



Jeff Grim

## *Bill Analysis*

*Legislative Service Commission*

### **H.B. 446**

127th General Assembly  
(As Introduced)

**Reps. Webster, Evans, Setzer, Combs, Skindell, Yuko**

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## **BILL SUMMARY**

### **Registration of dogs and kennels**

- Requires dogs to be registered with the county auditor at two months of age or older rather than at more than three months of age as required under current law, makes corresponding changes throughout the bill, and specifies that a dog that is between two and three months of age on the bill's effective date does not have to be registered until the dog is three months of age (R.C. 955.01, 955.05, 955.06, 955.12, 955.14, and 955.21 and Section 3).
- Increases the statutory minimum annual dog registration fee from \$2 to \$10, makes related changes, and requires the standing committees of the House of Representatives and the Senate that are primarily responsible for considering animal matters to review the dog registration fee every five years to determine whether the fee is adequate for the purposes of the Dogs Law (R.C. 955.01 and 955.14).
- Authorizes a board of county commissioners to offer an amnesty period for dogs that are not registered to allow the owner, keeper, or harbinger of a dog to register the dog during that period without paying a penalty fee, and requires the board to consult with the chief animal control officer of the county (see below) on the amnesty program (R.C. 955.01).
- Abolishes the requirement that the registration fee for any dog that is purchased outside the state after July 1 of any year be one-half of the original fee (R.C. 955.06).
- Requires a board of county commissioners to obtain and maintain a device that is capable of retrieving information that is contained in a

microchip that has been subcutaneously inserted into a dog, and provides that the subcutaneous insertion of a microchip into a dog containing specified information does not exempt the dog from having to be registered (R.C. 955.01 and 955.014).

- Revises the fee that a county auditor may charge for the issuance of duplicate dog registration tags from a range of 25¢ to \$1.50 to a fee that cannot exceed 15% of the registration fee, and requires the owner, keeper, or harbinger of a dog to show proof of registration, rather than proof of loss as required under existing law, to receive a duplicate tag (R.C. 955.08).
- Increases the statutory minimum annual dog kennel registration fee from \$10 to \$50, makes related changes, eliminates the procedures under which five dog registration tags are provided with each kennel registration and each additional tag is provided at \$1, and instead requires the owner of a kennel to register each dog that is two months of age or older in accordance with the bill (R.C. 955.04 and 955.14).
- Eliminates a provision in current law that specifies that a dog that is constantly confined to a registered kennel does not have to wear, at all times, a valid registration tag (R.C. 955.10).
- Prohibits a dog kennel owner from failing to file an application for kennel registration or from failing to pay the applicable registration fee, requires anyone who violates either prohibition to be fined between \$25 and \$100 on a first offense and between \$75 and \$250 on each subsequent offense, and in addition states that a violator may be imprisoned for not more than 30 days on each subsequent offense (R.C. 955.04 and 955.99).
- Specifies that a person, partnership, firm, company, or corporation that operates a boarding establishment is not a kennel owner, and defines "boarding establishment" as a place of business, other than an animal shelter or facility owned or operated by a veterinarian licensed under the Veterinarians Law, where companion animals that are not owned by the proprietor are housed, fed, and watered for a fee (R.C. 955.02).<sup>1</sup>

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<sup>1</sup> The bill defines "companion animal," by reference to the animal cruelty statutes, as any animal that is kept inside a residential dwelling and any dog or cat regardless of where it

- Requires a county auditor to revoke the registration of a kennel owner if the auditor determines that the owner has violated the animal cruelty statutes (R.C. 955.04).
- If dog and kennel registration fees are increased by a board of county commissioners to or above \$10 and \$50, respectively, increases the amount from 10¢ to 20¢ that the county auditor must give to the College of Veterinary Medicine at The Ohio State University, specifies that 10¢ from the increase must be used by the College to support a faculty position at the College, requires that at least half of the responsibilities of the position be focused on activities that support the advancement of veterinary medicine at animal shelters or humane societies, and requires the allocation of the other 10¢ to be used for purposes specified in existing law (R.C. 955.14).
- Generally prohibits a person from selling, offering to sell, or exposing for sale any dog that is not registered with a county auditor (R.C. 955.50).

**Identification of cats and care of feral cats**

- For the purposes of the disposition of a cat that is surrendered to an animal shelter, requires a cat to have a form of identification specified in the bill (R.C. 957.01).
- Except for cats that have a form of identification specified in the bill, specifies that a cat that has been surrendered to an animal shelter becomes the property of the shelter, and authorizes the shelter to immediately determine the disposition of the cat (R.C. 957.01).
- If a cat that has been surrendered to an animal shelter has a form of identification specified in the bill, requires the shelter to care for the cat for three business days and make a reasonable attempt to contact the cat's owner, and provides that if the cat is not redeemed after three business days, the shelter is deemed the owner of the cat (R.C. 957.01).
- Establishes procedures and requirements governing when a cat that has been surrendered to an animal shelter may be humanely destroyed (R.C. 957.01).

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is kept. "Companion animal" does not include livestock or any wild animal (R.C. 955.02, by reference to R.C. 959.131).

- Prohibits any person, other than a chief animal control officer (see below), a deputy animal control officer, a humane society agent, a veterinarian, an employee of an animal shelter, or an employee of an animal control facility, from removing a form of identification specified in the bill from a cat that is not owned by the person (R.C. 957.01).
- Prohibits a feral cat caregiver from intentionally providing food and water to a feral cat or feral cat colony unless the caregiver has provided a signed affidavit to a county humane society attesting that the caregiver will comply with specified procedures and requirements, including provision for the initial vaccination of each feral cat under the caregiver's care, and, except for the provision for the initial vaccination of each feral cat, specifies that the caregiver does not have the legal responsibilities of a cat owner (R.C. 957.02).<sup>2</sup>

**Vaccination against rabies for and quarantine of dogs, cats, and ferrets**

- Establishes, and in the case of dogs also revises, requirements and procedures governing the vaccination against rabies for and the quarantine of dogs, cats, and ferrets as discussed below.
- Requires the owner, keeper, or harbinger of a dog, cat, or ferret, as applicable, to ensure that the dog, cat, or ferret is at all times properly vaccinated against rabies subject to specific exceptions, including when the well-being of the dog, cat, or ferret is endangered, and requires a board of health to assess a penalty of \$50 for not vaccinating a dog, cat, or ferret against rabies (R.C. 951.20, 955.39, and 957.03).<sup>3</sup>
- Requires the vaccination of a dog, cat, or ferret against rabies to be administered by or under the supervision of a veterinarian, requires that veterinarian to follow certain procedures and requirements, including completing and signing a vaccination certificate, providing a rabies

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<sup>2</sup> The bill defines "feral cat" as a cat that does not have a form of identification specified in the bill, whose usual and consistent temperament is extreme fear of and resistance to contact with people, and that is totally unsocialized to people (R.C. 957.01).

<sup>3</sup> Under the bill, "board of health" means the board of health of a city or general health district created by or under the authority of the Health Districts Law or the authority having the duties of a board of health in any city as authorized by current law governing city health district boards (R.C. 951.20, 955.39, and 957.03).

vaccination tag in the case of dogs and cats and the certificate to the owner, keeper, or harbinger of the dog, cat, or ferret, and retaining a copy of the certificate for the length of time that the dog, cat, or ferret remains vaccinated against rabies, and requires the veterinarian to provide, upon request, a copy of the certificate to the board of health of the health district in which the dog, cat, or ferret resides or the applicable chief animal control officer (R.C. 951.20, 955.39, and 957.03).<sup>4</sup>

- States that nothing in the bill limits the authority of the legislative authority of a municipal corporation from adopting and enforcing ordinances, or a board of health from adopting and enforcing rules or from issuing and enforcing orders, for the prevention or control of rabies (R.C. 951.20, 955.39, and 957.03).
- In the case of dogs, requires the owner of a dog that is older than four months of age and that is not vaccinated against rabies on the bill's effective date to have the dog vaccinated in accordance with the bill not later than the date on which the dog's registration is to be renewed in accordance with existing law (Section 4).
- Authorizes the Director of Health, a board of health, or persons performing the duties of a board of health to declare a quarantine of all dogs, cats, or ferrets, as applicable, under specified circumstances, and authorizes any of those entities to humanely destroy a dog, cat, or ferret, as applicable, that has been declared a nuisance and for which proof of vaccination cannot be demonstrated (R.C. 951.21, 955.40, and 957.04).
- Requires a medical care provider, if the medical care provider treats a person who was bitten by a dog, cat, or ferret, as applicable, to report the incident to the health commissioner of the local board of health in which the bite occurred, establishes requirements and procedures governing the quarantine of the dog, cat, or ferret and the treatment and disposition of the dog, cat, or ferret, and requires the Public Health Council to adopt rules establishing requirements and procedures governing rabies quarantines and rabies testing (R.C. 951.22, 955.41, and 957.05).

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<sup>4</sup> The bill defines "chief animal control officer" as the chief animal control officer of a county who is appointed or approved under current law (see below) (R.C. 951.20, 955.39, and 957.03).

- Prohibits a person from violating a rabies general quarantine order, prohibits a person from removing a dog, cat, or ferret, as applicable, from the health district in which the dog, cat, or ferret has been quarantined until a specified quarantine period has been completed, and specifies that whoever violates either prohibition is guilty of a fourth degree misdemeanor and must pay a fine of at least \$75 on a first offense and is guilty of a third degree misdemeanor and must pay a fine of at least \$150 on each subsequent offense (R.C. 951.99, 955.99, and 957.99).
- Relocates many of the existing provisions governing dogs and rabies quarantines, makes corresponding changes to section numbers, and eliminates the penalty for a corporation that violates a rabies general quarantine (R.C. 955.28, 955.39 (repealed), 955.40 (repealed), 955.41, 955.43, 955.45, and 955.46).

#### **Transfer of dogs**

- Except for purposes of humane destruction, prohibits a person from transferring a vicious dog that, without provocation, has killed or caused serious injury to any person or has caused injury, other than killing or serious injury, to any person or has killed another dog (R.C. 955.11).
- Specifies that existing law requiring that a transfer certificate for a dog that is being transferred contain the dog's registration number does not apply to a dog that is transferred to a county humane society (R.C. 955.11).
- Increases the transfer fee that a county auditor may charge from 25¢ to \$1 (R.C. 955.11).

#### **Disposition of dogs that are taken to animal shelters**

- Revises and expands current law governing the disposition of dogs that are seized and impounded by requiring a registered veterinary technician to consult with a veterinarian or to work under standing orders of a veterinarian in order to humanely destroy a dog that has an obvious disease or injury and that is registered and by requiring a dog to be kept, housed, and fed for 14 days for the purposes of redemption if the chief animal control officer (see below) can identify the owner by a microchip subcutaneously inserted into the dog (R.C. 955.16).

- Generally prohibits a dog from being discharged from an animal shelter without being vaccinated against rabies unless a veterinarian is unavailable to administer the vaccination, in which case the dog may be discharged without a vaccination (R.C. 955.16).
- Establishes requirements and procedures governing the disposition of a dog that is found by a person who does not own the dog, and establishes requirements under which such a person may adopt the dog (R.C. 955.161).
- Revises several and eliminates other specified fees that a county may charge the owner, keeper, or harbinger of a dog that is seized and impounded (R.C. 955.17).

**Responsibilities and duties of chief animal control officers and animal control officers**

- Renames "dog warden" as "chief animal control officer" and "deputy dog wardens" as "deputy animal control officers," and makes conforming and related changes (R.C. 955.11, 955.12, 955.15, 955.16, 955.17, 955.18, 955.19, 955.20, 955.23, 955.51, 955.52, 955.53, and 959.132).
- Requires animal control officers to complete certain training courses developed by the Ohio Peace Officer Training Commission, subject to specified exceptions, beginning 12 months after the bill's effective date (R.C. 955.13).
- Requires the Ohio Peace Officer Training Commission, in consultation with specified entities, to develop criteria to be used in the training courses for animal control officers, requires the Commission to ensure the availability of the training courses through certain training entities, and requires those training entities to follow specified requirements and procedures with regard to training records (R.C. 109.804).
- Adds to the duties of chief animal control officers the enforcement of dog, cat, and ferret rabies quarantines (R.C. 955.20).

**Fair market value of animals killed by dogs**

- Defines "animal," "grade animal," and "fair market value" for purposes of current law governing claims for compensation from the Dog and Kennel Fund that are made by an owner of an animal that is killed or injured by a

dog, revises certain provisions governing the determination of the fair market value of such an animal, eliminates the opportunity for the owner of the animal to appeal to the board of township trustees regarding disputes with the county dog warden (chief animal control officer under the bill) concerning the claim and instead specifies that the owner may appeal to the board of county commissioners, and makes a conforming change (R.C. 955.12, 955.27, 955.29, 955.31 (repealed), 955.32, 955.33 (repealed), 955.35, 955.351, 955.37, and 955.38).

### **Other Dogs Law provisions**

- Applies the confinement requirements for dangerous and vicious dogs to such dogs that are hunting or training to hunt by removing an exemption for hunting dogs from the confinement requirements (R.C. 955.22).
- Requires a sentencing court to impose specified fines for the violation of various provisions of the Dogs Law, and prohibits a sentencing court from suspending the imposition of a fine for violating certain provisions of the Dogs Law (R.C. 955.99).
- Increases the penalty from a minor misdemeanor to a fourth degree misdemeanor for a person who violates either of the prohibitions against hindering the capture of an unregistered dog or owning, keeping, or harboring a dog wearing an invalid registration tag (R.C. 955.99).
- Requires dogs to be humanely destroyed under specified circumstances rather than destroyed as required under current law (R.C. 955.10, 955.16, and 955.27).
- Adds camelids to the types of animals for which an owner may seek reimbursement when the animal has been injured or killed by a coyote or black vulture (R.C. 955.51).

### **Cruelty to animals**

- Removes the exemption for dogs that are used for hunting and field trials from certain animal cruelty provisions (R.C. 959.131).
- If a person is convicted of or pleads guilty to violating the animal cruelty statute that prohibits knowingly performing certain acts of cruelty against a companion animal, requires, rather than authorizes as under current law, a court to order the person to forfeit to an impounding agency any

and all companion animals in the person's ownership or care, and retains current law that authorizes the court to take such actions if a person is convicted of or pleads guilty to negligently performing certain acts of cruelty against a companion animal (R.C. 959.99).

### **"Pets" license plate contributions**

- Requires the Registrar of Motor Vehicles to pay the contributions from "Pets" license plates to the Ohio Pet Fund, a nonprofit corporation that consists of humane societies, veterinarians, animal shelters, companion animal breeders, dog wardens, and similar individuals and entities, rather than to the appointed Pets Program Funding Board, and prohibits the Registrar from disbursing money to the Ohio Pet Fund until the amount to be paid to the Fund from all sources equals at least \$25,000 "or until two years after March 23, 2005, whichever occurs first" (R.C. 955.201 and 4501.21).
- Requires the Ohio Pet Fund to disburse the money received from the Registrar of Motor Vehicles in accordance with procedures that it establishes to organizations such as an animal shelter, a local nonprofit veterinary association, or a charitable organization that meet eligibility requirements established by the Ohio Pet Fund and that must use the funds for the purpose of supporting programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals, and prohibits the disbursement of such money to any member of the Ohio Pet Fund or to any organization or group represented by a member of the Fund (R.C. 955.201).
- Abolishes the Pets Program Funding Board, which currently is charged with disbursing contributions from "Pets" license plates and which consists of seven members who must have specific qualifications or be from specified organizations and who are appointed by the Ohio Pet Fund to two-year terms (R.C. 955.202, repealed).

### **Miscellaneous provisions**

- Revises the types of animals to which the prohibition against allowing specified animals to go or be at large out of the animals' own enclosure applies, and makes a corresponding change to the requirement that the owner or keeper of an animal that allows the animal to run at large is liable for all damages caused by that animal (R.C. 951.01 and 951.10).

- Removes the prohibition against allowing certain animals to run at large on public roads and to graze on another's land, and makes conforming changes (R.C. 951.02 (repealed), 951.10, 951.12, 951.13, and 951.99).
- Eliminates the provision requiring a person who finds an animal running at large in violation of current law to publish notice in a newspaper of general circulation, instead requires the person to notify a local law enforcement officer within 24 hours of finding the animal, revises the expenses for which a person or local government that takes an animal running at large may seek reimbursement from the animal's owner or keeper by eliminating the expenses of taking and advertising such animals and only allowing a person or local government to seek reimbursement for the expenses incurred for keeping the animal, and makes related changes (R.C. 951.11, 951.12, and 951.13).
- Removes a requirement that the board of trustees of a county humane society consist of three members elected by the society (R.C. 1717.02).
- Removes a requirement that county humane society agents be residents of the municipal corporation or county for which they are appointed (R.C. 1717.06).
- Abolishes an antiquated authorization to create the Ohio Humane Society, which has never existed, and removes all references to the Society (R.C. 955.16, 1717.02, 1717.03 (repealed), 1717.04 (repealed), 1717.08, 1717.09, 1717.14, and 3719.01).
- Includes the general quarantine of dogs, cats, and ferrets in the definition of "practice of environmental health" in the law governing sanitarians (R.C. 4736.01).

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## HISTORY

ACTION	DATE
Introduced	01-23-08

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