 196 197
(vi) 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.	198 199 200
<del>(7)</del> <u>(8)</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;	201 202 203 204
<del>(8)</del> <u>(9)</u> (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 <del>retailers</del> <u>brokers</u> , 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;	205 206 207 208 209 210 211 212 213
(b) A requirement that an out-of-state retailer of a puppy	214



or adult dog that is conducting business in this state provide 215  
to the purchaser a valid health certificate from the state of 216  
origin pertaining to the puppy or adult dog and the complete 217  
name, address, and telephone number of all breeders, 218  
~~retailers~~brokers, and private owners that kept, housed, or 219  
maintained the puppy or adult dog prior to its coming into the 220  
possession of the retailer or proof that the puppy or adult dog 221  
was acquired through an animal rescue for dogs, animal shelter 222  
for dogs, or humane society in this state or another state. 223

~~(9)~~ (10) A requirement that a high volume breeder or a dog 224  
~~retailer~~broker who advertises the sale of a puppy or adult dog 225  
include with the advertisement the vendor number assigned by the 226  
tax commissioner to the high volume breeder or to the dog 227  
~~retailer~~broker if the sale of the puppy or dog is subject to 228  
the tax levied under Chapter 5739. of the Revised Code; 229

~~(10)~~ (11) A requirement that a licensed high volume 230  
breeder and a licensed dog ~~retailer~~broker comply with Chapter 231  
5739. of the Revised Code. The rules shall authorize the 232  
director to suspend or revoke a license for failure to comply 233  
with that chapter. The director shall work in conjunction with 234  
the tax commissioner for the purposes of rules adopted under 235  
this division. 236

~~(11)~~ (12) Requirements and procedures governing pet 237  
stores, including requirements and procedures governing the 238  
initial licensing of pet stores and the renewal of pet store 239  
licenses; 240

~~(12)~~ (13) The application form for a license issued under 241  
division (A) of section 956.21 of the Revised Code and the 242  
information that is required to be submitted in the application; 243

~~(13)~~-(14) Requirements governing permanent implanted 244  
identification microchips for dogs to be sold at a pet store and 245  
by a dog ~~retailer~~broker; 246

~~(14)~~-(15) Any other requirements and procedures that are 247  
determined by the director to be necessary for the 248  
administration and enforcement of this chapter and rules adopted 249  
under it. However, rules adopted under this division shall not 250  
establish additional requirements and procedures governing 251  
animal rescues for dogs other than those adopted under division 252  
(A) ~~(4)~~-(5) of this section. 253

(B) The director of agriculture may adopt rules in 254  
accordance with Chapter 119. of the Revised Code establishing 255  
disease testing protocols and vaccination requirements for dogs 256  
to be sold at a pet store. 257

Sec. 956.031. In addition to complying with rules adopted 258  
under section 956.03 of the Revised Code, a high volume breeder 259  
shall do all of the following with regard to a dog that is kept, 260  
housed, and maintained by the breeder: 261

(A) Unless otherwise directed by a veterinarian, provide 262  
the dog, twice each day, with food that is all of the following: 263

(1) Sufficient to maintain normal body condition and 264  
weight; 265

(2) Unspoiled and uncontaminated; 266

(3) Provided in accordance with a nutritional plan 267  
recommended by a veterinarian; 268

(4) Served in receptacles that are clean and sanitary. 269

A high volume breeder may temporarily withhold food when 270  
directed by a veterinarian to do so. 271

(B) Each day provide access to a continuous supply of 272  
potable water in clean and sanitary receptacles that is of 273  
sufficient quality and quantity to ensure maintenance of normal 274  
body condition and growth unless otherwise directed by a 275  
veterinarian. 276

(C) Keep or confine the dog in a primary enclosure that 277  
complies with all of the following: 278

(1) The interior of the enclosure is at least six inches 279  
higher than the head of the tallest dog housed in the enclosure 280  
when the dog is in a normal standing position. 281

(2) It allows each dog housed in the enclosure to turn in 282  
a complete circle, lie down, and fully extend its limbs. 283

(3) It is not stacked on top of another primary enclosure. 284

(4) It is cleaned at least once per day to remove excreta, 285  
dirt, grime, and other waste. 286

(D) On and after December 31, 2021, keep or confine the 287  
dog in a primary enclosure that has a minimum floor space in 288  
square inches equal to the following: (the length of the dog 289  
housed in the enclosure in inches, as measured from the tip of 290  
the nose to the base of the tail, + nine inches)^2 multiplied by 291  
two. For each additional dog that is kept or confined in a 292  
primary enclosure, the enclosure shall have additional floor 293  
space in square inches equal to the following: (length of each 294  
additional dog housed in the enclosure in inches, as measured 295  
from the tip of the nose to the base of the tail, + nine 296  
inches)^2. 297

(E) On and after December 31, 2021, ensure that the 298  
minimum floor space provided in accordance with division (D) of 299  
this section is solid or consists of slats. If the floor space 300

consists of slats, the high volume breeder shall ensure that all 301  
of the following apply: 302

(1) The spaces between the slats are not more than one- 303  
half inch in width. 304

(2) The slats are not less than three and one-half inches 305  
in width. 306

(3) All of the slats run in the same direction. 307

(4) The floor is level. 308

(F) On and after December 31, 2021, ensure that all 309  
flooring complies with the following: 310

(1) It consists of materials that can be cleaned and 311  
sanitized; are safe for the breed, size, and age of the dog; are 312  
free from protruding sharp edges; and are designed so that the 313  
paw of the dog is unable to extend through or become caught in 314  
the flooring. 315

(2) If the flooring surface consists of a material that is 316  
not solid, it has a solid resting area that can accommodate the 317  
full length of the dog while lying down. 318

(3) It does not sag, bend, or bounce. 319

(4) It does not consist of wire made of metal, including 320  
metal wire that is coated with another material. 321

(G) If the high volume breeder is using an indoor primary 322  
enclosure to house the dog, ensure that the enclosure is located 323  
in a facility that permits regulation of temperature, 324  
ventilation, and lighting, including diurnal lighting. The high 325  
volume breeder shall ensure that the lighting is sufficient, 326  
either through natural or artificial means, to observe the 327

physical condition of the dog and to permit inspection and 328  
cleaning of the dog and the primary enclosure. 329

(H) Use an outdoor primary enclosure to house the dog only 330  
if a veterinarian approves such use; 331

(I) If the high volume breeder is using an outdoor primary 332  
enclosure to house the dog as provided in division (H) of this 333  
section and if climatic or ambient temperatures pose a threat to 334  
the health and welfare of the dog, take effective measures to 335  
eliminate the threat. If the high volume breeder has to take 336  
such measures, the high volume breeder shall consider the dog's 337  
age, breed, overall health, and acclimation to the environment. 338  
The high volume breeder shall not use an outdoor primary 339  
enclosure to house the dog if the dog is unable to tolerate the 340  
prevalent temperatures within the dog's thermoneutral zone. 341

(J) House the dog with other dogs, except for reasons of 342  
health, biosecurity, breeding, and behavioral issues. 343

(K) If the dog is a puppy that is four months or younger, 344  
house the dog with an adult dog only if the adult dog is the 345  
puppy's dam or foster dam; 346

(L) If the dog is a female, breed the dog only if the dog 347  
has maintained a normal body condition and has been declared 348  
healthy by a veterinarian following a physical examination; 349

(M) If the dog is a female, ensure that the dog does not 350  
produce more than eight litters in its lifetime; 351

(N) Provide a clean, dry whelping area for each dam and 352  
her nursing puppies. The high volume breeder shall ensure that 353  
the area fully accommodates all puppies, allows the dam to lie 354  
fully recumbent and stand, and permits the dam to temporarily 355  
move away from her puppies as she chooses. The high volume 356

breeder shall ensure that no other animals inhabit the whelping area other than the dam and her puppies. 357  
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(O) Provide the dog with an opportunity for daily exercise of at least thirty minutes. However, this requirement does not apply to an expectant female dog, postpartum female dog, or any other dog as directed by a veterinarian. 359  
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(P) Provide the dog an opportunity to safely access the outdoors during daylight hours; 363  
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(Q) Provide the dog with daily environmental enrichment in the dog's primary enclosure; 365  
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(R) Provide human interaction with the dog for at least fifteen minutes each day in addition to interaction that occurs during feeding and cleaning time. The interaction, at a minimum, shall include verbal and tactile stimulation in a positive and beneficial manner. 367  
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(S) Provide the dog appropriate medical care by a veterinarian, including prompt treatment for any significant disease, illness, or injury; 372  
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(T) If the dog is an adult dog, provide the dog with an annual physical examination by a veterinarian; 375  
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(U) Comply with a vaccination and parasite control program that is provided by a veterinarian and that is consistent with recommendations of the American veterinarian medical association or the American animal hospital association; 377  
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(V) If a surgical or euthanasia procedure is required, use a veterinarian to perform the procedure. 381  
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**Sec. 956.04.** (A) (1) No person shall operate a high volume breeder in this state without a high volume breeder license 383  
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issued by the director of agriculture in accordance with this 385  
section and rules adopted under section 956.03 of the Revised 386  
Code. 387

(2) The director shall not issue a license under this 388  
section unless the director determines that the applicant will 389  
operate or will continue to operate the high volume breeder in 390  
accordance with this chapter and rules adopted under it. 391

(B) In determining whether an establishment is a high 392  
volume breeder requiring a license under this chapter, the 393  
director shall determine if, in any given year, the 394  
establishment is a high volume breeder as defined in section 395  
956.01 of the Revised Code. All facilities that are located at 396  
an individual postal address shall be licensed as one high 397  
volume breeder. Not more than one license shall be issued under 398  
this section for any given postal address. 399

(C) A person who is proposing to operate a new high volume 400  
breeder shall submit an application for a license to the 401  
director at least ninety days before commencing operation of the 402  
high volume breeder. The application shall be submitted in the 403  
form and with the information required by rules adopted under 404  
section 956.03 of the Revised Code and shall include with it at 405  
least all of the following: 406

(1) An affidavit signed under oath or solemn affirmation 407  
of the number of adult dogs that are kept, housed, and 408  
maintained by the applicant at the location that is the subject 409  
of the application; 410

(2) An estimate of the number of puppies to be kept, 411  
housed, and maintained and of the number of litters of puppies 412  
or total number of puppies to be produced during the term of the 413

license; 414

(3) Photographic evidence documenting the facilities where 415  
dogs will be kept, housed, and maintained by the applicant. The 416  
director may conduct an inspection of the facilities that are 417  
the subject of an application in addition to reviewing 418  
photographic evidence submitted by an applicant for a license. 419

(4) A signed release permitting the performance of a 420  
background investigation regarding the applicant in accordance 421  
with rules adopted under section 956.03 of the Revised Code; 422

(5) Proof that the applicant has established a veterinary- 423  
client-patient relationship as described in section 4741.04 of 424  
the Revised Code. 425

(D) During the month of December, but before the first day 426  
of January of the next year, a person who is proposing to 427  
continue the operation of a high volume breeder shall obtain a 428  
license for the high volume breeder from the director for the 429  
following year. The person shall apply for the license in the 430  
same manner as for an initial license, except that the person 431  
does not need to include with the application the photographic 432  
evidence required under division (C) (3) of this section. 433

~~(E) The owner or operator of a high volume breeder that is~~ 434  
~~in operation on March 13, 2013, shall submit to the director an~~ 435  
~~application for a high volume breeder license not later than~~ 436  
~~three months after March 13, 2013. The director shall issue or~~ 437  
~~deny the application for a license within ninety days after the~~ 438  
~~receipt of the completed application.~~ 439

~~(F)~~ A person who has received a license under this 440  
section, upon sale or other disposition of the high volume 441  
breeder, may have the license transferred to another person with 442



the consent of the director, provided that the transferee 443  
otherwise qualifies to be licensed as a high volume breeder 444  
under this chapter and rules adopted under it and does not have 445  
a certified unpaid debt to the state. 446

~~(G)~~-(F) An applicant for a license issued under this 447  
section shall demonstrate that the high volume breeder that is 448  
the subject of the application complies with standards 449  
established in rules adopted under section 956.03 of the Revised 450  
Code. 451

**Sec. 956.041.** (A) As used in this section, "out-of-state 452  
dog breeder" means a dog breeder located outside of this state 453  
that, if located in this state, would be a high volume breeder. 454

(B) A dog broker or the owner or operator of a pet store 455  
that seeks to purchase a dog from an in-state high volume 456  
breeder or out-of-state dog breeder, prior to completing the 457  
transaction, shall request the breeder to sign a document 458  
prescribed and provided by the director of agriculture. The 459  
document shall state that the in-state high volume breeder or 460  
out-of-state dog breeder is in compliance with the standards of 461  
care established in rules adopted under section 956.03 and in 462  
section 956.031 of the Revised Code. The broker or owner or 463  
operator shall keep and maintain the signed document. If the in- 464  
state high volume breeder or out-of-state dog breeder does not 465  
provide the signed document, the broker or owner or operator 466  
shall not purchase the dog. 467

The broker or owner or operator shall allow the director 468  
to inspect the signed document during normal business hours. 469  
With respect to a pet store, the requirements established under 470  
this section are in addition to the requirements established 471  
under section 956.20 of the Revised Code. 472

(C) No dog broker or owner or operator of a pet store 473  
shall knowingly sell a dog unless the broker or owner or 474  
operator has obtained a signed document with respect to the dog 475  
as required under division (B) of this section. The director 476  
shall not assess a civil penalty under section 956.13 of the 477  
Revised Code against a dog broker or the owner or operator of a 478  
pet store for a violation of this division if the broker or 479  
owner or operator has obtained such a document with regard to 480  
the dog. 481

(D) The director shall adopt rules in accordance with 482  
Chapter 119. of the Revised Code that establish requirements and 483  
procedures governing the administration and enforcement of this 484  
section. 485

**Sec. 956.05.** (A) (1) No person shall act as or perform the 486  
functions of a dog ~~retailer~~broker in this state without a dog 487  
~~retailer~~broker license issued by the director of agriculture in 488  
accordance with this section and rules adopted under section 489  
956.03 of the Revised Code. 490

(2) The director shall not issue a license under this 491  
section unless the director determines that the applicant will 492  
act as or perform the functions of a dog ~~retailer~~broker in 493  
accordance with this chapter and rules adopted under it. 494

(B) A person who is proposing to act as or perform the 495  
functions of a dog ~~retailer~~broker shall submit an application 496  
for a license to the director. During the month of December, but 497  
before the first day of January of the next year, a person who 498  
is proposing to continue to act as or perform the functions of a 499  
dog ~~retailer~~broker shall obtain a license from the director for 500  
the following year. 501

~~(C) A person who is acting as or performing the functions of a dog retailer on the effective date of this section shall submit to the director an application for a dog retailer license not later than three months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application.~~

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

- (1) An animal rescue for dogs;
- (2) An animal shelter for dogs;
- (3) A humane society;

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

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

- (1) A dog that is less than eight weeks old;
- (2) A dog without a health certificate ~~of veterinarian inspection~~ signed by an accredited veterinarian;

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

- (4) A dog to a person who is younger than eighteen years

of age as verified by valid photo identification; 529

(5) A dog acquired from a qualified breeder as defined in 530  
section 956.19 of the Revised Code unless the dog ~~retailer~~ 531  
broker provides to the person acquiring the dog, at a time prior 532  
to the transaction for the acquisition of the dog, a written 533  
certification that includes all of the following information: 534

(a) The name of the breeder that bred the dog; 535

(b) The address, if available, of the breeder that bred 536  
the dog; 537

(c) The United States department of agriculture license 538  
number of the breeder that bred the dog, if applicable, and a 539  
copy of the most current United States department of agriculture 540  
inspection report for the breeder; 541

(d) The dog's birth date, if known; 542

(e) The date that the pet store took possession of the 543  
dog; 544

(f) The breed, gender, color, and any identifying marks of 545  
the dog; 546

(g) A document signed by an accredited veterinarian that 547  
describes any known disease, illness, or congenital or 548  
hereditary condition that adversely affects the health of the 549  
dog at the time of examination; 550

(h) A document signed by the dog ~~retailer~~ broker 551  
certifying that all information required to be provided to the 552  
person acquiring the dog under this section is accurate. A dog 553  
~~retailer~~ broker shall keep a copy of the certification for a 554  
period of at least two years from the date of the acquisition. 555  
The dog ~~retailer~~ broker shall make the copy of the certification 556

available for inspection or duplication by the department of 557  
agriculture. 558

(C) No dog ~~retailer~~broker shall recklessly alter or 559  
provide false information on a certification provided in 560  
accordance with division (B) (5) of this section. 561

(D) This section does not apply to any dog that is being 562  
sold, delivered, bartered, auctioned, given away, brokered, or 563  
transferred from the premises where the dog was bred and reared. 564

**Sec. 956.06.** (A) (1) No person shall operate an animal 565  
rescue for dogs without first registering with the director of 566  
agriculture in accordance with rules adopted under section 567  
956.03 of the Revised Code. ~~No~~ A registration is valid for one 568  
year. 569

(2) A registration may be renewed. An application for 570  
renewal shall be submitted to the director at least ninety days 571  
prior to the expiration of the registration. 572

(3) The director shall not charge a registration fee ~~shall~~ 573  
~~be charged~~ to an animal rescue for dogs. ~~The~~ However, if a 574  
person fails to renew a registration prior to its expiration, 575  
the director shall charge the person a late renewal fee of two 576  
hundred dollars. 577

(B) The director shall maintain a database of all persons 578  
that are registered to operate an animal rescue for dogs in this 579  
state. 580

**Sec. 956.07.** (A) A person who is applying for ~~a~~ an annual 581  
license to operate a high volume breeder or to act as or perform 582  
the functions of a dog ~~retailer~~broker under section 956.04 or 583  
956.05 of the Revised Code, as applicable, shall include with 584  
the application for a license a nonrefundable license 585

application fee. ~~For the purpose of calculating the application fee for a high volume breeder, the sale of one dog from a litter constitutes the sale of a litter.~~ The application fees are as follows:

(1) For a high volume breeder:

(a) One hundred fifty dollars if the high volume breeder annually sells at least ~~nine~~ forty, but not more than ~~fifteen~~ litters sixty puppies to the public;

(b) Two hundred fifty dollars if the high volume breeder annually sells at least ~~sixteen~~ sixty-one, but not more than ~~twenty-five~~ litters one hundred fifty puppies to the public;

(c) Three hundred fifty dollars if the high volume breeder annually sells at least ~~twenty-six~~ one hundred fifty-one, but not more than ~~thirty-five~~ litters two hundred fifty puppies to the public;

(d) Five hundred dollars if the high volume breeder annually sells at least ~~thirty-six~~ two hundred fifty-one, but not more than ~~forty-five~~ litters three hundred fifty puppies to the public;

(e) Seven hundred fifty dollars if the high volume breeder annually sells ~~forty-six~~ three hundred fifty-one or more ~~litters~~ puppies to the public;

(f) If divisions (A) (1) (a) to (e) of this section do not apply, one hundred and fifty dollars if either of the following applies:

(i) The high volume breeder sells five or more adult dogs or puppies to a dog broker or pet store.

(ii) The high volume breeder keeps, houses, and maintains,

at any given time in a calendar year, more than forty puppies 614  
that are under four months of age, that have been bred on the 615  
premises of the establishment, and that have been primarily 616  
kept, housed, and maintained from birth on the premises of the 617  
establishment. 618

(2) For a dog ~~retailer~~broker, five hundred dollars. 619

(B) Money collected by the director of agriculture from 620  
each application fee submitted under this section shall be 621  
deposited in the state treasury to the credit of the high volume 622  
breeder kennel control license fund created in section 956.18 of 623  
the Revised Code. The director shall use fifty dollars of the 624  
application fee submitted by a high volume breeder under this 625  
section or an amount equal to the fee charged for the 626  
registration of a kennel under section 955.14 of the Revised 627  
Code in the county in which the high volume breeder is located 628  
or will be located, whichever is greater, to reimburse that 629  
county. The county auditor shall deposit the transferred money 630  
into that county's dog and kennel fund created under section 631  
955.20 of the Revised Code. 632

**Sec. 956.08.** (A) No person operating as a high volume 633  
breeder or acting as or performing the functions of a dog 634  
retailer shall fail to comply with applicable standards 635  
established by the director of agriculture in rules adopted 636  
under section 956.03 of the Revised Code or with section 956.031 637  
of the Revised Code. 638

(B) No person acting as or performing the functions of a 639  
dog broker shall fail to comply with applicable requirements 640  
established by the director in rules adopted under section 641  
956.03 of the Revised Code. 642

(C) No person registered as an animal rescue for dogs 643  
under section 956.06 of the Revised Code shall sell a dog to a 644  
dog broker or pet store. 645

**Sec. 956.10.** (A) (1) At least once annually, the director 646  
of agriculture or the director's authorized representative shall 647  
inspect a high volume breeder that is subject to licensure under 648  
this chapter and rules adopted under section 956.03 of the 649  
Revised Code to ensure compliance with this chapter and rules 650  
adopted under it, including the standards of care established in 651  
rules adopted under that section. 652

(2) The director or the director's authorized 653  
representative shall inspect a boarding kennel when the director 654  
or the director's authorized representative has received 655  
information that the boarding kennel is breeding dogs and may be 656  
subject to licensure under this chapter and rules adopted under 657  
section 956.03 of the Revised Code. 658

(B) The director or the director's authorized 659  
representative may do any of the following: 660

(1) Upon receiving a complaint, inspect a high volume 661  
breeder that is subject to licensure under this chapter and 662  
rules adopted under section 956.03 of the Revised Code to ensure 663  
compliance with this chapter and rules adopted under it; 664

(2) Upon the request of a member of the public, a public 665  
official, or an animal shelter for dogs, inspect any facility at 666  
which a person is acting as or performing the functions of a dog 667  
~~retailer~~broker to ensure such compliance; 668

(3) Upon receiving a complaint, inspect an animal rescue 669  
for dogs to ensure compliance with section 956.06 of the Revised 670  
Code and applicable rules adopted under section 956.03 of the 671



Revised Code; 672

(4) Conduct an inspection under this section during 673  
regular business hours without providing notice in advance. 674

(C) Inspections shall be conducted in accordance with 675  
rules adopted under section 956.03 of the Revised Code. A record 676  
of each inspection shall be made by the director or the 677  
director's authorized representative who is responsible for the 678  
inspection in accordance with those rules. 679

(D) The director or the director's authorized 680  
representative, upon proper identification and upon stating the 681  
purpose and necessity of an inspection, may enter at reasonable 682  
times on any public or private property, real or personal, to 683  
inspect or investigate and to examine or copy records in order 684  
to determine compliance with this chapter and rules adopted 685  
under it. The director, the director's authorized 686  
representative, or the attorney general upon the request of the 687  
director may apply to the appropriate court in the county in 688  
which inspection will occur for an appropriate court order or 689  
search warrant as necessary to achieve the purposes of this 690  
chapter and rules adopted under it. 691

(E) No owner or operator of a high volume breeder, person 692  
acting as or performing the functions of a dog ~~retailer~~broker, 693  
owner or operator of a boarding kennel, or owner or operator of 694  
an animal rescue for dogs shall interfere with an inspection or 695  
refuse to allow the director or the director's authorized 696  
representative full access to all areas where dogs are kept or 697  
cared for. If entry is refused or inspection or investigation is 698  
refused, hindered, or thwarted by a high volume breeder or dog 699  
~~retailer~~broker, the director may suspend or revoke the breeder's 700  
or ~~retailer's~~broker's license in accordance with this chapter. 701

(F) (1) The director may enter into a contract or agreement 702  
with a veterinarian to conduct inspections under this section. 703  
The veterinarian shall be considered the director's authorized 704  
representative for the purposes of this section. 705

(2) A veterinarian with whom the director has entered into 706  
a contract or agreement under division (F) (1) of this section 707  
may inspect a high volume breeder with whom the veterinarian has 708  
established a veterinary-client-patient relationship as 709  
described in section 4741.04 of the Revised Code only every 710  
other year. 711

(3) If the director determines that a veterinarian with 712  
whom the director has entered into a contract or agreement under 713  
division (F) (1) of this section has falsified any information 714  
submitted to the director pursuant to an inspection, the 715  
director shall inform the veterinary medical licensing board 716  
created by Chapter 4741. of the Revised Code of the 717  
falsification. 718

(G) (1) If entry that is authorized by division (D) of this 719  
section is refused or if an inspection or investigation is 720  
refused, hindered, or thwarted by intimidation or otherwise and 721  
if the director, an authorized representative of the director, 722  
or the attorney general applies for and obtains a court order or 723  
a search warrant under division (D) of this section to conduct 724  
the inspection or investigation, the owner or operator of the 725  
premises where entry was refused or inspection or investigation 726  
was refused, hindered, or thwarted, if found guilty of violating 727  
this chapter or rules adopted under it, is liable to the 728  
director for ~~the~~ all of the following: 729

(a) The reasonable costs incurred by the director for the 730  
regular salaries and fringe benefit costs of personnel assigned 731

to conduct the inspection or investigation from the time the 732  
court order or search warrant was issued until the court order 733  
or search warrant is executed; ~~for the~~ 734

(b) The salary, fringe benefits, and travel expenses of 735  
the director, an authorized representative of the director, or 736  
the attorney general incurred in obtaining the court order or 737  
search warrant; and ~~for expenses~~ 738

(c) Expenses necessarily incurred for the assistance of 739  
local law enforcement officers in executing the court order or 740  
search warrant. ~~In~~ 741

(2) In the application for a court order or a search 742  
warrant, the director, the director's authorized representative, 743  
or the attorney general may request and the court, in its order 744  
granting the court order or search warrant, may order the owner 745  
or operator of the premises, if found guilty of violating this 746  
chapter or rules adopted under it, to reimburse the director for 747  
any of ~~those~~ the costs described in division (G) (1) of this 748  
section that the court finds reasonable. From money recovered 749  
under this division, the director shall ~~reimburse the~~ do all of 750  
the following: 751

(a) Reimburse the attorney general for the costs incurred 752  
by the attorney general in connection with proceedings for 753  
obtaining the court order or search warrant, ~~shall reimburse the~~ 754  
; 755

(b) Reimburse the political subdivision in which the 756  
premises is located for the assistance of its law enforcement 757  
officers in executing the court order or search warrant, ~~and~~ 758  
~~shall deposit~~ ; 759

(c) Deposit the remainder in the state treasury to the 760

credit of the high volume breeder kennel control license fund 761  
created in section 956.18 of the Revised Code. 762

(H) A dog warden appointed under Chapter 955. of the 763  
Revised Code or an agent of a humane society entering on public 764  
or private property to make investigations and inspections in 765  
accordance with Chapter 955. or 1717. of the Revised Code, as 766  
applicable, shall report any violations of this chapter and 767  
rules adopted under it to the director or the director's 768  
authorized representative. 769

**Sec. 956.11.** (A) The director of agriculture may enter 770  
into contracts or agreements with an animal rescue for dogs, an 771  
animal shelter for dogs, a boarding kennel, a veterinarian, a 772  
board of county commissioners, or a humane society for the 773  
purposes of this section. 774

(B) (1) If the director or the director's authorized 775  
representative determines that a dog is being kept by a high 776  
volume breeder or dog ~~retailer~~ broker in a manner that 777  
materially violates this chapter or rules adopted under it, the 778  
director may impound the dog and order it to be seized by an 779  
animal rescue for dogs, an animal shelter for dogs, a boarding 780  
kennel, a veterinarian, a board of county commissioners, or a 781  
humane society with which the director has entered into a 782  
contract or agreement under division (A) of this section. Upon 783  
receiving the order from the director, the animal rescue for 784  
dogs, animal shelter for dogs, boarding kennel, veterinarian, 785  
board of county commissioners, or humane society shall seize the 786  
dog and keep, house, and maintain it. 787

(2) The director or the director's authorized 788  
representative shall give written notice of the impoundment by 789  
posting a notice on the door of the premises from which the dog 790

was taken or by otherwise posting the notice in a conspicuous 791  
place at the premises from which the dog was taken. The notice 792  
shall provide a date for an adjudication hearing, which shall 793  
take place not later than five business days after the dog is 794  
taken and at which the director shall determine if the dog 795  
should be permanently relinquished to the custody of the 796  
director. 797

(C) The owner or operator of the applicable high volume 798  
breeder or the person acting as or performing the functions of a 799  
dog ~~retailer~~ broker may appeal the determination made at the 800  
adjudication hearing in accordance with section 119.12 of the 801  
Revised Code, except that the appeal may be made only to the 802  
environmental division of the Franklin county municipal court. 803

(D) If, after the final disposition of an adjudication 804  
hearing and any appeals from that adjudication hearing, it is 805  
determined that a dog shall be permanently relinquished to the 806  
custody of the director, the dog may be adopted directly from 807  
the animal rescue for dogs, animal shelter for dogs, boarding 808  
kennel, veterinarian, county dog pound, or humane society where 809  
it is being kept, housed, and maintained, provided that the dog 810  
has been spayed or neutered unless there are medical reasons 811  
against spaying or neutering as determined by a veterinarian. 812  
The animal rescue for dogs, animal shelter for dogs, boarding 813  
kennel, veterinarian, county dog pound, or humane society may 814  
charge a reasonable adoption fee. The fee shall be at least 815  
sufficient to cover the costs of spaying or neutering the dog 816  
unless it is medically contraindicated. Impounded dogs shall be 817  
returned to persons acquitted of any alleged violations. 818

**Sec. 956.13.** (A) The director of agriculture, after 819  
providing an opportunity for an adjudication hearing under 820

Chapter 119. of the Revised Code, may assess a civil penalty 821  
against a person who has violated or is violating sections 822  
956.01 to 956.18 of the Revised Code or rules adopted under ~~it~~ 823  
~~if all of the following occur:~~ 824

~~(1) The person has received a notice and been notified of~~ 825  
~~the violation by certified mail or personal service as required~~ 826  
~~in section 956.12 of the Revised Code.~~ 827

~~(2) After the time period for correcting the violation~~ 828  
~~specified in the notice has elapsed, the director or the~~ 829  
~~director's authorized representative has determined that the~~ 830  
~~violation has not been corrected, and the director has issued a~~ 831  
~~notice of an adjudication hearing pursuant to division (A)(3) of~~ 832  
~~this section.~~ 833

~~(3) The director affords the person an opportunity for an~~ 834  
~~adjudication hearing under Chapter 119. of the Revised Code to~~ 835  
~~challenge the director's determination that the person is not in~~ 836  
~~compliance with this chapter or rules adopted under it, the~~ 837  
~~imposition of the civil penalty, or both. A person may waive the~~ 838  
~~opportunity for an adjudication hearing.~~ 839

~~(B) If the opportunity for an adjudication hearing is~~ 840  
~~waived or if, after an adjudication hearing, the director~~ 841  
~~determines that a violation of this chapter or a rule adopted~~ 842  
~~under it has occurred or is occurring, the director may assess a~~ 843  
~~civil penalty. The civil penalty may be appealed in accordance~~ 844  
~~with section 119.12 of the Revised Code, except that the civil~~ 845  
~~penalty may be appealed only to the environmental division of~~ 846  
~~the Franklin county municipal court section 956.03 of the~~ 847  
~~Revised Code.~~ 848

~~(C)~~ (B) A person who is assessed a civil penalty under 849

this section is liable for a civil penalty of not more than two 850  
thousand five hundred dollars for a first violation, not more 851  
than ~~two~~ five thousand ~~five hundred~~ dollars for a second 852  
violation, and not more than ten thousand dollars for a third or 853  
subsequent violation. 854

Each day that a violation continues constitutes a separate 855  
violation. 856

~~(D)~~ (C) Any person assessed a civil penalty under this 857  
section shall pay the amount prescribed to the department of 858  
agriculture. The department shall remit all money collected 859  
under this section to the treasurer of state for deposit in the 860  
high volume breeder kennel control license fund created under 861  
section 956.18 of the Revised Code. 862

**Sec. 956.14.** The attorney general, upon the request of the 863  
director of agriculture, may bring an action for injunction 864  
against a person who has violated or is violating this chapter, ~~or~~ 865  
or rules adopted under it, ~~or a notice issued under section~~ 866  
~~956.12 of the Revised Code.~~ An action for injunction shall be 867  
filed in the appropriate court in the county in which the 868  
violation is alleged to have occurred. The court shall grant 869  
such injunctive relief upon a showing that the person against 870  
whom the action is brought has violated or is violating this 871  
chapter, or rules adopted under it, ~~or a notice issued under it.~~ 872  
The court shall give precedence to such an action over all other 873  
cases. 874

**Sec. 956.18.** (A) All money collected by the director of 875  
agriculture from late renewal fees under section 956.06, license 876  
fees under section 956.07, and civil penalties assessed under 877  
section 956.13 of the Revised Code shall be deposited in the 878  
state treasury to the credit of the high volume breeder kennel 879

control license fund, which is hereby created. The fund shall 880  
also consist of money appropriated to it. 881

(B) The director shall use the money in the fund for the 882  
purpose of administering sections 956.01 to 956.18 of the 883  
Revised Code and rules adopted under it section 956.03 of the 884  
Revised Code that apply to those sections. 885

**Sec. 956.181.** (A) All money collected by the director of 886  
agriculture from license fees under section 956.21 and civil 887  
penalties assessed under section 956.22 of the Revised Code 888  
shall be deposited in the state treasury to the credit of the 889  
pet store license fund, which is hereby created. The fund shall 890  
also consist of money appropriated to it. 891

(B) The director shall use the money in the fund for the 892  
purpose of administering sections 956.19 to 956.23 of the 893  
Revised Code and rules adopted under it section 956.03 of the 894  
Revised Code as those rules apply to those sections. 895

**Sec. 956.19.** As used in section 956.20 of the Revised 896  
Code, a "qualified breeder" means either of the following: 897

(A) A breeder that keeps, houses, and maintains female 898  
adult dogs that is not a high volume breeder as defined in 899  
section 956.01 of the Revised Code. 900

(B) A high volume breeder located in or out of this state 901  
that meets all of the following requirements: 902

(1) The breeder is licensed by the United States 903  
department of agriculture under 7 U.S.C. 2133 and, if 904  
applicable, a state agency. 905

(2) The breeder has not been issued a report of a direct 906  
noncompliance violation by the United States department of 907



agriculture under the federal animal welfare act, as defined in 908  
section 959.131 of the Revised Code, for a period of three years 909  
prior to offering for sale, delivering, bartering, auctioning, 910  
brokering, giving away, transferring, or selling a dog. 911

(3) The breeder has not had three or more noncompliance 912  
violations documented in any report issued by the United States 913  
department of agriculture under the federal animal welfare act, 914  
as defined in section 959.131 of the Revised Code, for a period 915  
of twelve months prior to offering for sale, delivering, 916  
bartering, auctioning, brokering, giving away, transferring, or 917  
selling a dog. 918

(4) The breeder has been issued a dog ~~retailer~~broker 919  
license under section 956.05 of the Revised Code. 920

**Sec. 956.20.** (A) No owner, manager, or employee of a pet 921  
store shall negligently display, offer for sale, deliver, 922  
barter, auction, broker, give away, transfer, or sell any live 923  
dog from a pet store to a person unless the dog was obtained 924  
from one of the following sources: 925

(1) An animal rescue for dogs; 926

(2) An animal shelter for dogs; 927

(3) A humane society; 928

(4) A dog ~~retailer~~broker, provided that, if the dog 929  
~~retailer~~broker originally obtained the dog from a breeder, the 930  
breeder is a qualified breeder; 931

(5) A qualified breeder. 932

(B) No owner, manager, or employee of a pet store shall 933  
negligently sell, deliver, barter, auction, broker, give away, 934  
or transfer any of the following: 935

(1) A dog that is less than eight weeks old;	936
(2) A dog without a <u>health</u> certificate <del>of veterinarian</del> <del>inspection</del> signed by an accredited veterinarian;	937 938
(3) A dog that does not have a permanent implanted identification microchip that is approved for use by the director of agriculture under rules adopted under section 956.03 of the Revised Code;	939 940 941 942
(4) A dog to a person who is younger than eighteen years of age as verified by valid photo identification;	943 944
(5) A dog acquired from a qualified breeder or a dog <del>retailer</del> <u>broker</u> unless the owner, manager, or employee provides to the person acquiring the dog, at a time prior to the transaction for the acquisition of the dog, a written certification that includes all of the following information:	945 946 947 948 949
(a) The name of the breeder that bred the dog;	950
(b) The address, if available, of the breeder that bred the dog;	951 952
(c) The United States department of agriculture license number of the breeder that bred the dog, if applicable, and a copy of the most current United States department of agriculture inspection report for the breeder;	953 954 955 956
(d) The dog's birth date, if known;	957
(e) The date that the pet store took possession of the dog;	958 959
(f) The breed, gender, color, and any identifying marks of the dog;	960 961
(g) A document signed by an accredited veterinarian that	962

describes any known disease, illness, or congenital or 963  
hereditary condition that adversely affects the health of the 964  
dog at the time of examination; 965

(h) A document signed by the owner, manager, or employee 966  
of the pet store certifying that all information required to be 967  
provided to the person acquiring the dog under division (B) (5) 968  
of this section is accurate. A pet store shall keep a copy of 969  
the certification for a period of at least two years from the 970  
date of the acquisition. The owner, manager, or an employee of 971  
the pet store shall make the copy of the certification available 972  
for inspection or duplication by the department of agriculture. 973

(6) A dog acquired from a qualified breeder or a dog 974  
~~retailer~~ broker unless all of the following information 975  
regarding the dog is available to the general public at the pet 976  
store: 977

(a) The name of the breeder that bred the dog; 978

(b) The address, if available, of the breeder that bred 979  
the dog; 980

(c) The United States department of agriculture license 981  
number of the breeder that bred the dog, if applicable; 982

(d) The dog's birth date, if known; 983

(e) The breed of the dog. 984

(C) No owner, manager, or employee of a pet store shall 985  
recklessly alter or provide false information on a certification 986  
provided in accordance with division (B) (5) of this section. 987

(D) This section does not apply to any dog that is being 988  
sold, delivered, bartered, auctioned, given away, brokered, or 989  
transferred from the premises where the dog was bred and reared. 990

**Sec. 956.21.** (A) The director of agriculture may issue a 991  
pet store license to an owner or operator of a pet store when 992  
the owner or operator does all of the following: 993

(1) Applies for a license in accordance with this section 994  
and rules adopted under ~~it~~ section 956.03 of the Revised Code; 995

(2) Affirms in writing that the owner or operator will 996  
maintain compliance with the applicable requirements established 997  
under section 959.20 of the Revised Code; 998

(3) Submits with the application for a pet store license a 999  
fee of five hundred dollars. 1000

(B) The director of agriculture may deny, suspend, or 1001  
revoke a license issued under this section for a violation of 1002  
division (A), (B), or (C) of section 956.20 of the Revised Code 1003  
or rules adopted under ~~that~~ section 956.03 of the Revised Code. 1004  
The denial, suspension, or revocation of a license is not 1005  
effective until the licensee is given written notice of the 1006  
violation, a reasonable amount of time to correct the violation, 1007  
if possible, and an opportunity for a hearing. 1008

The director also may refuse to issue a license under 1009  
division (B) of this section if the applicant has violated 1010  
division (A), (B), or (C) of section 956.20 of the Revised Code 1011  
or the rules adopted under ~~this~~ section 956.03 of the Revised 1012  
Code during the thirty-six-month period prior to submitting an 1013  
application for the license. 1014

(C) Any license issued under this section is valid for a 1015  
period of one year from the date of issuance. A pet store 1016  
license must be renewed annually in the manner provided in rules 1017  
adopted under ~~this~~ section 956.03 of the Revised Code. 1018

(D) Money collected by the director of agriculture from 1019

each application fee submitted under this section shall be 1020  
deposited in the state treasury to the credit of the pet store 1021  
license fund created in section 956.181 of the Revised Code. 1022

(E) No owner, operator, or manager of a pet store shall 1023  
negligently display, offer for sale, deliver, barter, auction, 1024  
broker, give away, transfer, or sell any live dog from a pet 1025  
store in this state unless a license has been issued for the pet 1026  
store by the director of agriculture in accordance with this 1027  
section and rules adopted under it section 956.03 of the Revised 1028  
Code. 1029

**Sec. 956.22.** (A) The director of agriculture, after 1030  
providing an opportunity for an adjudication hearing under 1031  
Chapter 119. of the Revised Code, may assess a civil penalty 1032  
against a person ~~that violates~~ who has violated or is violating 1033  
division (A), (B), or (C) of section 956.20 of the Revised Code 1034  
or division (E) of section 956.21 of the Revised Code ~~if all of~~ 1035  
~~the following occur:~~ 1036

~~(1) The person has received a notice and been notified of~~ 1037  
~~the violation by certified mail or personal service under~~ 1038  
~~section 956.12 of the Revised Code.~~ 1039

~~(2) After the time period for correcting the violation~~ 1040  
~~specified in the notice has elapsed, the director or the~~ 1041  
~~director's authorized representative has determined that the~~ 1042  
~~violation has not been corrected, and the director has issued a~~ 1043  
~~notice of an adjudication hearing pursuant to division (A) (3) of~~ 1044  
~~this section.~~ 1045

~~(3) The director affords the person an opportunity for an~~ 1046  
~~adjudication hearing under Chapter 119. of the Revised Code to~~ 1047  
~~challenge the director's determination that the person is not in~~ 1048

~~compliance with this chapter or rules adopted under it, the~~ 1049  
~~imposition of the civil penalty, or both. A person may waive the~~ 1050  
~~opportunity for an adjudication hearing.~~ 1051

~~(B) If the opportunity for an adjudication hearing is~~ 1052  
~~waived or if, after an adjudication hearing, the director~~ 1053  
~~determines that a violation of this chapter or a rule adopted~~ 1054  
~~under it has occurred or is occurring, the director may assess a~~ 1055  
~~civil penalty. The civil penalty may be appealed in accordance~~ 1056  
~~with section 119.12 of the Revised Code, except that the civil~~ 1057  
~~penalty may be appealed only to the environmental division of~~ 1058  
~~the Franklin county municipal court.~~ 1059

~~(C)~~ (B) The person who is assessed a civil penalty under 1060  
this section is liable for a civil penalty of not more than two 1061  
thousand five hundred dollars for a first violation, not more 1062  
than ~~two~~ five thousand ~~five hundred~~ dollars for a second 1063  
violation, and not more than ten thousand dollars for a third or 1064  
subsequent violation. 1065

~~(D)~~ (C) Any person assessed a civil penalty under this 1066  
section shall pay the amount prescribed to the department of 1067  
agriculture. The department shall remit all money collected 1068  
under this section to the treasurer of state for deposit in the 1069  
pet store license fund created under section 956.181 of the 1070  
Revised Code. 1071

**Section 2.** That existing sections 956.01, 956.02, 956.03, 1072  
956.04, 956.05, 956.051, 956.06, 956.07, 956.08, 956.10, 956.11, 1073  
956.13, 956.14, 956.18, 956.181, 956.19, 956.20, 956.21, and 1074  
956.22 and section 956.12 of the Revised Code are hereby 1075  
repealed. 1076

**Section 3.** An unexpired dog retailer license that was 1077

issued under section 956.05 of the Revised Code, as that section 1078  
existed prior to the effective date of this act, remains valid 1079  
until its expiration date as if the license is a dog broker 1080  
license. If the licensee applies to renew the license after the 1081  
effective date of this section, the Director of Agriculture 1082  
shall renew the license as a dog broker license if the person is 1083  
eligible for such renewal. 1084

**Section 4.** The Director of Agriculture shall establish 1085  
appropriate procedures for renewing the registration of a person 1086  
operating as an animal rescue for dogs under section 956.06 of 1087  
the Revised Code who was so registered prior to the effective 1088  
date of this section. The procedures shall include an 1089  
appropriate time within which the person shall renew the 1090  
registration, which shall not be later than two hundred seventy- 1091  
five days after the effective date of this section. 1092