

**LSC 126 2242-2**

**126th General Assembly  
Regular Session  
2005-2006**

**Sub. H. B. No. 606**

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**A B I L L**

To amend sections 121.08, 955.02, 955.10, 955.12, 1  
955.20, 955.26, and 1901.183 and to enact sections 2  
4780.01 to 4780.18, 4780.98, and 4780.99 of the 3  
Revised Code to establish licensing requirements 4  
and standards of care for certain dog breeding 5  
kennels and dog intermediaries. 6

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

**Section 1.** That sections 121.08, 955.02, 955.10, 955.12, 7  
955.20, 955.26, and 1901.183 be amended and sections 4780.01, 8  
4780.02, 4780.03, 4780.04, 4780.05, 4780.06, 4780.07, 4780.08, 9  
4780.09, 4780.10, 4780.11, 4780.12, 4780.13, 4780.14, 4780.15, 10  
4780.16, 4780.17, 4780.18, 4780.98, and 4780.99 of the Revised 11  
Code be enacted to read as follows: 12

**Sec. 121.08.** (A) There is hereby created in the department of 13  
commerce the position of deputy director of administration. This 14  
officer shall be appointed by the director of commerce, serve 15  
under the director's direction, supervision, and control, perform 16  
the duties the director prescribes, and hold office during the 17  
director's pleasure. The director of commerce may designate an 18  
assistant director of commerce to serve as the deputy director of 19  
administration. The deputy director of administration shall 20  
perform the duties prescribed by the director of commerce in 21

supervising the activities of the division of administration of 22  
the department of commerce. 23

(B) Except as provided in section 121.07 of the Revised Code, 24  
the department of commerce shall have all powers and perform all 25  
duties vested in the deputy director of administration, the state 26  
fire marshal, the superintendent of financial institutions, the 27  
superintendent of real estate and professional licensing, the 28  
superintendent of liquor control, the superintendent of the 29  
division of industrial compliance, the superintendent of labor and 30  
worker safety, ~~and~~ the commissioner of securities, and the 31  
superintendent of the dog breeding kennel control authority and 32  
shall have all powers and perform all duties vested by law in all 33  
officers, deputies, and employees of those offices. Except as 34  
provided in section 121.07 of the Revised Code, wherever powers 35  
are conferred or duties imposed upon any of those officers, the 36  
powers and duties shall be construed as vested in the department 37  
of commerce. 38

(C)(1) There is hereby created in the department of commerce 39  
a division of financial institutions, which shall have all powers 40  
and perform all duties vested by law in the superintendent of 41  
financial institutions. Wherever powers are conferred or duties 42  
imposed upon the superintendent of financial institutions, those 43  
powers and duties shall be construed as vested in the division of 44  
financial institutions. The division of financial institutions 45  
shall be administered by a superintendent of financial 46  
institutions. 47

(2) All provisions of law governing the superintendent of 48  
financial institutions shall apply to and govern the 49  
superintendent of financial institutions provided for in this 50  
section; all authority vested by law in the superintendent of 51  
financial institutions with respect to the management of the 52  
division of financial institutions shall be construed as vested in 53

the superintendent of financial institutions created by this 54  
section with respect to the division of financial institutions 55  
provided for in this section; and all rights, privileges, and 56  
emoluments conferred by law upon the superintendent of financial 57  
institutions shall be construed as conferred upon the 58  
superintendent of financial institutions as head of the division 59  
of financial institutions. The director of commerce shall not 60  
transfer from the division of financial institutions any of the 61  
functions specified in division (C)(2) of this section. 62

(D) There is hereby created in the department of commerce a 63  
division of liquor control, which shall have all powers and 64  
perform all duties vested by law in the superintendent of liquor 65  
control. Wherever powers are conferred or duties are imposed upon 66  
the superintendent of liquor control, those powers and duties 67  
shall be construed as vested in the division of liquor control. 68  
The division of liquor control shall be administered by a 69  
superintendent of liquor control. 70

(E) The director of commerce shall not be interested, 71  
directly or indirectly, in any firm or corporation ~~which~~ that is a 72  
dealer in securities as defined in sections 1707.01 and 1707.14 of 73  
the Revised Code, or in any firm or corporation licensed under 74  
sections 1321.01 to 1321.19 of the Revised Code. 75

(F) The director of commerce shall not have any official 76  
connection with a savings and loan association, a savings bank, a 77  
bank, a bank holding company, a savings and loan association 78  
holding company, a consumer finance company, or a credit union 79  
that is under the supervision of the division of financial 80  
institutions, or a subsidiary of any of the preceding entities, or 81  
be interested in the business thereof. 82

(G) There is hereby created in the state treasury the 83  
division of administration fund. The fund shall receive 84

assessments on the operating funds of the department of commerce 85  
in accordance with procedures prescribed by the director of 86  
commerce and approved by the director of budget and management. 87  
All operating expenses of the division of administration shall be 88  
paid from the division of administration fund. 89

(H) There is hereby created in the department of commerce a 90  
division of real estate and professional licensing, which shall be 91  
under the control and supervision of the director of commerce. The 92  
division of real estate and professional licensing shall be 93  
administered by a superintendent of real estate and professional 94  
licensing. The superintendent of real estate and professional 95  
licensing shall exercise the powers and perform the functions and 96  
duties delegated to the superintendent under Chapters 4735., 97  
4763., and 4767. of the Revised Code. 98

(I) There is hereby created in the department of commerce a 99  
division of labor and worker safety, which shall have all powers 100  
and perform all duties vested by law in the superintendent of 101  
labor and worker safety. Wherever powers are conferred or duties 102  
imposed upon the superintendent of labor and worker safety, those 103  
powers and duties shall be construed as vested in the division of 104  
labor and worker safety. The division of labor and worker safety 105  
shall be under the control and supervision of the director of 106  
commerce and be administered by a superintendent of labor and 107  
worker safety. The superintendent of labor and worker safety shall 108  
exercise the powers and perform the duties delegated to the 109  
superintendent by the director under Chapters 4109., 4111., and 110  
4115. of the Revised Code. 111

(J) The department of commerce or a division of the 112  
department created by the Revised Code that is acting with 113  
authorization on the department's behalf may request from the 114  
bureau of criminal identification and investigation pursuant to 115  
section 109.572 of the Revised Code, or coordinate with 116

appropriate federal, state, and local government agencies to 117  
accomplish, criminal records checks for the persons whose 118  
identities are required to be disclosed by an applicant for the 119  
issuance or transfer of a permit, license, or certification issued 120  
or transferred by the department or division. At or before the 121  
time of making a request for a criminal records check, the 122  
department or division may require any person whose identity is 123  
required to be disclosed by an applicant for the issuance or 124  
transfer of such a license, permit, or certification to submit to 125  
the department or division valid fingerprint impressions in a 126  
format and by any media or means acceptable to the bureau of 127  
criminal identification and investigation and, when applicable, 128  
the federal bureau of investigation. The department or division 129  
may cause the bureau of criminal identification and investigation 130  
to conduct a criminal records check through the federal bureau of 131  
investigation only if the person for whom the criminal records 132  
check would be conducted resides or works outside of this state or 133  
has resided or worked outside of this state during the preceding 134  
five years, or if a criminal records check conducted by the bureau 135  
of criminal identification and investigation within this state 136  
indicates that the person may have a criminal record outside of 137  
this state. 138

In the case of a criminal records check under section 109.572 139  
of the Revised Code, the department or division shall forward to 140  
the bureau of criminal identification and investigation the 141  
requisite form, fingerprint impressions, and fee described in 142  
division (C) of that section. When requested by the department or 143  
division in accordance with this section, the bureau of criminal 144  
identification and investigation shall request from the federal 145  
bureau of investigation any information it has with respect to the 146  
person who is the subject of the requested criminal records check 147  
and shall forward the requisite fingerprint impressions and 148

information to the federal bureau of investigation for that 149  
criminal records check. After conducting a criminal records check 150  
or receiving the results of a criminal records check from the 151  
federal bureau of investigation, the bureau of criminal 152  
identification and investigation shall provide the results to the 153  
department or division. 154

The department or division may require any person about whom 155  
a criminal records check is requested to pay to the department or 156  
division the amount necessary to cover the fee charged to the 157  
department or division by the bureau of criminal identification 158  
and investigation under division (C)(3) of section 109.572 of the 159  
Revised Code, including, when applicable, any fee for a criminal 160  
records check conducted by the federal bureau of investigation. 161

**Sec. 955.02.** A As used in this chapter, "dog kennel" or 162  
"kennel owner is a person, partnership, firm, company, or 163  
corporation professionally engaged in the business " means an 164  
establishment that, in any given year, keeps, houses, and 165  
maintains eight or fewer adult dogs, as defined in section 4780.01 166  
of the Revised Code, for the purpose of breeding the dogs for 167  
hunting or for a fee or other consideration received through a 168  
sale, auction, exchange, or lease and that is not a regulated dog 169  
breeding kennel licensed under Chapter 4780. of the Revised Code. 170

**Sec. 955.10.** No owner of a dog, except a dog constantly 171  
confined to a ~~registered~~ dog kennel registered under this chapter 172  
or a regulated dog breeding kennel licensed under Chapter 4780. of 173  
the Revised Code, shall fail to require the dog to wear, at all 174  
times, a valid tag issued in connection with a certificate of 175  
registration. A dog's failure at any time to wear a valid tag 176  
shall be prima-facie evidence of lack of registration and shall 177  
subject any dog found not wearing such a tag to impounding, sale, 178

or destruction. 179

The owner or operator of a dog kennel or a regulated dog 180  
breeding kennel shall obtain a valid tag issued in connection with 181  
a certificate of registration within thirty days of the birth or 182  
acquisition of a dog. However, the tag need not be worn by the dog 183  
while it is kept or confined at the dog kennel. 184

**Sec. 955.12.** The board of county commissioners shall appoint 185  
or employ a county dog warden and deputies in such number, for 186  
such periods of time, and at such compensation as the board 187  
considers necessary to enforce sections 955.01 to 955.27, 955.29 188  
to 955.38, and 955.50 to 955.53 of the Revised Code. 189

The warden and deputies shall give bond in a sum not less 190  
than five hundred dollars and not more than two thousand dollars, 191  
as set by the board, conditioned for the faithful performance of 192  
their duties. The bond or bonds may, in the discretion of the 193  
board, be individual or blanket bonds. The bonds shall be filed 194  
with the county auditor of their respective counties. The warden 195  
and deputies shall make a record of all dogs owned, kept, and 196  
harbored in their respective counties. They shall patrol their 197  
respective counties and seize and impound on sight all dogs found 198  
running at large and all dogs more than three months of age found 199  
not wearing a valid registration tag, except any dog that wears a 200  
valid registration tag and is: on the premises of its owner, 201  
keeper, or harborer, under the reasonable control of its owner or 202  
some other person, hunting with its owner or its handler at a 203  
field trial, kept constantly confined in a ~~registered~~ dog kennel 204  
registered under this chapter or a regulated dog breeding kennel 205  
licensed under Chapter 4780. of the Revised Code, or acquired by, 206  
and confined on the premises of, an institution or organization of 207  
the type described in section 955.16 of the Revised Code. A dog 208  
that wears a valid registration tag may be seized on the premises 209

of its owner, keeper, or harborer and impounded only in the event 210  
of a natural disaster. If a dog warden has reason to believe that 211  
a dog is being treated inhumanely on the premises of its owner, 212  
keeper, or harborer, the warden shall apply to the court of common 213  
pleas for the county in which the premises are located for an 214  
order to enter the premises, and if necessary, seize the dog. If 215  
the court finds probable cause to believe that the dog is being 216  
treated inhumanely, it shall issue such an order. The warden and 217  
deputies shall also investigate all claims for damages to animals, 218  
fowl, or poultry reported to them under section 955.29 of the 219  
Revised Code and assist claimants to fill out the claim form 220  
therefor. They shall make weekly reports, in writing, to the board 221  
in their respective counties of all dogs seized, impounded, 222  
redeemed, and destroyed and of all claims for damage to animals, 223  
fowl, or poultry inflicted by dogs. ~~The~~ 224

The wardens and deputies shall have the same police powers as 225  
are conferred upon sheriffs and police officers in the performance 226  
of their duties as prescribed by sections 955.01 to 955.27, 955.29 227  
to 955.38, and 955.50 to 955.53 of the Revised Code. They shall 228  
also have power to summon the assistance of bystanders in 229  
performing their duties and may serve writs and other legal 230  
processes issued by any court in their respective counties with 231  
reference to enforcing ~~such those~~ sections. County auditors may 232  
deputize the wardens or deputies to issue dog licenses as provided 233  
in sections 955.01 and 955.14 of the Revised Code. ~~Whenever~~ 234

Whenever any person files an affidavit in a court of 235  
competent jurisdiction that there is a dog running at large that 236  
is not kept constantly confined either in a ~~registered~~ dog kennel 237  
registered under this chapter or a regulated dog breeding kennel 238  
licensed under Chapter 4780. of the Revised Code or on the 239  
premises of an institution or organization of the type described 240  
in section 955.16 of the Revised Code or that a dog is kept or 241

harbored in ~~his~~ the warden's jurisdiction without being registered 242  
as required by law, the court shall immediately order the warden 243  
to seize and impound the animal. Thereupon the warden shall 244  
immediately seize and impound the dog complained of. The warden 245  
shall give immediate notice by certified mail to the owner, 246  
keeper, or harborer of the dog seized and impounded by ~~him~~ the 247  
warden, if the owner, keeper, or harborer can be determined from 248  
the current year's registration list maintained by the warden and 249  
the county auditor of the county where the dog is registered, that 250  
the dog has been impounded and that, unless the dog is redeemed 251  
within fourteen days of the date of the notice, it may thereafter 252  
be sold or destroyed according to law. If the owner, keeper, or 253  
harborer cannot be determined from the current year's registration 254  
list maintained by the warden and the county auditor of the county 255  
where the dog is registered, the officer shall post a notice in 256  
the pound or animal shelter both describing the dog and place 257  
where seized and advising the unknown owner that, unless the dog 258  
is redeemed within three days, it may thereafter be sold or 259  
destroyed according to law. 260

**Sec. 955.20.** The registration fees provided for in sections 261  
955.01 to 955.14 of the Revised Code and money transferred to the 262  
county under section 4780.06 of the Revised Code constitute a 263  
special fund known as "the dog and kennel fund." The fees shall be 264  
deposited by the county auditor in the county treasury daily as 265  
collected ~~and~~. Money in the fund shall be used for the purpose of 266  
defraying the cost of furnishing all blanks, records, tags, nets, 267  
and other equipment, for the purpose of paying the compensation of 268  
county dog wardens, deputies, poundkeepers, and other employees 269  
necessary to carry out and enforce sections 955.01 to 955.261 of 270  
the Revised Code, and for the payment of animal claims as provided 271  
in sections 955.29 to 955.38 of the Revised Code, and in 272  
accordance with section 955.27 of the Revised Code. The board of 273

county commissioners, by resolution, shall appropriate sufficient 274  
funds out of the dog and kennel fund, not more than fifteen per 275  
cent of which shall be expended by the auditor for registration 276  
tags, blanks, records, and clerk hire, for the purpose of 277  
defraying the necessary expenses of registering, seizing, 278  
impounding, and destroying dogs in accordance with sections 955.01 279  
to 955.27 of the Revised Code, and for the purpose of covering any 280  
additional expenses incurred by the county auditor as authorized 281  
by division (F)(3) of section 955.14 of the Revised Code. 282

If the funds so appropriated in any calendar year are found 283  
by the board to be insufficient to defray the necessary cost and 284  
expense of the county dog warden in enforcing sections 955.01 to 285  
955.27 of the Revised Code, the board, by resolution so provided, 286  
after setting aside a sum equal to the total amount of animal 287  
claims ~~paid or~~ filed in that calendar year, or an amount equal to 288  
the total amount of animal claims paid or allowed the preceding 289  
year, whichever amount is larger, may appropriate further funds 290  
for the use and purpose of the county dog warden in administering 291  
those sections. 292

Money received by a county under section 4780.06 of the 293  
Revised Code is subject to audit by the auditor of state. 294

**Sec. 955.26.** Whenever, in the judgment of the director of 295  
health, any city or general health district board of health, or 296  
persons performing the duties of a board of health, rabies is 297  
prevalent, the director of health, the board, or those persons 298  
shall declare a quarantine of all dogs in the health district or 299  
in a part of it. During the quarantine, the owner, keeper, or 300  
harborer of any dog shall keep it confined on the premises of the 301  
owner, keeper, or harborer, or in a ~~suitable~~ pound ~~or~~, or 302  
other suitable place, at the expense of the owner, keeper, or 303  
harborer, except that a dog may be permitted to leave the premises 304

of its owner, keeper, or harborer if it is under leash or under 305  
the control of a responsible person. The quarantine order shall be 306  
considered an emergency and need not be published. 307

When the quarantine has been declared, the director of 308  
health, the board, or those persons may require vaccination for 309  
rabies of all dogs within the health district or part of it. Proof 310  
of rabies vaccination within a satisfactory period shall be 311  
demonstrated to the county auditor before any registration is 312  
issued under section 955.01 of the Revised Code for any dog that 313  
is required to be vaccinated. 314

The public health council shall determine appropriate methods 315  
of rabies vaccination and satisfactory periods for purposes of 316  
quarantines under this section. 317

When a quarantine of dogs has been declared in any health 318  
district or part of a health district, the county dog warden and 319  
all other persons having the authority of police officers shall 320  
assist the health authorities in enforcing the quarantine order. 321  
When rabies vaccination has been declared compulsory in any health 322  
district or part of a health district, the dog warden shall assist 323  
the health authorities in enforcing the vaccination order. 324

Notwithstanding ~~the provisions of~~ this section, a city or 325  
general health district board of health may make orders pursuant 326  
to sections 3709.20 and 3709.21 of the Revised Code requiring the 327  
vaccination of dogs. 328

**Sec. 1901.183.** In addition to jurisdiction otherwise granted 329  
in this chapter, the environmental division of a municipal court 330  
shall have jurisdiction within its territory in all of the 331  
following actions or proceedings and to perform all of the 332  
following functions: 333

(A) Notwithstanding any monetary limitations in section 334

1901.17 of the Revised Code, in all actions and proceedings for 335  
the sale of real or personal property under lien of a judgment of 336  
the environmental division of the municipal court, or a lien for 337  
machinery, material, fuel furnished, or labor performed, 338  
irrespective of amount, and, in those cases, the environmental 339  
division may proceed to foreclose and marshal all liens and all 340  
vested or contingent rights, to appoint a receiver, and to render 341  
personal judgment irrespective of amount in favor of any party; 342

(B) When in aid of execution of a judgment of the 343  
environmental division of the municipal court, in all actions for 344  
the foreclosure of a mortgage on real property given to secure the 345  
payment of money, or the enforcement of a specific lien for money 346  
or other encumbrance or charge on real property, when the real 347  
property is situated within the territory, and, in those cases, 348  
the environmental division may proceed to foreclose all liens and 349  
all vested and contingent rights and proceed to render judgments, 350  
and make findings and orders, between the parties, in the same 351  
manner and to the same extent as in similar cases in the court of 352  
common pleas; 353

(C) When in aid of execution of a judgment of the 354  
environmental division of the municipal court, in all actions for 355  
the recovery of real property situated within the territory to the 356  
same extent as courts of common pleas have jurisdiction; 357

(D) In all actions for injunction to prevent or terminate 358  
violations of the ordinances and regulations of any municipal 359  
corporation within its territory enacted or promulgated under the 360  
police power of that municipal corporation pursuant to Section 3 361  
of Article XVIII, Ohio Constitution, over which the court of 362  
common pleas has or may have jurisdiction, and, in those cases, 363  
the environmental division of the municipal court may proceed to 364  
render judgments, and make findings and orders, in the same manner 365  
and to the same extent as in similar cases in the court of common 366

pleas; 367

(E) In all actions for injunction to prevent or terminate 368  
violations of the resolutions and regulations of any political 369  
subdivision within its territory enacted or promulgated under the 370  
power of that political subdivision pursuant to Article X of the 371  
Ohio Constitution, over which the court of common pleas has or may 372  
have jurisdiction, and, in those cases, the environmental division 373  
of the municipal court may proceed to render judgments, and make 374  
findings and orders, in the same manner and to the same extent as 375  
in similar cases in the court of common pleas; 376

(F) In any civil action to enforce any provision of Chapter 377  
3704., 3714., 3734., 3737., 3767., or 6111. of the Revised Code 378  
over which the court of common pleas has or may have jurisdiction, 379  
and, in those actions, the environmental division of the municipal 380  
court may proceed to render judgments, and make findings and 381  
orders, in the same manner and to the same extent as in similar 382  
actions in the court of common pleas; 383

(G) In all actions and proceedings in the nature of 384  
creditors' bills, and in aid of execution to subject the interests 385  
of a judgment debtor in real or personal property to the payment 386  
of a judgment of the division, and, in those actions and 387  
proceedings, the environmental division may proceed to marshal and 388  
foreclose all liens on the property irrespective of the amount of 389  
the lien, and all vested or contingent rights in the property; 390

(H) Concurrent jurisdiction with the court of common pleas of 391  
all criminal actions or proceedings related to the pollution of 392  
the air, ground, or water within the territory of the 393  
environmental division of the municipal court, for which a 394  
sentence of death cannot be imposed under Chapter 2903. of the 395  
Revised Code; 396

(I) In any review or appeal of any final order of any 397

administrative officer, agency, board, department, tribunal, 398  
commission, or other instrumentality that relates to a local 399  
building, housing, air pollution, sanitation, health, fire, 400  
zoning, or safety code, ordinance, or regulation, in the same 401  
manner and to the same extent as in similar appeals in the court 402  
of common pleas; 403

(J) With respect to the environmental division of the 404  
Franklin county municipal court, in any civil action to enforce a 405  
provision of Chapter 4780. of the Revised Code and to hear appeals 406  
from an adjudication hearing conducted under that chapter. 407

Sec. 4780.01. As used in this chapter: 408

(A) "Adult dog" means a dog that is eight months of age or 409  
older. 410

(B) "Animal rescue for dogs" means an individual or 411  
organization recognized by the department of commerce that keeps, 412  
houses, and maintains dogs and that is dedicated to the welfare, 413  
health, safety, and protection of dogs following the seizure or 414  
removal of dogs by a dog warden appointed under Chapter 955. of 415  
the Revised Code, by a humane society established under Chapter 416  
1717. of the Revised Code, or by the department of commerce under 417  
this chapter, provided that the individual or organization does 418  
not operate for profit and does not sell dogs. "Animal rescue for 419  
dogs" includes an individual or organization that offers dogs for 420  
adoption and charges reasonable adoption fees established by the 421  
director of commerce under this chapter to cover the costs of the 422  
individual or organization, including, but not limited to, costs 423  
related to spaying or neutering dogs. 424

(C) "Animal shelter for dogs" means a facility that keeps, 425  
houses, and maintains dogs and that is operated by a humane 426  
society established under Chapter 1717. of the Revised Code, 427

animal welfare society, society for the prevention of cruelty to 428  
animals, or other nonprofit organization that is devoted to the 429  
welfare, protection, and humane treatment of dogs and other 430  
animals. 431

(D) "Breeding dog" means a dog that is maintained primarily 432  
for the purpose of reproduction, providing stud services, or 433  
whelping and that has produced at least one litter of puppies per 434  
calendar year if it is a female dog or has provided stud services 435  
to produce at least one litter of puppies per calendar year if it 436  
is a male dog. 437

(E) "Regulated dog breeding kennel" means an establishment 438  
that, in any given year, keeps, houses, and maintains nine or more 439  
adult dogs for the purpose of breeding the dogs in return for a 440  
fee or other consideration received through a sale, auction, 441  
exchange, or lease. 442

(F) "Regulated dog intermediary" means a person who sells, 443  
offers to sell, exchanges, auctions, or offers for adoption more 444  
than twenty-four dogs annually in this state. "Regulated dog 445  
intermediary" does not include an animal rescue for dogs, an 446  
animal shelter for dogs, a humane society established under 447  
Chapter 1717. of the Revised Code, a medical kennel for dogs, a 448  
research kennel for dogs, or a veterinarian. 449

(G) "Enclosure, crate, or cage" does not include an 450  
enclosure, crate, or cage that is used during the transportation 451  
of a dog. 452

(H) "Environmental division of the Franklin county municipal 453  
court" means the environmental division of the Franklin county 454  
municipal court created under section 1901.011 of the Revised 455  
Code. 456

(I) "Medical kennel for dogs" means a facility that is 457  
maintained by a veterinarian and operated primarily for the 458

treatment of sick or injured dogs. 459

(J) "Pet store" means a retail store that sells dogs to the public. 460  
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(K) "Puppy" means a dog that is under eight months of age. 462

(L) "Research kennel for dogs" means a facility housing dogs that is maintained exclusively for research purposes. 463  
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(M) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code. 465  
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**Sec. 4780.02.** There is hereby created in the department of commerce the dog breeding kennel control authority for the purpose of administering this chapter and rules adopted under it, as prescribed by the director of commerce and in accordance with this chapter, and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The director shall designate a superintendent as the head of the authority. 467  
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**Sec. 4780.03.** The director of commerce shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following: 475  
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(A) Requirements and procedures governing regulated dog breeding kennels, including the licensing and inspection of and record keeping by regulated dog breeding kennels, in addition to the requirements and procedures established in this chapter. The rules shall require that a regulated dog breeding kennel be assigned a license number and that a regulated dog breeding kennel provide the license number and the applicable vendor number assigned by the department of taxation whenever it solicits business or it is solicited for business. In addition, the rules shall require any other person to provide such a vendor number 478  
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when soliciting to sell an adult dog or a puppy or when solicited 488  
for such a sale. 489

(B) Requirements and procedures for conducting background 490  
investigations of each applicant for a license issued under 491  
section 4780.04 of the Revised Code in order to determine if the 492  
applicant has been convicted of or pleaded guilty to any of the 493  
violations specified in division (H) of that section. The rules 494  
shall provide that background investigations shall be conducted 495  
solely by the attorney general on behalf of the department of 496  
commerce. The rules shall establish procedures for annually 497  
updating background investigation information regarding an 498  
applicant after an initial background investigation has been 499  
conducted with respect to an initial application for a license 500  
submitted under that section. 501

(C) Requirements and procedures governing regulated dog 502  
intermediaries, including the licensing of and record keeping by 503  
regulated dog intermediaries, in addition to the requirements and 504  
procedures established in this chapter. The rules shall require 505  
that a regulated dog intermediary be assigned a license number and 506  
that a regulated dog intermediary provide the license number and 507  
the applicable vendor number assigned by the department of 508  
taxation whenever it solicits business or it is solicited for 509  
business. 510

(D) The form of applications for licenses issued under this 511  
chapter and the information that is required to be submitted in 512  
the applications; 513

(E) A requirement that each regulated dog breeding kennel 514  
submit to the director, with an application for a regulated dog 515  
breeding kennel license, evidence of insurance or, in the 516  
alternative, evidence of a surety bond payable to the department 517  
of commerce to ensure compliance with this chapter and rules 518

adopted under it. The rules adopted under this division shall 519  
apply only to a regulated dog breeding kennel that keeps, houses, 520  
and maintains more than fifteen adult dogs. The face value of the 521  
insurance coverage or bond shall be in the following amounts: 522

(1) Five thousand dollars for regulated dog breeding kennels 523  
keeping, housing, and maintaining at least sixteen adult dogs, but 524  
not more than twenty-five adult dogs; 525

(2) Ten thousand dollars for regulated dog breeding kennels 526  
keeping, housing, and maintaining at least twenty-six adult dogs, 527  
but not more than fifty adult dogs; 528

(3) Fifty thousand dollars for regulated dog breeding kennels 529  
keeping, housing, and maintaining more than fifty adult dogs. 530

The rules shall require that the insurance be payable to the 531  
state or that the surety bond be subject to redemption by the 532  
state, as applicable, upon a suspension or revocation of a 533  
regulated dog breeding kennel license for the purpose of paying 534  
for the maintenance and care of dogs that are seized or otherwise 535  
impounded from the regulated dog breeding kennel in accordance 536  
with this chapter. 537

(F) Procedures for inspections conducted under section 538  
4780.09 of the Revised Code in addition to the procedures 539  
established in that section, and procedures for making records of 540  
the inspections; 541

(G) Requirements and procedures that are necessary to 542  
implement and enforce the requirements pertaining to pet stores 543  
that are established in section 4780.19 of the Revised Code; 544

(H) A requirement that a retailer or direct seller of a puppy 545  
or adult dog provide to the purchaser the complete name, address, 546  
and telephone number of all regulated dog breeding kennels, 547  
regulated dog intermediaries, and private owners that kept, 548

housed, or maintained the puppy or adult dog prior to its coming 549  
into the possession of the retailer or direct seller, or proof 550  
that the puppy or adult dog was acquired through an animal rescue 551  
for dogs, animal shelter for dogs, or humane society established 552  
under Chapter 1717. of the Revised Code, or an interstate health 553  
certificate pertaining to the puppy or adult dog; 554

(I) Any other requirements and procedures that are determined 555  
by the director to be necessary for the administration and 556  
enforcement of this chapter and rules adopted under it. 557

**Sec. 4780.04.** (A)(1) No person shall operate a regulated dog 558  
breeding kennel in this state without a regulated dog breeding 559  
kennel license issued by the director of commerce in accordance 560  
with this section and rules adopted under section 4780.03 of the 561  
Revised Code. 562

(2) The director shall not issue a license under this section 563  
unless the director determines that the applicant will operate or 564  
will continue to operate the regulated dog breeding kennel in 565  
accordance with this chapter and rules adopted under it. 566

(B) In determining whether an establishment is a regulated 567  
dog breeding kennel requiring a license under this chapter, the 568  
director shall determine if, in any given year, the establishment 569  
keeps, houses, and maintains nine or more adult dogs for the 570  
purpose of breeding the dogs for a fee or other consideration 571  
through a sale, auction, exchange, or lease. Any dogs that are 572  
kept, housed, or maintained for the purpose of the companionship 573  
of the owner, to be shown by the owner, or for the purpose of 574  
hunting or sledding and not for breeding for a fee or other 575  
consideration shall not be counted. The burden shall be on the 576  
owner or operator of the establishment to prove the purpose for 577  
which dogs are kept, housed, and maintained and that the dogs 578  
should not be counted for the purpose of determining that the 579

establishment is a regulated dog breeding kennel.

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(C) A person who is proposing to operate a new regulated dog breeding kennel, at least ninety days prior to the operation of the regulated dog breeding kennel, shall submit an application for a license to the director. The application shall be submitted in the form and with the information required by rules adopted under section 4780.03 of the Revised Code and shall include with it at least all of the following:

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

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(2) An estimate of the number of puppies to be kept, housed, and maintained during the annual term of the license;

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(3) Photographic evidence documenting the facilities where dogs will be kept, housed, and maintained by the applicant;

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(4) A signed release permitting the performance of a background investigation regarding the applicant in accordance with rules adopted under section 4780.03 of the Revised Code;

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(5) A copy of the applicant's fingerprints for purposes of conducting the background investigation required by rules adopted under section 4780.03 of the Revised Code;

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(6) The names and addresses and any other identifying information required by rules adopted under section 4780.03 of the Revised Code of all persons who will have custody of or control over dogs kept by the applicant.

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(D) During the month of December, but before the first day of January of the next year, a person who is proposing to continue the operation of a regulated dog breeding kennel shall obtain a license for the regulated dog breeding kennel from the director

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for the following year. The person shall submit the application to  
the director on or before the last day of October of the year  
preceding the year for which the license is sought.

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(E) The owner or operator of a regulated dog breeding kennel  
that is in operation on the effective date of this section shall  
submit to the director an application for a regulated dog breeding  
kennel license not later than six 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.

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(F) A person who has received a license under this section,  
upon sale or other disposition of the regulated dog breeding  
kennel, may have the license transferred to another person with  
the consent of the director, provided that the transferee  
otherwise qualifies to be licensed as a regulated dog breeding  
kennel under this chapter and rules adopted under it and does not  
have a certified unpaid debt to the state.

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(G) An applicant for a license issued under this section  
shall demonstrate that the regulated dog breeding kennel that is  
the subject of the application complies with the standards of care  
and other standards established under this chapter.

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(H) No person shall operate a regulated dog breeding kennel  
who has been convicted of or pleaded guilty to violating section  
959.01, 959.02, 959.03, 959.13, 959.131, 959.15, or 959.16 of the  
Revised Code or an equivalent municipal ordinance, law of another  
state, or law of the federal government or has been convicted of  
or pleaded guilty to violating more than once section 2919.25 of  
the Revised Code or an equivalent municipal ordinance, law of  
another state, or law of the federal government.

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(I) Medical kennels for dogs, research kennels for dogs, and  
veterinarians are not required to obtain a license under this

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chapter or comply with any other requirements of this chapter and  
rules adopted under it.

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Sec. 4780.05. (A)(1) No person shall act as or perform the  
functions of a regulated dog intermediary in this state without a  
regulated dog intermediary license issued by the director of  
commerce in accordance with this section and rules adopted under  
section 4780.03 of the Revised Code.

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(2) The director shall not issue a license under this section  
unless the director determines that the applicant will act as or  
perform the function of a regulated dog intermediary in accordance  
with this chapter and rules adopted under it.

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(B) A person who is proposing to act as or perform the  
functions of a regulated dog intermediary shall submit an  
application for a license to the director. During the month of  
December, but before the first day of January of the next year, a  
person who is proposing to continue to act as or perform the  
functions of a regulated dog intermediary shall obtain a license  
from the director for the following year. The person shall submit  
the application to the director on or before the last day of  
October of the year preceding the year for which the license is  
sought.

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(C) A person who is acting as or performing the functions of  
a regulated dog intermediary on the effective date of this section  
shall submit to the director an application for a regulated dog  
intermediary license not later than six 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.

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(D) No person shall act as or perform the functions of a  
regulated dog intermediary who has been convicted of or pleaded

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guilty to violating section 959.01, 959.02, 959.03, 959.13, 671  
959.131, 959.15, or 959.16 of the Revised Code or an equivalent 672  
municipal ordinance, law of another state, or law of the federal 673  
government or has been convicted of or pleaded guilty to violating 674  
more than once section 2919.25 of the Revised Code or an 675  
equivalent municipal ordinance, law of another state, or law of 676  
the federal government. 677

Sec. 4780.06. (A) A person who is applying for a license to 678  
operate a regulated dog breeding kennel or to act as or perform 679  
the functions of a regulated dog intermediary under section 680  
4780.04 or 4780.05 of the Revised Code, as applicable, shall 681  
include with the application for a license a nonrefundable license 682  
application fee as follows: 683

(1) For a regulated dog breeding kennel: 684

(a) One hundred fifty dollars if the regulated dog breeding 685  
kennel keeps, houses, and maintains at least nine, but not more 686  
than fifteen adult dogs; 687

(b) Three hundred fifty dollars if the regulated dog breeding 688  
kennel keeps, houses, and maintains at least sixteen, but not more 689  
than twenty-five adult dogs; 690

(C) Five hundred dollars if the regulated dog breeding kennel 691  
keeps, houses, and maintains at least twenty-six, but not more 692  
than thirty adult dogs; 693

(d) Seven hundred fifty dollars if the regulated dog breeding 694  
kennel keeps, houses, and maintains more than thirty adult dogs. 695

(2) For a regulated dog intermediary, five hundred dollars. 696

(B) Money collected by the director of commerce from 697  
application fees submitted under this section shall be transmitted 698  
by the director to the treasurer of state to be credited to the 699  
regulated dog breeding kennel control license fund created in 700

section 4780.16 of the Revised Code. However, the treasurer shall transfer to the county in which a regulated dog breeding kennel is or will be located fifty dollars of the application fee received from the person who is applying for a license to operate the regulated dog breeding kennel or an amount equal to the fee charged on January 1, 2006, by the county for the registration of a kennel under section 955.04 of the Revised Code, whichever is greater. The county auditor shall deposit the money in the county's dog and kennel fund created in accordance with section 955.20 of the Revised Code.

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**Sec. 4780.07.** No person operating a regulated dog breeding kennel or acting as or performing the functions of a regulated dog intermediary shall do any of the following:

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(A) Keep or confine a dog in an enclosure, crate, or cage of insufficient size so that the dog cannot stand, turn around, or lay down without touching the enclosure on the sides or the top, as applicable, without touching other dogs kept or confined in the enclosure, crate, or cage, and without touching or dislodging a food dish or water bowl placed within the enclosure;

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(B) Keep or confine a dog in an enclosure, crate, or cage without access to either natural or artificial light during daytime hours;

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(C) Keep or confine a dog in an enclosure, crate, or cage outdoors unless the dog has access at all times to a dry insulated indoor shelter or dog house or is provided with clean straw or other nontoxic insulating material in an amount that is sufficient to permit the dog to burrow under the straw or material while at the same time using the straw or material as bedding;

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(D) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected

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to accumulate in a normal twelve-hour period; 731

(E) Keep or confine a dog in an enclosure, crate, or cage 732  
without access to clean unfrozen water at all times unless the dog 733  
is being used for hunting or sledding, in which case access to 734  
clean unfrozen water shall be provided not less than one time per 735  
eight-hour period; 736

(F) Keep or confine a dog in an enclosure, crate, or cage 737  
without access to adequate and wholesome food on a daily basis so 738  
as to ensure a proper and healthy weight unless medically 739  
contraindicated; 740

(G) Keep or confine a dog in an enclosure, crate, or cage 741  
with flooring material that is incapable of being cleaned or 742  
sanitized or that is likely to cause injury to the pads of a dog's 743  
feet; 744

(H) Keep or confine a dog in an enclosure, crate, or cage 745  
without providing a sanitary nonporous resting board or pan that 746  
is sufficient for the size of the dog and, if applicable, the 747  
dog's litter; 748

(I) Keep or confine a dog in an enclosure, crate, or cage in 749  
unsanitary conditions; 750

(J) Keep or confine a dog in an enclosure, crate, or cage 751  
that is in contact with or in the immediate vicinity of any animal 752  
with a diagnosed or suspected disease that is contagious to dogs; 753

(K) Keep or confine a dog in an enclosure, crate, or cage 754  
without adequate ventilation; 755

(L) Keep or confine a dog in an enclosure, crate, or cage 756  
without providing shelter from the elements; 757

(M) Keep or confine a dog in an outdoor run or kennel where 758  
shade is not provided during the months of May through September. 759  
The shade so provided shall provide a reduction of temperature of 760

<u>at least five degrees from nonshaded areas when the temperature in</u>	761
<u>the nonshaded areas is ninety degrees fahrenheit or higher.</u>	762
<u>(N) Fail to provide a dog with appropriate veterinary care</u>	763
<u>and treatment for any disease, illness, or injury;</u>	764
<u>(O) Fail to provide a breeding dog with a clean whelping box</u>	765
<u>when needed;</u>	766
<u>(P) Fail to trim an adult dog's nails so that there is</u>	767
<u>curling or an impairment of the dog's gait;</u>	768
<u>(Q) Fail to provide regular grooming to a dog to prevent</u>	769
<u>matting of fur from fecal matter or bodily fluids;</u>	770
<u>(R) Fail to provide a dog with appropriate protection from</u>	771
<u>fleas, ticks, biting insects, and stinging insects or treatment</u>	772
<u>for worms if the dog is so afflicted;</u>	773
<u>(S) Fail to provide an adult dog with appropriate</u>	774
<u>vaccinations as determined by the dog's veterinarian;</u>	775
<u>(T) Fail to provide each puppy aged three months or older</u>	776
<u>with appropriate phase-in booster vaccines as determined by the</u>	777
<u>puppy's veterinarian;</u>	778
<u>(U) Fail to provide heartworm preventative to a breeding dog</u>	779
<u>as determined by the dog's veterinarian;</u>	780
<u>(V) Fail to ensure that a dog in the person's possession or</u>	781
<u>control is euthanized by a veterinarian;</u>	782
<u>(W) Fail to ensure that a dog that is being euthanized is not</u>	783
<u>left unattended between the commencement of the process and death;</u>	784
<u>(X) Beat or brutalize a dog within the person's custody or</u>	785
<u>control.</u>	786
<u>Divisions (A), (B), (C), (E), (F), (H), and (L) of this</u>	787
<u>section do not apply during the temporary transportation of a dog</u>	788
<u>from one location to another location.</u>	789

Sec. 4780.08. The director of commerce shall appoint kennel control enforcement inspectors for the purpose of enforcing the requirements and standards established by this chapter and rules adopted under it and to act as authorized agents of the director. Inspectors shall serve at the pleasure of the director and shall be employees of the dog breeding kennel control authority created in section 4780.02 of the Revised Code. Inspectors may issue citations and orders that are necessary to enforce this chapter and rules adopted under it. The director shall provide each kennel control enforcement inspector with an identifying badge and an official uniform.

Sec. 4780.09. (A) At least once biennially, the director of commerce or the director's authorized representative shall inspect a regulated dog breeding kennel that is subject to licensure under this chapter and rules adopted under section 4780.03 of the Revised Code to ensure compliance with this chapter and rules adopted under it, including, but not limited to, the standards of care established in section 4780.07 of the Revised Code. Inspections shall be conducted without prior notification to the licensee or persons associated with the licensee. In addition, upon the request of a member of the public, a public official, an animal rescue for dogs, or an animal shelter for dogs, the director or the director's authorized representative shall inspect any facility at which a person is acting as or performing the functions of a regulated dog intermediary to ensure such compliance.

Inspections shall be conducted in accordance with rules adopted under section 4780.03 of the Revised Code. A record of each inspection shall be made by the inspector who is responsible for the inspection in accordance with those rules.

(B) The director or the director's authorized representative, upon proper identification and upon stating the purpose and necessity of an inspection, may enter at reasonable times on any public or private property, real or personal, to inspect or investigate and to examine or copy records in order to determine compliance with this chapter and rules adopted under it. The director, the director's authorized representative, or the attorney general upon the request of the director may apply to the environmental division of the Franklin county municipal court for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it. A judge of that court may issue such a warrant.

(C) No owner or operator of a regulated dog breeding kennel or person acting as or performing the functions of a regulated dog intermediary shall interfere with an inspection or refuse to allow an inspector full access to all areas where dogs are kept or cared for. If entry is refused or inspection or investigation is refused, hindered, or thwarted by a regulated dog breeding kennel or regulated dog intermediary, the director may suspend or revoke the kennel's or intermediary's license in accordance with this chapter.

(D) If entry that is authorized by division (B) of this section is refused or if an inspection or investigation is refused, hindered, or thwarted by intimidation or otherwise and if the director, an authorized representative of the director, or the attorney general applies for and obtains a court order or a search warrant under division (B) of this section to conduct the inspection or investigation, the owner or operator of the premises where entry was refused or inspection or investigation was refused, hindered, or thwarted is liable to the director for the reasonable costs incurred by the director for the regular salaries and fringe benefit costs of personnel assigned to conduct the

inspection or investigation from the time the entry, inspection, 852  
or investigation was refused, hindered, or thwarted until the 853  
court order or search warrant is executed; for the salary, fringe 854  
benefits, and travel expenses of the director, an authorized 855  
representative of the director, or the attorney general incurred 856  
in obtaining the court order or search warrant; and for expenses 857  
necessarily incurred for the assistance of local law enforcement 858  
officers in executing the court order or search warrant. In the 859  
application for a court order or a search warrant, the director, 860  
the director's authorized representative, or the attorney general 861  
may request and the environmental division of the Franklin county 862  
municipal court, in its order granting the court order or search 863  
warrant, may order the owner or operator of the premises to 864  
reimburse the director for any of those costs that the court finds 865  
reasonable. From money recovered under this division, the director 866  
shall reimburse the attorney general for the costs incurred by the 867  
attorney general in connection with proceedings for obtaining the 868  
court order or search warrant, shall reimburse the political 869  
subdivision in which the premises is located for the assistance of 870  
its law enforcement officers in executing the court order or 871  
search warrant, and shall deposit the remainder in the state 872  
treasury to the credit of the regulated dog breeding kennel 873  
control license fund created in section 4780.16 of the Revised 874  
Code. 875

(E) A dog warden appointed under Chapter 955. of the Revised 876  
Code or an agent of a humane society established under Chapter 877  
1717. of the Revised Code entering on public or private property 878  
to make investigations and inspections in accordance with Chapter 879  
955. or 1717. of the Revised Code, as applicable, shall report any 880  
violations of this chapter and rules adopted under it to the 881  
director or a kennel control enforcement inspector and may examine 882  
and copy any records that are required to be maintained under 883

rules adopted under this chapter.

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Sec. 4780.10. (A) The director of commerce or the director's authorized representative may impound a dog if the director or the director's authorized representative has probable cause to believe that the dog is being kept by a regulated dog breeding kennel or regulated dog intermediary in a manner that materially violates this chapter or rules adopted under it and if the dog's health or safety appears to be in imminent danger.

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(B) The director or the director's authorized representative shall give written notice of the impoundment by posting a notice on the door of the premises from which the dog was taken or by otherwise posting the notice in a conspicuous place at the premises from which the dog was taken. The notice shall provide a date for an adjudication hearing, which shall take place not later than five business days after the dog is taken and at which the director shall determine if the dog should be permanently relinquished to the custody of the department of commerce.

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(C) The owner or operator of the applicable regulated dog breeding kennel or the person acting as or performing the functions of a regulated dog intermediary may appeal the determination made at the adjudication hearing in accordance with section 119.12 of the Revised Code, except that the appeal may only be made to the environmental division of the Franklin county municipal court. If a dog has been impounded and the owner or operator of the applicable regulated dog breeding kennel or the person acting as or performing the functions of a regulated dog intermediary appeals the determination made at an adjudication hearing, that person shall file an appeal bond that is sufficient to cover the costs of keeping, housing, and maintaining the dog in a manner and amount to be determined by the environmental division of the Franklin county municipal court.

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(D) The director may enter into contracts or agreements with 915  
an animal rescue for dogs, an animal shelter for dogs, a 916  
veterinarian, a dog warden appointed under Chapter 955. of the 917  
Revised Code, or a humane society established under Chapter 1717. 918  
of the Revised Code for the purpose of keeping, housing, and 919  
maintaining dogs that are impounded under this section. If, after 920  
the final disposition of an adjudication hearing and any appeals 921  
from that adjudication hearing, it is determined that a dog shall 922  
be permanently relinquished to the custody of the department, the 923  
dog may be adopted directly from the animal rescue for dogs, 924  
animal shelter for dogs, veterinarian, dog warden, or humane 925  
society where it is being kept, housed, and maintained. The animal 926  
rescue for dogs, animal shelter for dogs, veterinarian, dog 927  
warden, or humane society may charge a reasonable adoption fee. 928  
The fee shall be at least sufficient to cover the costs of spaying 929  
or neutering the dog unless it is medically contraindicated. 930

**Sec. 4780.11.** If the director of commerce or the director's 931  
authorized representative determines that a person has violated, 932  
is violating, or is threatening to violate this chapter or rules 933  
adopted under it, the director may issue and cause to be served by 934  
certified mail or personal service a citation of violation and an 935  
order requiring the person to cease the acts or practices 936  
appearing to the director or the director's authorized 937  
representative to constitute a violation of this chapter or rules 938  
adopted under it or requiring the person to take corrective 939  
actions to eliminate the conditions appearing to the director or 940  
the director's authorized representative to constitute a violation 941  
of this chapter and rules adopted under it. The order shall state 942  
specifically the provision or provisions of this chapter or the 943  
rule or rules adopted under this chapter that appear to the 944  
director or the director's authorized representative to have been 945  
violated or threatened to be violated and the facts constituting 946

the violation or threatened violation, the actions that the person 947  
must take to correct the deficiencies, and the time period within 948  
which the person must correct the violations. 949

Sec. 4780.12. (A) The director of commerce may assess a civil 950  
penalty against a person violating this chapter or rules adopted 951  
under it if all of the following occur: 952

(1) The person has received an order and been notified of the 953  
violation by certified mail as required in section 4780.11 of the 954  
Revised Code. 955

(2) After the time period for correcting the violation 956  
specified in the order has elapsed, the director or the director's 957  
authorized representative has inspected the premises where the 958  
violation has occurred and determined that the violation has not 959  
been corrected, and the director has issued a notice of an 960  
adjudication hearing pursuant to division (A)(3) of this section. 961

(3) The director affords the person an opportunity for an 962  
adjudication hearing under Chapter 119. of the Revised Code to 963  
challenge the director's determination that the person is not in 964  
compliance with this chapter or rules adopted under it, the 965  
imposition of the civil penalty, or both. A person may waive the 966  
opportunity for an adjudication hearing. 967

(B) If the opportunity for an adjudication hearing is waived 968  
or if, after an adjudication hearing, the director determines that 969  
a violation of this chapter or a rule adopted under it has 970  
occurred or is occurring, the director may assess a civil penalty. 971  
The civil penalty may be appealed in accordance with section 972  
119.12 of the Revised Code, except that the civil penalty may only 973  
be appealed to the environmental division of the Franklin county 974  
municipal court. 975

(C) Civil penalties shall be assessed in the following 976

amounts:

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(1) A person who has violated division (A)(1) of section 4780.04 or division (A)(1) of section 4780.05 of the Revised Code shall pay a civil penalty in an amount that is equal to two times the amount of the license fee that should have been paid by the person under section 4780.06 of the Revised Code.

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(2) A person who has violated division (H) of section 4780.04 or division (D) of section 4780.05 of the Revised Code shall pay a civil penalty of not more than fifteen thousand dollars.

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(3) A person who has violated any other provision of this chapter or rules adopted under it, including, but not limited to, the standards of care established in section 4780.07 of the Revised Code, shall pay a civil penalty of twenty-five dollars.

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Each day that a violation continues constitutes a separate violation.

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**Sec. 4780.13.** The attorney general, upon the request of the director of commerce, may bring an action for injunction against a person who has violated, is violating, or is threatening to violate this chapter, rules adopted under it, or an order issued under section 4780.11 of the Revised Code. An action for injunction shall be filed in the environmental division of the Franklin county municipal court, which shall have exclusive jurisdiction to grant preliminary and permanent injunctive relief under this chapter. The environmental division of the Franklin county municipal court shall grant such injunctive relief upon a showing that the person against whom the action is brought has violated, is violating, or is threatening to violate this chapter, rules adopted under it, or an order issued under it. The court shall give precedence to such an action over all other cases.

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**Sec. 4780.14.** (A) The director of commerce shall deny an

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application for a license that is submitted under section 4780.04 1007  
or 4780.05 of the Revised Code for any of the following reasons: 1008

(1) The applicant for the license has violated any provision 1009  
of this chapter or a rule adopted under it. 1010

(2) The applicant has been convicted of or pleaded guilty to 1011  
violating section 959.01, 959.02, 959.03, 959.13, 959.131, 959.15, 1012  
or 959.16 of the Revised Code or an equivalent municipal 1013  
ordinance, law of another state, or law of the federal government 1014  
or has been convicted of or pleaded guilty to violating more than 1015  
once section 2919.25 of the Revised Code or an equivalent 1016  
municipal ordinance, law of another state, or law of the federal 1017  
government. 1018

(3) The director determines that the applicant for the 1019  
license does not have the expertise or capacity to comply with 1020  
this chapter or rules adopted under it. 1021

(B) The director may suspend or revoke a license issued under 1022  
this chapter for violation of any provision of this chapter or a 1023  
rule adopted or order issued under it. 1024

(C) An application or a license shall not be denied, 1025  
suspended, or revoked under this section without a written order 1026  
of the director stating the findings on which the denial, 1027  
suspension, or revocation is based. A copy of the order shall be 1028  
sent to the applicant or license holder by certified mail or may 1029  
be provided to the applicant or license holder by personal 1030  
service. In addition, the person to whom a denial, suspension, or 1031  
revocation applies may request an adjudication hearing under 1032  
Chapter 119. of the Revised Code. The director shall comply with 1033  
such a request. The determination of the director at an 1034  
adjudication hearing may be appealed in accordance with section 1035  
119.12 of the Revised Code, except that the determination may only 1036

be appealed to the environmental division of the Franklin county 1037  
municipal court. 1038

Sec. 4780.15. The director of commerce, the director's 1039  
authorized representative, or the attorney general may require the 1040  
attendance of witnesses and the production of books, records, 1041  
papers, and dogs that are needed either by the director or the 1042  
attorney general or by any party to a hearing before the director 1043  
and for that purpose may issue a subpoena for any witness or a 1044  
subpoena duces tecum to compel the production of any books, 1045  
records, papers, or dogs. The subpoena shall be served by personal 1046  
service or by certified mail. If the subpoena is returned because 1047  
of inability to deliver, or if no return is received within thirty 1048  
days after the date of mailing, the subpoena may be served by 1049  
ordinary mail. If no return of ordinary mail is received within 1050  
thirty days after the date of mailing, service shall be deemed to 1051  
have been made. If the subpoena is returned because of inability 1052  
to deliver, the director or the attorney general may designate a 1053  
person or persons to effect either personal or residence service 1054  
on the witness. The person designated to effect personal or 1055  
residence service under this section may be the sheriff of the 1056  
county in which the witness resides or may be found or any other 1057  
duly designated person. The fees and mileage of the person serving 1058  
the subpoena shall be the same as those allowed by the courts of 1059  
common pleas in criminal cases and shall be paid from the funds of 1060  
the department of commerce. Fees and mileage for the witness shall 1061  
be the same as those allowed for witnesses by the courts of common 1062  
pleas in criminal cases and shall be paid from the funds of the 1063  
department upon request of the witness following the hearing. 1064

Sec. 4780.16. All money collected by the director of commerce 1065  
from license fees under section 4780.06 of the Revised Code and 1066  
all money collected from civil penalties assessed under section 1067

4780.12 of the Revised Code shall be deposited in the state 1068  
treasury to the credit of the regulated dog breeding kennel 1069  
control license fund, which is hereby created. The director shall 1070  
use money in the fund for the purpose of administering this 1071  
chapter and rules adopted under it. 1072

**Sec. 4780.17.** (A) There is hereby created the regulated dog 1073  
breeding kennel oversight commission consisting of one member of 1074  
the senate appointed by the president of the senate, one member of 1075  
the house of representatives appointed by the speaker of the house 1076  
of representatives, and the following eight members appointed by 1077  
the governor: 1078

(1) Two members representing animal care and welfare 1079  
organizations in this state; 1080

(2) One member who is a county dog warden; 1081

(3) One member who is a veterinarian; 1082

(4) One member representing pet stores in this state; 1083

(5) One member representing regulated dog breeding kennels in 1084  
this state; 1085

(6) One member who is a member in good standing of a 1086  
nationally recognized kennel club that has members residing in 1087  
each state of the continental United States; 1088

(7) One member representing the public. 1089

Initial appointments to the commission shall be made not 1090  
later than sixty days after the effective date of this section. 1091  
Terms of office of the members appointed by the president of the 1092  
senate and the speaker of the house of representatives shall 1093  
coincide with their terms of office as members of the senate and 1094  
the house of representatives, as applicable. Of the initial 1095  
appointments made by the governor, two shall be for one-year 1096

terms, three shall be for two-year terms, and three shall be for 1097  
three-year terms. Thereafter, terms of office of members appointed 1098  
by the governor shall be three years, with each term ending on the 1099  
same day of the same month as did the term that it succeeds. Each 1100  
member shall hold office from the date of appointment until the 1101  
end of the term for which the member was appointed. Members may be 1102  
reappointed. Vacancies shall be filled in the manner provided for 1103  
the original appointments. Any member appointed to fill a vacancy 1104  
occurring prior to the expiration date of the term for which the 1105  
member's predecessor was appointed shall hold office for the 1106  
remainder of the term. A member shall continue in office 1107  
subsequent to the expiration date of the member's term until the 1108  
member's successor takes office or until a period of sixty days 1109  
has elapsed, whichever occurs first. 1110

(B) The governor shall select a chairperson from among the 1111  
commission's members. A majority of the members of the commission 1112  
constitutes a quorum. The commission shall meet at least four 1113  
times a year in Columbus or at other locations selected by the 1114  
chairperson. The chairperson shall determine the agenda for each 1115  
meeting of the commission. However, if the member appointed by the 1116  
president of the senate and the member appointed by the speaker of 1117  
the house of representatives jointly request in writing that an 1118  
item be placed on the agenda for a meeting of the commission, the 1119  
chairperson shall place the item on the agenda at the commission's 1120  
next regularly scheduled meeting occurring more than ten days 1121  
after the request has been made. 1122

Members of the commission shall serve without compensation 1123  
for attending commission meetings. Members of the commission shall 1124  
be reimbursed for their actual and necessary expenses incurred in 1125  
the performance of official duties as members of the commission. 1126

(C) The commission shall provide oversight and evaluation of 1127  
the administration of this chapter and rules adopted under it, 1128

including the operation of the dog breeding kennel control 1129  
authority created in section 4780.02 of the Revised Code. The 1130  
oversight and evaluation may include, but not be limited to, a 1131  
determination of whether this chapter and rules adopted under it 1132  
and the operation of the authority have resulted in the prevention 1133  
of cruelty to and abuse of dogs and an evaluation of the sanctions 1134  
imposed on violators of this chapter and rules adopted under it. 1135  
In addition, the commission may make recommendations to the 1136  
director of commerce for changes to the administration of this 1137  
chapter and rules adopted under it and to the general assembly for 1138  
changes to this chapter that the commission considers necessary 1139  
for the effective enforcement of this chapter and rules adopted 1140  
under it. The commission has the right to inspect records kept by 1141  
the dog breeding kennel control authority and to interview kennel 1142  
control enforcement inspectors. The commission, by the 1143  
thirty-first day of December each year, shall issue a report of 1144  
its findings and submit it to the director of commerce, the 1145  
president of the senate, and the speaker of the house of 1146  
representatives. 1147

**Sec. 4780.18.** (A) In accordance with rules adopted under 1148  
section 4780.03 of the Revised Code, at the time of the sale of a 1149  
dog, a pet store shall provide the buyer of the dog with either of 1150  
the following: 1151

(1) A certificate of medical health that has been completed 1152  
and attested to by a veterinarian and that states that the 1153  
veterinarian has examined the dog and has not found evidence of 1154  
disease, illness, or injury at the time of the examination; 1155

(2) A money-back guarantee that is valid for not less than 1156  
twenty-one days after the date of purchase of the dog. The 1157  
guarantee shall authorize the purchaser of the dog to receive the 1158  
purchase price of the dog from the pet store within that 1159

twenty-one-day period if the purchaser presents a statement to the 1160  
pet store from a veterinarian who has examined the dog within 1161  
fourteen days of the purchase of the dog that the dog has a 1162  
significant disease, illness, or injury that was in existence at 1163  
the time of the purchase of the dog. 1164

(B) A pet store shall post written notice of the pet store's 1165  
responsibility under this section in a conspicuous location near 1166  
the pet store's cash register. The written notice shall be posted 1167  
in accordance with rules and shall be in prominent and easily read 1168  
type that is not less than eighteen-point type. 1169

(C) At a time prior to the sale of a dog, a pet store shall 1170  
provide the name, complete address, and telephone number of the 1171  
breeder that bred the dog, the regulated dog breeding kennel where 1172  
the dog was kept, housed, and maintained, and the regulated dog 1173  
intermediary from whom the pet store acquired the dog, as 1174  
applicable. The pet store also shall provide the telephone number 1175  
and the address of the department of commerce. 1176

(D) No pet store shall fail to comply with this section. 1177

(E) A pet store that fails to comply with division (A)(1) of 1178  
this section with respect to the sale of a dog or a pet store that 1179  
fails to refund the purchase price of a dog in accordance with 1180  
division (A)(2) of this section is liable to the purchaser of the 1181  
dog for an amount that is equal to three times the purchase price 1182  
of the dog plus any veterinary expenses of not more than five 1183  
hundred dollars that are incurred by the purchaser within one year 1184  
after the date of the purchase of the dog. The pet store also is 1185  
liable for any attorney fees and costs incurred by the purchaser. 1186  
In addition, the buyer of the dog may keep the dog. 1187

(F) The director of commerce or the director's authorized 1188  
representative shall enforce this section. Kennel control 1189  
enforcement inspectors may make inspections of pet stores for the 1190

<u>purpose of enforcing this section.</u>	1191
<u>Sec. 4780.98. No person shall violate this chapter or a rule</u>	1192
<u>adopted or order issued under it.</u>	1193
<u>Sec. 4780.99. Whoever violates section 4780.98 of the Revised</u>	1194
<u>Code is guilty of a misdemeanor of the first degree.</u>	1195
<b>Section 2.</b> That existing sections 121.08, 955.02, 955.10,	1196
955.12, 955.20, 955.26, and 1901.183 of the Revised Code are	1197
hereby repealed.	1198