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## *Bill Analysis*

*Legislative Service Commission*

### **Sub. H.B. 446\***

127th General Assembly

(As Reported by S. State & Local Government & Veterans Affairs)

**Reps. Webster, Evans, Setzer, Combs, Skindell, Yuko, Uecker, Bacon, Chandler, Coley, Domenick, Flowers, Hughes, Mallory, Patton, Schneider**

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## **BILL SUMMARY**

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

- Changes the required age for registration of a dog from more than three months of age to three months of age or older (R.C. 955.01 and 955.05).
- Increases the statutory minimum annual dog registration fee from \$2 to \$10, makes related changes, delays the effective date of the increase to December 1, 2009, 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

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\* This analysis was prepared before the report of the Senate State and Local Government and Veterans Affairs Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

years to determine whether the fee is adequate for the purposes of the Dogs Law (R.C. 955.01 and 955.14 and Section 7).

- 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 dog warden of the county on the amnesty program (R.C. 955.01).
- Specifies that a person who becomes the owner, keeper, or harbinger of a dog three months of age or older after the registration deadline for that year has one business day rather than 30 days to register the dog and pay the registration fee in order to avoid a late registration penalty (R.C. 955.05).
- Requires the owner, keeper, or harbinger of a dog who moves into Ohio from another state and who has registered the dog in the previous state of residence to register the dog within 30 days of moving into this state, and requires the owner, keeper, or harbinger, in lieu of paying the regular registration fee, to pay the fee for duplicate dog tags (R.C. 955.05).
- 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, delays the effective date of the requirement to December 1, 2009, 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 and Section 8).
- 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, delays the effective date of the

increase to December 1, 2009, 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 three months of age or older in accordance with the bill (R.C. 955.04 and 955.14 and Section 7).

- If a board of county commissioners increases dog and kennel registration fees as authorized under current law, requires that the increase in fees be in increments, rather than a ratio as in current law, of \$2 for dog registrations and \$10 for kennel registrations (R.C. 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).
- Revises the requirement that dogs wear a valid tag issued in conjunction with a registration at all times by instead requiring a tag to be worn by a dog while off the owner's premises, and exempts a dog from that requirement if a written certificate from a veterinarian states that the dog should not wear a tag, if the dog participates in an event or show that is sanctioned by a recognized dog organization, or if the dog is legally engaged in a hunting event, field event, or obedience test or similar event or test (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 appropriate county inspecting authority of the kennel determines that the owner has violated the animal cruelty statutes and so notifies the auditor (R.C. 955.04).
- Authorizes a county auditor to request the owner of a kennel of dogs that has a license issued by the United States Department of Agriculture to provide a copy of forms regarding the acquisition and disposition of dogs that are required to be filed with the Department under federal law, and requires the owner of a kennel, upon receipt of such a request, to provide to the county auditor a copy of those forms (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 8¢ from the increase must be used by the College to support a faculty position at the College, specifies that 2¢ from the increase must be deposited to the credit of the Dog Warden Training Fund, created by the bill, to support the training of dog wardens and deputy dog wardens as required by the bill (see below), requires the Ohio County Dog Wardens Association to administer the Fund, requires the Auditor of State to audit expenditures of money from the Fund, and requires the allocation of the other 10¢ to be used for purposes specified in existing law (R.C. 955.14).
- Requires The Ohio State University College of Veterinary Medicine to report on specified animal research to not only the General Assembly as required under current law, but also to the Ohio County Dog Wardens Association (R.C. 955.14).

### **Identification of 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, and specifies that "animal shelter" does not include a facility that is operated by a dog warden pursuant to the Dogs Law (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).

- 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).
- Prohibits any person, other than a humane society agent, a veterinarian, or an employee of an animal shelter, from removing a form of identification specified in the bill from a cat that is not owned by the person (R.C. 957.01).

**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 957.02).<sup>2</sup>
- Requires the vaccination of a dog, cat, or ferret against rabies to be administered by or under the supervision of a veterinarian, generally requires that veterinarian to follow certain procedures and requirements, including completing and signing a vaccination certificate, providing a

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<sup>2</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).

rabies 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, in the case of dogs, the applicable dog warden (R.C. 951.20, 955.39, and 957.02).

- 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 957.02).
- 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 6).
- In the case of dogs, requires the board of health of a general health district to conduct rabies vaccination clinics for dogs for a nominal fee on at least a biannual basis, and, in counties where vaccination against rabies is required for the registration of a dog, authorizes the owner of a dog that is less than 12 months of age to have an additional 180 days from the date of registration to provide proof of a rabies vaccination (R.C. 955.391).
- 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 957.03).<sup>3</sup>

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<sup>3</sup> The bill defines "nuisance" as a dog, cat, or ferret, as applicable, that is running at large and that is not under the direct supervision of its owner, keeper, or harbinger and in doing so is a health hazard to the general public during a period in which the Director of Health, a board of health, or persons performing the duties of a board of health determine that rabies is prevalent (R.C. 951.21, 955.40, and 957.03).

- 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 investigation and 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 957.04).
- 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 without the approval of the applicable health commissioner, 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. 951.21, 951.22, 951.99, 955.40, 955.41, 955.99, 957.03, 957.04, 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 or an animal shelter operated by the county dog warden (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 dog warden can identify the owner by a microchip subcutaneously inserted into the dog (R.C. 955.16).
- Revises current law regarding the notice sent to the owner, keeper, or harborer of a dog that has been seized and impounded by requiring the notice to include the time period that the dog will be kept before it is sold or humanely destroyed (R.C. 955.12).
- Before the sale or humane destruction of a dog at an animal shelter operated by the dog warden, requires the dog warden, a deputy dog warden, or an employee of the animal shelter to attempt to determine whether the dog has had a microchip subcutaneously inserted into it, and provides immunity for those individuals if a dog that has had a microchip subcutaneously inserted into it is sold or humanely destroyed in any civil action that arises under Ohio laws for the sale or humane destruction of the dog (R.C. 955.12).
- 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, including procedures under which the 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 harborer of a dog that is seized and impounded (R.C. 955.17).

### **Responsibilities and duties of dog wardens and deputy dog wardens**

- Authorizes a board of county commissioners to establish a title other than county dog warden for the person that is responsible for the enforcement of the Dogs Law, including chief animal control officer (R.C. 955.12).
- Requires dog wardens and deputy dog wardens 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 dog wardens and deputy dog wardens, requires the Commission to ensure the availability of the training courses through the Ohio County Dog Wardens Association, and requires the Association to follow specified requirements and procedures with regard to training records (R.C. 109.804).
- Adds to the duties of dog wardens the enforcement of dog rabies quarantines (R.C. 955.12 and 955.15).

### **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 an 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, which is abolished (R.C. 955.201, 955.202 (repealed), and 4501.21).
- Requires the Ohio Pet Fund to allocate the Pets license plate contributions to its own expenses related to maintaining its tax-exempt status and performing its duties associated with distributing the license plate contributions and also to reserve amounts for expenses or future distribution, in addition to making distributions to eligible charitable 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 as under current law (R.C. 955.201).
- Prohibits the Ohio Pet Fund from using license plate money to make grants to any organization that employs a member of the Ohio Pet Fund at the time of the application or that has a member of the Ohio Pet Fund

sitting on the organization's board of directors at that time (R.C. 955.201).

- Requires the Ohio Pet Fund to annually notify the Registrar of Motor Vehicles in writing of the name and address of each organization that received license plate money from the Fund and the amount of each distribution (R.C. 955.201).

### *Miscellaneous provisions*

- Allows a board of county commissioners to enter into an agreement with a board of township trustees or the legislative authority of a municipal corporation, as authorized by existing law that provides for agreements between counties and other units of government, for the provision of animal control services to either of the parties to the agreement, and specifies that such agreements entered into by such parties before the bill's effective date solely under the general authority of current law is consistent with the specific authority conferred by the bill (R.C. 957.05).
- 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).

- Expands the requirement that county humane society agents be residents of the municipal corporation or county for which they are appointed by also allowing the agents to be residents of contiguous counties or municipal corporations (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
Reported, H. Local & Municipal Gov't & Urban Revitalization	05-19-08
Passed House (74-22)	05-28-08
Reported, S. State & Local Gov't & Veterans Affairs	---

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