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131st General Assembly

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Sub. H. B. No. 60

Representatives Patmon, Hall

Cosponsors: Representatives Antonio, Brown, Patterson, Gerberry, Slaby, LaTourette, Grossman, Boyd, Cera, Barnes, Leland, Lepore-Hagan, Phillips, Sheehy, Romanchuk, Blessing, Ruhl, Anielski, Ashford, Baker, Celebrezze, Dovilla, Driehaus, Fedor, Hackett, Hambley, Henne, Howse, Johnson, G., Johnson, T., O'Brien, M., O'Brien, S., Pelanda, Ramos, Rogers, Schuring, Sears, Slesnick, Smith, K., Sweeney

A BILL

To amend sections 959.131, 959.132, 959.99, and 1
2931.18 and to enact section 4741.05 of the 2
Revised Code to revise provisions and penalties 3
regarding treatment of companion animals, to 4
revise the definition of "companion animal" in 5
the Offenses Relating to Domestic Animals Law, 6
and to provide a state collaborative effort to 7
assist veterinarians in identifying clients who 8
may use their animals to secure opioids for 9
abuse. 10

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

Section 1. That sections 959.131, 959.132, 959.99, and 11
2931.18 be amended and section 4741.05 of the Revised Code be 12
enacted to read as follows: 13

Sec. 959.131. (A) As used in this section: 14

(1) "Companion animal" means any animal that is kept 15

inside a residential dwelling and any dog or cat regardless of 16
where it is kept, including a pet store as defined in section 17
956.01 of the Revised Code. "Companion animal" does not include 18
livestock or any wild animal. 19

(2) "Cruelty," "torment," and "torture" have the same 20
meanings as in section 1717.01 of the Revised Code. 21

(3) "Residential dwelling" means a structure or shelter or 22
the portion of a structure or shelter that is used by one or 23
more humans for the purpose of a habitation. 24

(4) "Practice of veterinary medicine" has the same meaning 25
as in section 4741.01 of the Revised Code. 26

(5) "Wild animal" has the same meaning as in section 27
1531.01 of the Revised Code. 28

(6) "Federal animal welfare act" means the "Laboratory 29
Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 30
U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 31
1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal 32
Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 33
417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99- 34
198, 99 Stat. 1354 (1985), and as it may be subsequently 35
amended. 36

(7) "Dog kennel" means an animal rescue for dogs that is 37
registered under section 956.06 of the Revised Code, a boarding 38
kennel, or a training kennel. 39

(8) "Boarding kennel" has the same meaning as in section 40
956.01 of the Revised Code. 41

(9) "Training kennel" means an establishment operating for 42
profit that keeps, houses, and maintains dogs for the purpose of 43

training the dogs in return for a fee or other consideration. 44

(10) "Livestock" means horses, mules, and other equidae; 45
cattle, sheep, goats, and other bovidae; swine and other suidae; 46
poultry; alpacas; llamas; captive white-tailed deer; and any 47
other animal that is raised or maintained domestically for food 48
or fiber. 49

(11) "Captive white-tailed deer" has the same meaning as 50
in section 1531.01 of the Revised Code. 51

(12) "Serious physical harm" means any of the following: 52

(a) Physical harm that carries a substantial risk of 53
death; 54

(b) Physical harm that involves either partial or total 55
permanent incapacity; 56

(c) Physical harm that involves acute pain of a duration 57
that results in substantial suffering or that involves any 58
degree of prolonged or intractable pain; 59

(d) Physical harm that results from a person who confines 60
or who is the custodian or caretaker of a companion animal 61
depriving the companion animal of good, wholesome food and water 62
that proximately causes the death of the companion animal. 63

(B) No person shall knowingly torture, torment, needlessly 64
mutilate or maim, cruelly beat, poison, needlessly kill, or 65
commit an act of cruelty against a companion animal. 66

(C) No person shall knowingly cause serious physical harm 67
to a companion animal. 68

(D) No person who confines or who is the custodian or 69
caretaker of a companion animal shall negligently do any of the 70

following: 71

~~(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 72
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~~(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 76
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~~(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal~~ 80
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Torture, torment, or commit an act 83
of cruelty against the companion animal; 84

~~(4) Needlessly kill the companion animal;~~ 85

~~(5)~~ (2) Deprive the companion animal of necessary 86
sustenance, or confine the companion animal without supplying 87
it during the confinement with sufficient quantities of good, 88
wholesome food and water, ~~or impound or confine the companion~~ 89
~~animal without affording it, during the impoundment or~~ 90
~~confinement, with access to shelter from heat, cold, wind, rain,~~ 91
~~snow, or excessive direct sunlight,~~ if it can reasonably be 92
expected that the companion animal would become sick or suffer 93
in any other way as a result of or due to the deprivation, or 94
confinement, ~~or impoundment or confinement in any of those~~ 95
~~specified manners;~~ 96

(3) Impound or confine the companion animal without 97
affording it, during the impoundment or confinement, with access 98
to shelter from heat, cold, wind, rain, snow, or excessive 99

direct sunlight if it can reasonably be expected that the 100
companion animal would become sick or suffer in any other way as 101
a result of or due to the lack of adequate shelter. 102

~~(D)~~ (E) No owner, manager, or employee of a dog kennel who 103
confines or is the custodian or caretaker of a companion animal 104
shall knowingly do any of the following: 105

(1) Torture, torment, needlessly mutilate or maim, cruelly 106
beat, poison, needlessly kill, or commit an act of cruelty 107
against the companion animal; 108

(2) Deprive the companion animal of necessary sustenance, ~~—~~ 109
or confine the companion animal without supplying it during the 110
confinement with sufficient quantities of good, wholesome food 111
and water, ~~or impound or confine the companion animal without~~ 112
affording it, during the impoundment or confinement, with access 113
to shelter if it is substantially certain that the companion 114
animal would die or experience unnecessary or unjustifiable pain 115
or suffering due to the deprivation, confinement, or impoundment 116
or confinement in any of those specified manners can reasonably 117
be expected that the companion animal would become sick or 118
suffer in any other way as a result of the deprivation or 119
confinement; 120

(3) Impound or confine the companion animal without 121
affording it, during the impoundment or confinement, with access 122
to shelter from heat, cold, wind, rain, snow, or excessive 123
direct sunlight if it can reasonably be expected that the 124
companion animal would become sick or suffer in any other way as 125
a result of or due to the lack of adequate shelter. 126

~~(E)~~ (F) No owner, manager, or employee of a dog kennel who 127
confines or is the custodian or caretaker of a companion animal 128

shall negligently do any of the following: 129

~~(1) Commit any act by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 130
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~~(2) Omit any act of care by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;~~ 134
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~~(3) Commit any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal.~~ 138
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Torture, torment, or commit an act of cruelty against the companion animal; 142

~~(4) Needlessly kill the companion animal;~~ 143

~~(5) (2) Deprive the companion animal of necessary sustenance, or confine the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight, if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, or confinement, or impoundment or confinement in any of those specified manners;~~ 144
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(3) Impound or confine the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive 155
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direct sunlight if it can reasonably be expected that the 158
companion animal would become sick or suffer in any other way as 159
a result of or due to the lack of adequate shelter. 160

~~(F)~~(G) Divisions (B), (C), (D), ~~and (E)~~, and (F) of this 161
section do not apply to any of the following: 162

(1) A companion animal used in scientific research 163
conducted by an institution in accordance with the federal 164
animal welfare act and related regulations; 165

(2) The lawful practice of veterinary medicine by a person 166
who has been issued a license, temporary permit, or registration 167
certificate to do so under Chapter 4741. of the Revised Code; 168

(3) Dogs being used or intended for use for hunting or 169
field trial purposes, provided that the dogs are being treated 170
in accordance with usual and commonly accepted practices for the 171
care of hunting dogs; 172

(4) The use of common training devices, if the companion 173
animal is being treated in accordance with usual and commonly 174
accepted practices for the training of animals; 175

(5) The administering of medicine to a companion animal 176
that was properly prescribed by a person who has been issued a 177
license, temporary permit, or registration certificate under 178
Chapter 4741. of the Revised Code. 179

~~(G)~~(H) Notwithstanding any section of the Revised Code 180
that otherwise provides for the distribution of fine moneys, the 181
clerk of court shall forward all fines the clerk collects that 182
are so imposed for any violation of this section to the 183
treasurer of the political subdivision or the state, whose 184
county humane society or law enforcement agency is to be paid 185
the fine money as determined under this division. The treasurer 186

to whom the fines are forwarded shall pay the fine moneys to the
county humane society or the county, township, municipal
corporation, or state law enforcement agency in this state that
primarily was responsible for or involved in the investigation
and prosecution of the violation. If a county humane society
receives any fine moneys under this division, the county humane
society shall use the fine moneys either to provide the training
that is required for humane agents under section 1717.06 of the
Revised Code or to provide additional training for humane
agents.

Sec. 959.132. (A) As used in this section:

(1) "Companion animal" has the same meaning as in section
959.131 of the Revised Code.

(2) "Impounding agency" means a county humane society
organized under section 1717.05 of the Revised Code, an animal
shelter, or a law enforcement agency that has impounded a
companion animal in accordance with this section.

(3) "Offense" means a violation of section 959.131 of the
Revised Code or an attempt, in violation of section 2923.02 of
the Revised Code, to violate section 959.131 of the Revised
Code.

(4) "Officer" means any law enforcement officer, agent of
a county humane society, or other person appointed to act as an
animal control officer for a municipal corporation or township
in accordance with state law, an ordinance, or a resolution.

(B) An officer may seize and cause to be impounded at an
impounding agency a companion animal that the officer has
probable cause to believe is the subject of an offense. No
officer or impounding agency shall impound a companion animal

that is the subject of an offense in a shelter owned, operated, 216
or controlled by a board of county commissioners pursuant to 217
Chapter 955. of the Revised Code unless the board, by 218
resolution, authorizes the impoundment of such a companion 219
animal in a shelter owned, operated, or controlled by that board 220
and has executed, in the case when the officer is other than a 221
dog warden or assistant dog warden, a contract specifying the 222
terms and conditions of the impoundment. 223

(C) The officer shall give written notice of the seizure 224
and impoundment to the owner, keeper, or harborer of the 225
companion animal that was seized and impounded. If the officer 226
is unable to give the notice to the owner, keeper, or harborer 227
of the companion animal, the officer shall post the notice on 228
the door of the residence or in another conspicuous place on the 229
premises at which the companion animal was seized. The notice 230
shall include a statement that a hearing will be held not later 231
than ten days after the notice is provided or at the next 232
available court date to determine whether the officer had 233
probable cause to seize the companion animal and, if applicable, 234
to determine the amount of a bond or cash deposit that is needed 235
to provide for the companion animal's care and keeping for not 236
less than thirty days beginning on the date on which the 237
companion animal was impounded. 238

(D) A companion animal that is seized under this section 239
may be humanely destroyed immediately or at any time during 240
impoundment if a licensed veterinarian determines it to be 241
necessary because the companion animal is suffering. 242

(E) (1) Not later than ten days after notice is provided or 243
at the next available court date, the court shall hold a hearing 244
to determine whether the officer impounding a companion animal 245

had probable cause to seize the companion animal. If the court 246
determines that probable cause exists, the court shall determine 247
the amount of a bond or cash deposit that is needed to provide 248
for the companion animal's care and keeping for not less than 249
thirty days beginning on the date on which the companion animal 250
was impounded. 251

(2) If the court determines that probable cause does not 252
exist, the court immediately shall order the impounding agency 253
to return the companion animal to its owner if possible. If the 254
companion animal cannot be returned because it has died as a 255
result of neglect or other misconduct by the impounding agency 256
or if the companion animal is injured as a result of neglect or 257
other misconduct by the impounding agency, the court shall order 258
the impounding agency to pay the owner an amount determined by 259
the court to be equal to the reasonable market value of the 260
companion animal at the time that it was impounded plus 261
statutory interest as defined in section 1343.03 of the Revised 262
Code from the date of the impoundment or an amount determined by 263
the court to be equal to the reasonable cost of treatment of the 264
injury to the companion animal, as applicable. The requirement 265
established in division (E)(2) of this section regarding the 266
payment of the reasonable market value of the companion animal 267
shall not apply in the case of a dog that, in violation of 268
section 955.01 of the Revised Code, was not registered at the 269
time it was seized and impounded. 270

(3) If the court determines that probable cause exists and 271
determines the amount of a bond or cash deposit, the case shall 272
continue and the owner shall post a bond or cash deposit to 273
provide for the companion animal's care and keeping for not less 274
than thirty days beginning on the date on which the companion 275
animal was impounded. The owner may renew a bond or cash deposit 276

by posting, not later than ten days following the expiration of 277
the period for which a previous bond or cash deposit was posted, 278
a new bond or cash deposit in an amount that the court, in 279
consultation with the impounding agency, determines is 280
sufficient to provide for the companion animal's care and 281
keeping for not less than thirty days beginning on the date on 282
which the previous period expired. If no bond or cash deposit is 283
posted or if a bond or cash deposit expires and is not renewed, 284
the impounding agency may determine the disposition of the 285
companion animal unless the court issues an order that specifies 286
otherwise. 287

(F) If a person is convicted of committing an offense, the 288
court may impose the following additional penalties against the 289
person: 290

(1) A requirement that the person pay for the costs 291
incurred by the impounding agency in caring for a companion 292
animal involved in the applicable offense, provided that the 293
costs were incurred during the companion animal's impoundment. A 294
bond or cash deposit posted under this section may be applied to 295
the costs. 296

(2) An order permanently terminating the person's right to 297
possession, title, custody, or care of the companion animal that 298
was involved in the offense. If the court issues such an order, 299
the court shall order the disposition of the companion animal. 300

(G) If a person is found not guilty of committing an 301
offense, the court immediately shall order the impounding agency 302
to return the companion animal to its owner if possible and to 303
return the entire amount of any bond or cash deposit posted 304
under division (E) of this section. If the companion animal 305
cannot be returned because it has died as a result of neglect or 306

other misconduct by the impounding agency or if the companion 307
animal is injured as a result of neglect or other misconduct by 308
the impounding agency, the court shall order the impounding 309
agency to pay the owner an amount determined by the court to be 310
equal to the reasonable market value of the companion animal at 311
the time that it was impounded plus statutory interest as 312
defined in section 1343.03 of the Revised Code from the date of 313
the impoundment or an amount determined by the court to be equal 314
to the reasonable cost of treatment of the injury to the 315
companion animal, as applicable. The requirements established in 316
this division regarding the return of a bond or cash deposit and 317
the payment of the reasonable market value of the companion 318
animal shall not apply in the case of a dog that, in violation 319
of section 955.01 of the Revised Code, was not registered at the 320
time it was seized and impounded. 321

(H) If charges are filed under section 959.131 of the 322
Revised Code against the custodian or caretaker of a companion 323
animal, but the companion animal that is the subject of the 324
charges is not impounded, the court in which the charges are 325
pending may order the owner or person having custody of the 326
companion animal to provide to the companion animal the 327
necessities described in division ~~(C) (5)~~, (D) (2), (D) (3), (E) 328
(2), (E) (3), (F) (2), or ~~(E) (5) (F) (3)~~ of section 959.131 of the 329
Revised Code until the final disposition of the charges. If the 330
court issues an order of that nature, the court also may 331
authorize an officer or another person to visit the place where 332
the companion animal is being kept, at the times and under the 333
conditions that the court may set, to determine whether the 334
companion animal is receiving those necessities and to remove 335
and impound the companion animal if the companion animal is not 336
receiving those necessities. 337

Sec. 959.99. (A) Whoever violates section 959.18 or 959.19 of the Revised Code is guilty of a minor misdemeanor.

(B) Except as otherwise provided in this division, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the second degree. If the value of the animal killed or the injury done amounts to three hundred dollars or more, whoever violates section 959.02 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 959.03, 959.06, 959.12, 959.15, or 959.17 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(D) Whoever violates division (A) of section 959.13 of the Revised Code is guilty of a misdemeanor of the second degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition, including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold pursuant to this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

(E) (1) Whoever violates division (B) of section 959.131 of the Revised Code is guilty of a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

(2) Whoever violates division (C) of section 959.131 of the Revised Code is guilty of a felony of the fifth degree.

(3) Whoever violates section 959.01 of the Revised Code or

division ~~(C)~~ (D) of section 959.131 of the Revised Code is 367
guilty of a misdemeanor of the second degree on a first offense 368
and a misdemeanor of the first degree on each subsequent 369
offense. 370

~~(3)~~ (4) Whoever violates division ~~(D)~~ (E) of section 371
959.131 of the Revised Code is guilty of a felony of the fifth 372
degree. 373

~~(4)~~ (5) Whoever violates division ~~(E)~~ (F) of section 374
959.131 of the Revised Code is guilty of a misdemeanor of the 375
first degree. 376

~~(5)~~ (6) (a) A court may order a person who is convicted of 377
or pleads guilty to a violation of section 959.131 of the 378
Revised Code to forfeit to an impounding agency, as defined in 379
section 959.132 of the Revised Code, any or all of the companion 380
animals in that person's ownership or care. The court also may 381
prohibit or place limitations on the person's ability to own or 382
care for any companion animals for a specified or indefinite 383
period of time. 384

(b) A court may order a person who is convicted of or 385
pleads guilty to a violation of section 959.131 of the Revised 386
Code to reimburse an impounding agency for the reasonably 387
necessary costs incurred by the agency for the care of a 388
companion animal that the agency impounded as a result of the 389
investigation or prosecution of the violation, provided that the 390
costs were not otherwise paid under section 959.132 of the 391
Revised Code. 392

~~(6)~~ (7) If a court has reason to believe that a person who 393
is convicted of or pleads guilty to a violation of section 394
959.131 of the Revised Code suffers from a mental or emotional 395

disorder that contributed to the violation, the court may impose 396
as a community control sanction or as a condition of probation a 397
requirement that the offender undergo psychological evaluation 398
or counseling. The court shall order the offender to pay the 399
costs of the evaluation or counseling. 400

(F) Whoever violates section 959.14 of the Revised Code is 401
guilty of a misdemeanor of the second degree on a first offense 402
and a misdemeanor of the first degree on each subsequent 403
offense. 404

(G) Whoever violates section 959.05 or 959.20 of the 405
Revised Code is guilty of a misdemeanor of the first degree. 406

(H) Whoever violates section 959.16 of the Revised Code is 407
guilty of a felony of the fourth degree for a first offense and 408
a felony of the third degree on each subsequent offense. 409

Sec. 2931.18. (A) A humane society or its agent may employ 410
an attorney, and may also employ one or more assistant attorneys 411
to prosecute violations of law relating to: 412

~~(A)~~ (1) Except as provided in division (B) of 413
this section, prevention of cruelty to animals or children; 414

~~(B)~~ (2) Abandonment, nonsupport, or ill-treatment of a 415
child by its parent; 416

~~(C)~~ (3) Employment of a child under fourteen years of age 417
in public exhibitions or vocations injurious to health, life, or 418
morals or which cause or permit such child to suffer unnecessary 419
physical or mental pain; 420

~~(D)~~ (4) Neglect or refusal of an adult to support 421
destitute parent. 422

Such attorneys shall be paid out of the county treasury in 423

an amount approved as just and reasonable by the board of county commissioners of that county. 424
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(B) A humane society or its agent shall not employ an attorney or one or more assistant attorneys to prosecute a felony violation of section 959.131 of the Revised Code. 426
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Sec. 4741.05. The attorney general, state veterinary medical licensing board, state board of pharmacy, and Ohio veterinary medical association shall collaborate in the development of resources and educational materials to enhance the ability of veterinarians to identify current or potential clients who may abuse opioids and may use animals in their care to improperly secure them. 429
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Section 2. That existing sections 959.131, 959.132, 959.99, and 2931.18 of the Revised Code are hereby repealed. 436
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Section 3. This act shall be known as Dick Goddard's Law. 438