



OHIO INTRODUCES DOG BREEDING KENNEL AND PET STORE WARRANTY LAWS

**** HB 124 Set For 2nd Committee Hearing On September 30th ****

The Issue.

Ohio House Bill 124, which also has a companion in the Senate, SB 95, sets licensing and insurance requirements for dog breeding kennels. The bills also provide pet store warranty provisions on dog sales. **HB 124 is set to be heard for the 2nd time before the House Committee on Agriculture & Natural Resources on September 30, 2009 (Hearing Room 18 at 9:30 a.m.).** SB 95 currently sits in the Senate Committee on State and Local Government & Veterans Affairs awaiting further action.

The Impact.

HB 124 defines a “regulated dog breeding kennel” as “an establishment that keeps, houses, and maintains adult breeding dogs that produce either at least nine litters of puppies or at least 40 puppies in any given calendar year and, in return for a fee or other consideration, sells, exchanges, or leases adult dogs or puppies”.

Insurance Requirements

This bill requires that each regulated dog breeding kennel submit to the director an application for a regulated dog breeding kennel license along with evidence of insurance, or evidence of a surety bond payable to the authority. The face value of the insurance coverage or bond shall be in the following amounts:

- \$5000 for regulated dog breeding kennels keeping, housing, and maintaining not more than 25 adult dogs;
- \$10000 for regulated dog breeding kennels keeping, housing, and maintaining 26 -50 adult dogs; or
- \$50000 for regulated dog breeding kennels keeping, housing, and maintaining 50+ adult dogs.

Licensing Requirements

No dog breeding kennel would be allowed to operate without a kennel license. NOTE: newly established breeding kennels must submit an application for a license 90 days before the operation is set to open. Breeding kennels already in operation will have three months after the passage of this bill to obtain a license.

License applications must include the following information:

- A signed affidavit of the number of adult dogs kept, housed and maintained by the applicant;
- An estimate number of puppies to be kept;
- An estimate of the number of litters/total number of puppies to be produced during the annual term of the license;



- Photographic evidence of the facilities where the dogs will be maintained. NOTE: kennel control authorities may conduct an inspection of the facilities upon review of the photos.
- A signed release permitting a background investigation of the applicant; and
- The names and addresses of all the people who will have custody or control over the dogs kept by the applicant.

License fees are non-refundable and are categorized as follows for a regulated dog breeding kennel:

- \$150 if breeding dogs produce nine to 15 litters; OR if fewer than nine litters are produced, but at least 40 puppies are produced in a calendar year at the kennel;
- \$250 if breeding dogs produce 16-25 litters;
- \$350 if breeding dogs produce 26-35 litters;
- \$500 if breeding dogs produce 36-45 litters; and
- \$750 if breeding dogs produce 46 or more litters.

For a regulated dog intermediary, meaning “a person who buys, sells, offers to sell, donates, gives, or exchanges more than nine dogs annually in this state or who sells or gives one or more dogs to a pet store annually”, the fee is \$500.

NOTE: The owner of a boarding kennel also must register with the kennel control authority by paying an annual fee of \$50. This legislation defines a “boarding kennel” as “an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration”.

A long list of standards is provided for people operating a dog breeding kennel ranging from enclosure requirements to care standards and veterinary care.

Kennels are subject to at least one biennial inspection. If violations are found kennel operators will be given the opportunity to remedy the violation in a certain amount of time. If the violation is not remedied a license may be revoked and operators may face civil penalties of up to \$15000.

Pet Store Warranty Provision

HB 124 and SB 95 slide in pet store warranty provisions at the end of these bills. Any pet store that sells dogs must provide purchasers of dogs with the following information at the time of sale:

- A certificate of medical health completed by a veterinarian stating that the dog has been examined and there is no evidence of disease, illness, or injury at the time of the examination;
- The name, complete address, and telephone number of the breeder that bred the dog, the regulated dog breeding kennel where the dog was kept, housed, and maintained, and the regulated dog intermediary from whom the pet store acquired the dog, as applicable; and
- A money-back guarantee that is valid for up to 21 days after the date of purchase of the dog. The guarantee will allow the purchaser of the dog to receive the purchase price of the dog from the pet store within that 21 day period if the purchaser presents a statement to the pet store from a veterinarian who has examined the dog within 14 days of the purchase of the dog that the dog has a significant disease, illness, or injury that was in existence at the time of the purchase of the dog.

Pet stores will be required to post written notice, in at least 18-point font, of the pet store's responsibility in a conspicuous location near the pet store's cash register. The telephone number and the address of the kennel control authority must also be provided.

Any pet store found in violation with respect to the sale of a dog or a pet store that fails to refund the purchase price of a dog is liable to the purchaser of the dog for an amount that is equal to the actual damages incurred by the purchaser within one year after the date of the purchase of the dog, except veterinary expenses of up to \$500. The pet store also is liable for any attorney's fees and costs incurred by the purchaser. In addition, the buyer of the dog may keep the dog.

Recommended Action.

Please be aware of the licensing and fee categorizations made under this legislation. The penalties for non-compliance could be severe. Also, pet store warranty laws such as this have been introduced all over the country and could impact your way of doing business.

To better understand this bill, we urge you to read the full text of HB 124, which can be found attached to the online version of this PetAlert on the “Breaking News” page of the PIJAC website (www.pijac.org).

If you are concerned about this bill, you can easily contact your representative at the touch of a button through PIJAC’s [Legislative Action Center](#) (visit the Government Affairs page on PIJAC’s website at www.pijac.org and click on the link). If you wish to contact members of the committee, see the committee contact list below. Also, if possible, please attend the hearing on Wednesday, September 30th at 9:30 a.m., in Hearing Room 18 at the Capitol.

If you have any additional questions feel free to contact PIJAC’s Bambi Nicole Osborne at 202-452-1525 or via email at Bambi@pijac.org.

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2009 OH S 95

AUTHOR: Hughes

VERSION: Substituted

VERSION 06/02/2010

DATE:

As Reported by the Senate State & Local Government and Veterans Affairs Committee

128th General Assembly

Regular Session

2009-2010

Sub. S. B. No. 95

Senators Hughes, Cates

Cosponsors: Senators Goodman, Miller, D., Miller, R., Schuring, Turner

A BILL

To amend sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 and to enact sections 956.01, 956.011, 956.02 to 956.08, 956.09 to 956.20, 956.98, and 956.99 of the Revised Code to establish licensing requirements and standards of care for certain dog breeding kennels, dog intermediaries, and animal rescues for dogs.

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

Section 1. That sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 be amended and sections 956.01, 956.011, 956.02, 956.03, 956.04, 956.05, 956.06, 956.07, 956.08, 956.09, 956.10, 956.11, 956.12, 956.13, 956.14, 956.15, 956.16, 956.17, 956.18, 956.19, 956.20, 956.98, and 956.99 of the Revised Code be enacted to read as follows:

Sec. 955.02. A As used in this chapter, "dog kennel" or "kennel owner is a person, partnership, firm, company, or corporation professionally engaged in the business " means an establishment that keeps, houses, and maintains adult dogs, as defined in section 956.01 of the Revised Code, for the purpose of breeding the dogs for hunting or for a fee or other consideration received through a sale, exchange, or lease and that is not a high volume breeder licensed under Chapter 956. of the Revised Code.

Sec. 955.10. No owner of a dog, except a dog constantly confined to a registered dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code, shall fail to require the dog to wear, at all times, a valid tag issued in connection with a certificate of registration. A dog's failure dog found not wearing at any time to wear a valid tag shall be prima-facie evidence of lack of registration and shall subject any dog found not wearing such a tag to impounding, sale, or destruction.

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

The warden and deputies shall give bond in a sum not less than five hundred dollars and not more than two thousand dollars, as set by the board, conditioned for the faithful performance of their duties. The bond or bonds may, in the discretion of the board, be individual or blanket bonds. The bonds shall be filed with the county auditor of their respective counties.

The warden and deputies shall make a record of all dogs owned, kept, and harbored in their respective counties. They shall patrol their respective counties and seize and impound on sight all dogs found running at large and all dogs more than three months of age found not wearing a valid registration tag, except any dog that wears a valid registration tag and is: on the premises of its owner, keeper, or harborer, under the reasonable control of its owner or some other person, hunting with its owner or its handler at a field trial, kept constantly confined in a ~~registered~~ dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code, or acquired by, and confined on the premises of, an institution or organization of the type described in section 955.16 of the Revised Code. A dog that wears a valid registration tag may be seized on the premises of its owner, keeper, or harborer and impounded only in the event of a natural disaster.

If a dog warden has reason to believe that a dog is being treated inhumanely on the premises of its owner, keeper, or harborer, the warden shall apply to the court of common pleas for the county in which the premises are located for an order to enter the premises, and if necessary, seize the dog. If the court finds probable cause to believe that the dog is being treated inhumanely, it shall issue such an order.

The warden and deputies shall also investigate all claims for damages to animals reported to them under section 955.29 of the Revised Code and assist claimants to fill out the claim form therefor. They shall make weekly reports, in writing, to the board in their respective counties of all dogs seized, impounded, redeemed, and destroyed and of all claims for damage to animals inflicted by dogs.

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

Whenever any person files an affidavit in a court of competent jurisdiction that there is a dog running at large that is not kept constantly confined either in a ~~registered~~ dog kennel registered under this chapter or one licensed under Chapter 956. of the Revised Code or on the premises of an institution or organization of the type described in section 955.16 of the Revised Code or that a dog is kept or harbored in the warden's jurisdiction without being registered as required by law, the court shall immediately order the warden to seize and impound the dog. Thereupon the warden shall immediately seize and impound the dog complained of. The warden shall give immediate notice by certified mail to the owner, keeper, or harborer of the dog seized and impounded by the warden, if the owner, keeper, or harborer can be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, that the dog has been impounded and that, unless the dog is redeemed within fourteen days of the date of the notice, it may thereafter be sold or destroyed according to law. If the owner, keeper, or harborer cannot be determined from the current year's registration list maintained by the warden and the county auditor of the county where the dog is registered, the officer shall post a notice in the pound or animal shelter both describing the dog and place where seized and advising the unknown owner that, unless the dog is redeemed within three days, it may thereafter be sold or destroyed according to law.

As used in this section, "animal" has the same meaning as in section 955.51 of the Revised Code.

Sec. 955.20. The registration fees provided for in sections 955.01 to 955.14 of the Revised Code and money transferred to the county under section 956.07 of the Revised Code constitute a special fund known as "the dog and kennel fund." The fees shall be deposited by the county auditor in the county treasury daily as collected ~~and~~. Money in the fund shall be used for the purpose of defraying the cost of furnishing all blanks, records, tags, nets, and other equipment, for the purpose of

paying the compensation of county dog wardens, deputies, poundkeepers, and other employees necessary to carry out and enforce sections 955.01 to 955.261 of the Revised Code, and for the payment of animal claims as provided in sections 955.29 to 955.38 of the Revised Code, and in accordance with section 955.27 of the Revised Code. The board of county commissioners, by resolution, shall appropriate sufficient funds out of the dog and kennel fund, not more than fifteen per cent of which shall be expended by the auditor for registration tags, blanks, records, and clerk hire, for the purpose of defraying the necessary expenses of registering, seizing, impounding, and destroying dogs in accordance with sections 955.01 to 955.27 of the Revised Code, and for the purpose of covering any additional expenses incurred by the county auditor as authorized by division (F)(3) of section 955.14 of the Revised Code.

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

Sec. 955.26. Whenever, in the judgment of the director of health, any city or general health district board of health, or persons performing the duties of a board of health, rabies is prevalent, the director of health, the board, or those persons shall declare a quarantine of all dogs in the health district or in a part of it. During the quarantine, the owner, keeper, or harbinger of any dog shall keep it confined on the premises of the owner, keeper, or harbinger, or in a ~~suitable~~ pound ~~or~~ kennel, or other suitable place, at the expense of the owner, keeper, or harbinger, except that a dog may be permitted to leave the premises of its owner, keeper, or harbinger if it is under leash or under the control of a responsible person. The quarantine order shall be considered an emergency and need not be published.

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

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

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

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

Sec. 956.01. As used in this chapter:

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

(B) "Animal rescue for dogs" means an individual or organization recognized by the director of the kennel control authority that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society established under Chapter 1717. of the Revised Code, or another animal rescue for dogs. "Animal rescue for dogs" includes an individual or organization that offers dogs for adoption and charges reasonable adoption fees approved by the director of the authority under this chapter to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.

(C) "Animal shelter for dogs" means a facility that keeps, houses, and maintains dogs such as a dog pound operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, or that is operated by a humane society established under Chapter 1717. of the Revised Code, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization that is devoted to the welfare, protection, and humane treatment of dogs and other animals.

(D) "Boarding kennel" means an establishment operating for profit that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs in return for a fee or other consideration.

(E) "Breeding dog" means an unneutered, unsplayed dog that is primarily harbored or housed on property that is the dog's primary residence.

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

(G) "Dog retailer" means a person who buys, sells, or offers to sell dogs at wholesale for resale to another or who sells or gives one or more dogs to a pet store annually. "Dog retailer" does not include an animal rescue for dogs, an animal shelter for dogs, a humane society established under Chapter 1717. of the Revised Code, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian.

(H) "Enclosure, crate, or cage" does not include an enclosure, crate, or cage that is used during the transportation of a dog or used for medical purposes.

(I) "Environmental division of the Franklin county municipal court" means the environmental division of the Franklin county municipal court created in section 1901.011 of the Revised Code.

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

(K) "Pet store" means a retail store that sells dogs to the public.

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

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

(N) "Veterinarian" means a veterinarian licensed under Chapter 4741. of the Revised Code.

Sec. 956.011. Medical kennels for dogs, research kennels for dogs, animal shelters for dogs that are operated by a municipal corporation, or by a county under Chapter 955. of the Revised Code, and veterinarians are not required to obtain a license under this chapter or comply with any other requirements of this chapter and rules adopted under it.

Sec. 956.02. There is hereby created the kennel control authority for the purpose of administering this chapter and rules adopted under it by the director of the authority and ensuring the welfare and humane treatment of dogs and their offspring in accordance with this chapter and rules adopted under it. The kennel control authority board created in section 956.18 of the Revised Code shall designate a suitable individual as director of the authority, who shall serve at the board's pleasure.

The director may contract with any political subdivision of the state to assist the director and the director's authorized representatives in administering and enforcing this chapter and the rules adopted under it.

Sec. 956.03. The director of the kennel control authority shall adopt rules in accordance with Chapter 119. of the Revised Code establishing all of the following:

(A) Requirements and procedures governing high volume breeders, including the licensing and inspection of and record keeping by high volume breeders, in addition to the requirements and procedures established in this chapter. The rules shall require that a high volume breeder be assigned a license number and that a high volume breeder 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.

(B) Requirements and procedures for conducting background investigations of each applicant for a license issued under section 956.04 of the Revised Code in order to determine if the applicant has been convicted of or pleaded guilty to any of the violations specified in division (H) of that section. The rules shall provide that background investigations shall be conducted solely by the attorney general on behalf of the kennel control authority. The rules shall establish procedures for annually updating background investigation information regarding an applicant after an initial background investigation has been conducted with respect to an initial application for a license submitted under that section.

(C) Requirements and procedures governing dog retailers, including the licensing of and record keeping by dog retailers, in addition to the requirements and procedures established in this chapter. The rules shall require that a dog retailer be assigned a license number and that a dog retailer 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.

(D) Requirements and procedures governing animal rescues for dogs, including the licensing and inspection of and record keeping by animal rescues for dogs, in addition to the requirements and procedures established in this chapter;

(E) The form of applications for licenses issued under this chapter and the information that is required to be submitted in the applications. The rules shall require an animal rescue for dogs to provide in an application for a license the name and address of each foster home that it utilizes.

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

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

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

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

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

(G) Procedures for inspections conducted under section 956.10 of the Revised Code in addition to the procedures established in that section, and procedures for making records of the inspections;

(H) Requirements and procedures that are necessary to implement and enforce the requirements pertaining to pet stores that are established in section 956.19 of the Revised Code;

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

established under Chapter 1717. of the Revised Code, or a valid health certificate from the state of origin pertaining to the puppy or adult dog;

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

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

(K) Requirements and procedures governing the registration of litters under section 956.20 of the Revised Code;

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

(M) Any other requirements and procedures that are determined by the commission to be necessary for the administration and enforcement of this chapter and rules adopted under it.

Sec. 956.04. (A)(1) No person shall operate a high volume breeder in this state without a high volume breeder license issued by the director of the kennel control authority in accordance with this section and rules adopted under section 956.03 of the Revised Code.

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

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

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

(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;

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

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

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

(5) The names and addresses and any other identifying information required by rules adopted under section 956.03 of the Revised Code of all persons who will have custody of or control over dogs kept by the applicant.

(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 high volume breeder shall obtain a license for the high volume breeder from the director for the following year. The person shall submit the application to the director on or before the last day of November of the year preceding the year for which the license is sought.

(E) The owner or operator of a high volume breeder that is in operation on the effective date of this section shall submit to the director an application for a high volume breeder license not later than three months after the effective date of this section. The director shall issue or deny the application for a license within ninety days after the receipt of the completed application.

(F) A person who has received a license under this section, upon sale or other disposition of the high volume breeder, 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 high volume breeder under this chapter and rules adopted under it and does not have a certified unpaid debt to the state.

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

(H) No person shall be licensed as or operate a high volume breeder who, in the past twenty years, 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 who, in the past twenty years, 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.

Sec. 956.05. (A)(1) No person shall act as or perform the functions of a dog retailer in this state without a dog retailer license issued by the director of the kennel control authority in accordance with this section and rules adopted under section 956.03 of the Revised Code.

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

(B) A person who is proposing to act as or perform the functions of a dog retailer 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 dog retailer 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 November of the year preceding the year for which the license is sought.

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

(D) No person shall be licensed as or act as or perform the functions of a dog retailer who, in the past twenty years, 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 who, in the past twenty years, 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.

Sec. 956.06. (A) No person shall operate an animal rescue for dogs without a license to do so issued by the director of the kennel control authority in accordance with rules adopted under section 956.03 of the Revised Code. No license

application fee shall be charged to an animal rescue for dogs. The director shall maintain a database of all persons that are licensed to operate an animal rescue for dogs in this state.

(B) No person shall be licensed as or operate an animal rescue for dogs who, in the past twenty years, 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 who, in the past twenty years, 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.

Sec. 956.07. (A) A person who is applying for a license to operate a high volume breeder or to act as or perform the functions of a dog retailer under section 956.04 or 956.05 of the Revised Code, as applicable, shall include with the application for a license a nonrefundable license application fee as follows:

(1) For a high volume breeder:

(a) One hundred fifty dollars if breeding dogs at the high volume breeder annually produce at least nine, but not more than fifteen litters or, if fewer than nine litters are produced, at least sixty puppies are produced in a calendar year at the kennel;

(b) Two hundred fifty dollars if breeding dogs at the high volume breeder annually produce at least sixteen, but not more than twenty-five litters;

(c) Three hundred fifty dollars if breeding dogs at the high volume breeder annually produce at least twenty-six, but not more than thirty-five litters;

(d) Five hundred dollars if breeding dogs at the high volume breeder annually produce at least thirty-six, but not more than forty-five litters;

(e) Seven hundred fifty dollars if breeding dogs at the high volume breeder annually produce forty-six or more litters.

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

(B) The owner of a boarding kennel shall register the boarding kennel with the director of the kennel control authority by paying an annual fee of fifty dollars.

(C) Money collected by the director from application and registration fees submitted under this section shall be transmitted by the director to the treasurer of state to be credited to the high volume breeder kennel control license fund created in section 956.17 of the Revised Code. However, the treasurer of state shall transfer to the county in which a high volume breeder is or will be located fifty dollars of the application fee received from the person who is applying for a license to operate the high volume breeder or an amount equal to the fee charged 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.

Sec. 956.08. No person operating a high volume breeder or acting as or performing the functions of a dog retailer shall do any of the following:

(A) Fail to keep or confine a dog in accordance with one of the following:

(1) In an indoor enclosure with an attached outdoor enclosure that is accessible to the dog, provided that not more than three dogs are kept or confined in the indoor or outdoor enclosure at any one time. For dogs that weigh less than twenty pounds, the indoor enclosure shall be at least four feet by four feet with an attached outdoor enclosure of at least four feet by eight feet. For dogs that weigh at least twenty pounds, but less than fifty-one pounds, the indoor enclosure shall be at least four feet by six feet with an attached outdoor enclosure of at least four feet by twelve feet. For dogs that weigh fifty-

one pounds or more, the indoor enclosure shall be at least four feet by eight feet with an attached outdoor enclosure of at least four feet by sixteen feet.

(2) In an indoor enclosure with no attached outdoor enclosure, but with an exercise period in an outdoor enclosure that is provided at least two hours each day, provided that not more than three dogs are kept or confined in the indoor or outdoor enclosure at any one time. For dogs that weigh less than twenty pounds, the indoor enclosure shall be at least four feet by four feet, and outdoor exercise shall take place in an enclosed area that is at least ten feet by ten feet. For dogs that weigh at least twenty pounds, but less than fifty-one pounds, the indoor enclosure shall be at least four feet by six feet, and outdoor exercise shall take place in an enclosed area that is at least twenty feet by twenty feet. For dogs that weigh fifty-one pounds or more, the indoor enclosure shall be at least four feet by eight feet, and outdoor exercise shall take place in an enclosed area that is at least forty feet by forty feet.

For purposes of complying with division (A)(2) of this section, an indoor enclosure may be utilized for exercise when weather does not permit access to an outdoor enclosure. However, the indoor exercise enclosure shall comply with the size requirements that are established in this division for outdoor enclosures that are used for exercise. In addition, exercise is not required for a dog that has an illness and for which exercise would be detrimental to recovering from the illness. In addition, for purposes of complying with division (A)(2) of this section, enclosures may be stacked on top of one another, but there shall be a nonporous barrier separating the floor and ceiling of stacked enclosures.

(B) Keep or confine dogs in an enclosure, crate, or cage with any dog exhibiting vicious or aggressive behavior. Any dog exhibiting vicious or aggressive behavior shall be housed separately to avoid injury to other dogs.

(C) Keep or confine more than three adult dogs in one enclosure, crate, or cage;

(D) Keep or confine a female dog that is nursing in an enclosure, crate, or cage with another adult dog;

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

(F) 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 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;

(G) Keep or confine a dog in an enclosure, crate, or cage if urine or feces have accumulated beyond an amount that is expected to accumulate in a normal twenty-four-hour period or, if the dog is a female dog with a litter, in a normal twelve-hour period;

(H) Keep or confine a dog in an enclosure, crate, or cage without access to clean unfrozen water at all times unless the dog is being used for hunting or sledding, in which case access to clean unfrozen water shall be provided not less than one time per eight-hour period. Water shall be provided to a dog in an open bowl or container that is not a drip bottle or limited intake mechanism.

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

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

(K) Keep or confine a dog in an enclosure, crate, or cage without providing a solid, nonporous surface, free from moisture or feces, that comprises at least fifty per cent of the floor of the enclosure, crate, or cage. The solid surface may include soft bedding. Female dogs with litters and puppies twelve weeks of age or less shall be housed in an enclosure, crate, or cage with a solid, nonporous surface, free from moisture or feces, that comprises one hundred per cent of the floor of the

enclosure, crate, or cage. If a nonporous surface that is made of metal is used as flooring in the enclosure, crate, or cage, sufficient straw or soft bedding must be added to offer protection to the dog.

(L) Keep or confine a dog in an enclosure, crate, or cage in unsanitary conditions. Hard surfaces used by dogs must be spot-cleaned daily and sanitized at least once every two weeks to prevent the accumulation of dirt, debris, food waste, excreta, and other disease hazards.

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

(N) Keep or confine a dog in an enclosure, crate, or cage without adequate ventilation to minimize odors, drafts, ammonia levels, and to prevent the condensation of moisture;

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

(P) Keep or confine a dog in an outdoor run or kennel where shade is not provided during the months of May through September;

(Q) Keep or confine a dog in an indoor enclosure, crate, or cage where the temperature is below fifty degrees fahrenheit or over ninety degrees fahrenheit;

(R) Fail to keep the area around a kennel in good repair, clean, and free from accumulations of junk, waste products, and discarded materials to protect dogs from injury and to prevent infestation by birds, rodents, or other pests. Weeds, grasses, bushes, and trees shall be controlled at the property on which a kennel is located to allow for effective pest control and to protect the health and safety of the dogs that are housed at the kennel.

(S) Fail to provide a dog with sufficient interaction with other dogs. The opportunity for interaction shall allow the dog to move relative to age, breed, sex, and reproductive status and shall take place separately from the primary enclosure in an area that is clean, free of pests and vermin, and that will prevent escape. Dogs in activity groups must be compatible and free of infectious disease.

(T) Fail to sanitize food and water receptacles at least every two weeks or more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards;

(U) Fail to provide a dog with appropriate veterinary care and treatment for any disease, illness, or injury;

(V) Fail to provide all bitches with a clean, appropriate whelping box to securely house their puppies during whelping. The whelping box shall be designed so that the bitch can lay fully recumbent, stand, turn around, and have some freedom of movement. No other animals shall inhabit the whelping box besides the bitch and puppies.

(W) Fail to trim an adult dog's nails so that there is curling or an impairment of the dog's gait;

(X) Fail to provide regular care to a dog to prevent matting of fur from fecal matter or bodily fluids;

(Y) Fail to provide a dog with appropriate protection from ectopic parasites or treatment for worms if the dog is so afflicted;

(Z) Fail to provide an adult dog with appropriate vaccinations as determined by the dog's veterinarian;

(AA) Fail to provide each puppy that is three months of age or older with appropriate phase-in booster vaccines as recommended by a licensed veterinarian;

(BB) Fail to provide heartworm preventative to a breeding dog as determined by the dog's veterinarian;

(CC) Fail to ensure that a dog in the person's possession or control requiring euthanization is euthanized by a veterinarian or a person under the direct supervision of a veterinarian;

(DD) Beat or brutalize a dog within the person's custody or control;

(EE) Breed a female dog that has not had a physical examination from a licensed veterinarian in the last twelve months before breeding;

(FF) Dock a dog's tail, crop a dog's ear, remove a dog's claws, or debark a dog. Tail docking, ear cropping, the removal of a dog's claws, or debarking shall only be conducted by a licensed veterinarian.

(GG) Fail to prepare and implement a plan for the disposal of waste that is generated by dogs at the kennel;

(HH) Keep a dog in an enclosure, crate, or cage that includes exposed metal caging without a protective plastic or rubber coating.

Divisions (A), (E), (F), (H), (I), (K), and (O) of this section do not apply during the temporary transportation of a dog from one location to another location.

Sec. 956.09. The director of the kennel control authority 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 authority. Inspectors shall serve at the pleasure of the director and shall be employees of the kennel control authority. 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. A kennel control enforcement inspector shall have training in animal husbandry, kennel management, record keeping, and first aid.

Sec. 956.10. (A) At least once biennially, the director of the kennel control authority or the director's authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section 956.03 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 956.08 of the Revised Code. In addition, upon a complaint, the director may inspect an animal rescue for dogs to ensure compliance with this chapter and rules adopted under section 956.03 of the Revised Code, including, but not limited to, the standards of care established in section 956.08 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 dog retailer to ensure such compliance.

The director or the director's authorized representative shall inspect a boarding kennel when the director or the director's authorized representative has received information that the boarding kennel is breeding dogs and is subject to licensure under this chapter and rules adopted under section 956.03 of the Revised Code.

Inspections shall be conducted in accordance with rules adopted under section 956.03 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 appropriate court in the county in which inspection will occur for an appropriate court order or search warrant as necessary to achieve the purposes of this chapter and rules adopted under it.

(C) No owner or operator of a high volume breeder, person acting as or performing the functions of a dog retailer, owner or operator of an animal rescue for dogs, or owner or operator of a boarding kennel 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 high volume breeder, dog retailer, or animal rescue for dogs the director may suspend or revoke the breeder's, retailer's, or rescue'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 court order or search warrant was issued until the court order or search warrant is executed; for the salary, fringe benefits, and travel expenses of the director, an authorized representative of the director, or the attorney general incurred in obtaining the court order or search warrant; and for expenses necessarily incurred for the assistance of local law enforcement officers in executing the court order or search warrant. In the application for a court order or a search warrant, the director, the director's authorized representative, or the attorney general may request and the court, in its order granting the court order or search warrant, may order the owner or operator of the premises to reimburse the director for any of those costs that the court finds reasonable. From money recovered under this division, the director shall reimburse the attorney general for the costs incurred by the attorney general in connection with proceedings for obtaining the court order or search warrant, shall reimburse the political subdivision in which the premises is located for the assistance of its law enforcement officers in executing the court order or search warrant, and shall deposit the remainder in the state treasury to the credit of the high volume breeder kennel control license fund created in section 956.17 of the Revised Code.

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

Sec. 956.11. (A) The director of the kennel control authority 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 high volume breeder, dog retailer, or animal rescue for dogs 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.

(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 kennel control authority.

(C) The owner or operator of the applicable high volume breeder, the person acting as or performing the functions of a dog retailer, or the owner or operator of the applicable animal rescue for dogs 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.

(D) The director may enter into contracts or agreements with an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society established under Chapter 1717. of the Revised Code for the purpose of keeping, housing, and maintaining dogs that are impounded under this section. If, after the final disposition of an adjudication hearing and any appeals from that adjudication hearing, it is determined that a dog shall be permanently relinquished to the custody of the kennel control authority, the dog may be adopted directly from the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, county dog pound, or humane society where it is being kept, housed, and maintained, provided that the dog has been spayed or neutered unless there are medical reasons against spaying or neutering as determined by a veterinarian. The animal rescue for dogs, animal shelter

for dogs, boarding kennel, veterinarian, county dog pound, or humane society may charge a reasonable adoption fee. The fee shall be at least sufficient to cover the costs of spaying or neutering the dog unless it is medically contraindicated. Impounded dogs shall be returned to persons acquitted of any alleged violations.

Sec. 956.12. If the director of the kennel control authority or the director's authorized representative determines that a person has violated or is violating this chapter or rules adopted under it, the director may issue and cause to be served by certified mail or personal service a citation of violation and an order requiring the person to cease the acts or practices that constitute a violation of this chapter or rules adopted under it or requiring the person to take corrective actions to eliminate the conditions that constitute a violation of this chapter and rules adopted under it. The order shall state specifically the provision or provisions of this chapter or the rule or rules adopted under this chapter that have been violated and the facts constituting the violation, the actions that the person must take to correct the deficiencies, and the time period within which the person must correct the violations.

Sec. 956.13. (A) The director of the kennel control authority may assess a civil penalty against a person violating this chapter or rules adopted under it if all of the following occur:

(1) The person has received an order and been notified of the violation by certified mail as required in section 956.12 of the Revised Code.

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

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

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

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

(1) A person who has violated division (A)(1) of section 956.04, division (A)(1) of section 956.05, or division (A) of section 956.06 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 956.07 of the Revised Code.

(2) A person who has violated division (H) of section 956.04, division (D) of section 956.05, or division (B) of section 956.06 of the Revised Code shall pay a civil penalty of not more than fifteen thousand dollars.

(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 956.08 of the Revised Code, shall pay a civil penalty of twenty-five dollars.

Each day that a violation continues constitutes a separate violation.

Sec. 956.14. The attorney general, upon the request of the director of the kennel control authority, may bring an action for injunction against a person who has violated or is violating this chapter, rules adopted under it, or an order issued under section 956.12 of the Revised Code. An action for injunction shall be filed in the appropriate court in the county in which the violation is alleged to have occurred. The court shall grant such injunctive relief upon a showing that the person against whom the action is brought has violated or is violating 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.

Sec. 956.15. (A) The director of the kennel control authority may deny an application for a license that is submitted under section 956.04, 956.05, or 956.06 of the Revised Code for either of the following reasons:

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

(2) The applicant, in the past twenty years, 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, in the past twenty years, 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.

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

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

Sec. 956.16. The director of the kennel control authority, the director's authorized representative, or the attorney general may require the attendance of witnesses and the production of books, records, papers, and dogs that are needed either by the director or the attorney general or by any party to a hearing before the director and for that purpose may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, papers, or dogs. The subpoena shall be served by personal service or by certified mail. If the subpoena is returned because of inability to deliver, or if no return is received within thirty days after the date of mailing, the subpoena may be served by ordinary mail. If no return of ordinary mail is received within thirty days after the date of mailing, service shall be deemed to have been made. If the subpoena is returned because of inability to deliver, the director or the attorney general may designate a person or persons to effect either personal or residence service on the witness. The person designated to effect personal or residence service under this section may be the sheriff of the county in which the witness resides or may be found or any other duly designated person. The fees and mileage of the person serving the subpoena shall be the same as those allowed by the courts of common pleas in criminal cases and shall be paid from the funds of the authority. Fees and mileage for the witness shall be the same as those allowed for witnesses by the courts of common pleas in criminal cases and shall be paid from the funds of the authority upon request of the witness following the hearing.

Sec. 956.17. All money collected by the director of the kennel control authority from license and registration fees under sections 956.07 and 956.20 of the Revised Code and all money collected from civil penalties assessed under section 956.13 of the Revised Code shall be deposited in the state treasury to the credit of the high volume breeder kennel control license fund, which is hereby created. The director shall use money in the fund for the purpose of administering this chapter and rules adopted under it.

Sec. 956.18. (A) There is hereby created the kennel control authority board consisting of one member of the senate appointed by the president of the senate, one member of the house of representatives appointed by the speaker of the house of representatives, and the following seven members appointed by the governor:

(1) One member representing animal care and welfare organizations in this state;

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

(3) One member who is a veterinarian;

(4) One member representing pet stores in this state that are licensed under this chapter as high volume breeders or dog retailers;

(5) One member who is a member in good standing of a national breed parent club of the American kennel club;

(6) One member who is licensed under this chapter as a high volume breeder;

(7) One member representing the public.

Initial appointments to the board shall be made not later than sixty days after the effective date of this section. Terms of office of the members appointed by the president of the senate and the speaker of the house of representatives shall coincide with their terms of office as members of the senate and the house of representatives, as applicable. Of the initial appointments made by the governor, two shall be for one-year terms, two shall be for two-year terms, and three shall be for three-year terms. Thereafter, terms of office of members appointed by the governor shall be three years, with each term ending on the same day of the same month as did the term that it succeeds. Each member shall hold office from the date of appointment until the end of the term for which the member was appointed. Members may be reappointed. Vacancies shall be filled in the manner provided for the original appointments. Any member appointed to fill a vacancy occurring before the expiration date of the term for which the member's predecessor was appointed shall hold office for the remainder of the term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

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

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

(C) The board shall provide oversight and evaluation of the administration of this chapter and rules adopted under it, including the operation of the kennel control authority created in section 956.02 of the Revised Code. The oversight and evaluation may include, but not be limited to, a determination of whether this chapter and rules adopted under it and the operation of the authority have resulted in the prevention of cruelty to and abuse of dogs and an evaluation of the sanctions imposed on violators of this chapter and rules adopted under it. In addition, the board may make recommendations to the director of the kennel control authority for changes to the administration of this chapter and rules adopted under it and to the general assembly for changes to this chapter that the board considers necessary for the effective enforcement of this chapter and rules adopted under it. The board may inspect records kept by the kennel control authority and may interview kennel control enforcement inspectors. The board, by the thirty-first day of December each year, shall issue a report of its findings and submit it to the authority, the president of the senate, and the speaker of the house of representatives.

Sec. 956.19. (A) In accordance with rules adopted under section 956.03 of the Revised Code, at the time of the sale of a dog, a pet store shall provide the buyer of the dog with either of the following:

(1) A record of veterinary examination that states that the dog presents no evidence of disease or physical deformity at the time of the examination;

(2) A money-back guarantee that is valid for not less than twenty-one days after the date of purchase of the dog. The guarantee shall authorize the purchaser of the dog to receive the purchase price of the dog from the pet store within that twenty-one-day period if the purchaser presents a statement to the pet store from a veterinarian who has examined the dog

within fourteen days of the purchase of the dog that the dog has a significant disease, illness, or injury that was in existence at the time of the purchase of the dog.

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

(C) At a time prior to the sale of a dog, a pet store shall provide the name, complete address, and telephone number of the breeder that bred the dog, the high volume breeder where the dog was kept, housed, and maintained, and the dog retailer from whom the pet store acquired the dog, as applicable. The pet store also shall provide the telephone number and the address of the kennel control authority.

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

(E) A pet store that fails to comply with division (A)(1) of this section with respect to the sale of a dog or a pet store that fails to refund the purchase price of a dog in accordance with division (A)(2) of this section is liable to the purchaser of the dog for an amount that is equal to the actual damages incurred by the purchaser within one year after the date of the purchase of the dog, except that veterinary expenses are to be limited to not more than five hundred dollars. The pet store also is liable for reasonable attorney's fees and costs incurred by the purchaser. In addition, the buyer of the dog may keep the dog.

(F) The director of the kennel control authority or the director's authorized representative shall enforce divisions (A) through (D) of this section. Kennel control enforcement inspectors may make inspections of pet stores for the purpose of enforcing those divisions of this section.

(G) A purchaser shall commence any action necessary to recover damages specified in division (E) of this section within two years from the date of purchase of a dog.

Sec. 956.20. No high volume breeder shall sell or otherwise transfer a puppy that is less than ninety days old without registering the litter in which the puppy was born with the director of the kennel control authority in accordance with rules adopted under section 956.03 of the Revised Code and paying a registration fee of twenty-five dollars per litter. This section does not apply to an animal rescue for dogs or an animal shelter for dogs.

Sec. 956.98. No person shall violate this chapter or a rule adopted or order issued under it.

Sec. 956.99. Whoever violates section 956.98 of the Revised Code is guilty of a misdemeanor of the first degree.

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

(A) Notwithstanding any monetary limitations in section 1901.17 of the Revised Code, in all actions and proceedings for the sale of real or personal property under lien of a judgment of the environmental division of the municipal court, or a lien for machinery, material, fuel furnished, or labor performed, irrespective of amount, and, in those cases, the environmental division may proceed to foreclose and marshal all liens and all vested or contingent rights, to appoint a receiver, and to render personal judgment irrespective of amount in favor of any party;

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

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

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

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

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

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

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

(I) In any review or appeal of any final order of any administrative officer, agency, board, department, tribunal, commission, or other instrumentality that relates to a local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, or regulation, in the same manner and to the same extent as in similar appeals in the court of common pleas;

(J) With respect to the environmental division of the Franklin county municipal court, to hear appeals from adjudication hearings conducted under Chapter 956. of the Revised Code.

Section 2. That existing sections 955.02, 955.10, 955.12, 955.20, 955.26, and 1901.183 of the Revised Code are hereby repealed.

Section 3. It is the intent of the General Assembly to appropriate money to the High Volume Breeder Kennel Control License Fund created in section 956.17 of the Revised Code to enable the Kennel Control Authority created in section 956.02 of the Revised Code to begin administering Chapter 956. of the Revised Code and rules adopted under it.

Section 4. Notwithstanding the requirements for licensure for two members of the kennel control authority board created under section 956.18 of the Revised Code, for the initial appointments of such members it is sufficient that these appointees apply for the requisite licensure within thirty days after their appointments are made. Their continued membership on the board is contingent upon the satisfactory completion of the application process and receipt of the requisite license from the director of the kennel control authority. An inability to obtain approval for licensure shall render the office vacant. All subsequent members who are required to have a license shall be licensed, or be in the process of renewing such license, before being appointed to the board.