

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**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**

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**A BILL**

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

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

**Section 1.** That sections 959.131, 959.132, and 959.99 be 10  
amended and section 4741.05 of the Revised Code be enacted to 11  
read as follows: 12

**Sec. 959.131.** (A) As used in this section: 13

(1) "Companion animal" means any animal that is kept 14  
inside a residential dwelling and any dog or cat regardless of 15  
where it is kept, including a pet store as defined in section 16  
956.01 of the Revised Code. "Companion animal" does not include 17

livestock or any wild animal.	18
(2) "Cruelty," "torment," and "torture" have the same meanings as in section 1717.01 of the Revised Code.	19 20
(3) "Residential dwelling" means a structure or shelter or the portion of a structure or shelter that is used by one or more humans for the purpose of a habitation.	21 22 23
(4) "Practice of veterinary medicine" has the same meaning as in section 4741.01 of the Revised Code.	24 25
(5) "Wild animal" has the same meaning as in section 1531.01 of the Revised Code.	26 27
(6) "Federal animal welfare act" means the "Laboratory Animal Act of 1966," Pub. L. No. 89-544, 80 Stat. 350 (1966), 7 U.S.C.A. 2131 et seq., as amended by the "Animal Welfare Act of 1970," Pub. L. No. 91-579, 84 Stat. 1560 (1970), the "Animal Welfare Act Amendments of 1976," Pub. L. No. 94-279, 90 Stat. 417 (1976), and the "Food Security Act of 1985," Pub. L. No. 99-198, 99 Stat. 1354 (1985), and as it may be subsequently amended.	28 29 30 31 32 33 34 35
(7) "Dog kennel" means an animal rescue for dogs that is registered under section 956.06 of the Revised Code, a boarding kennel, or a training kennel.	36 37 38
(8) "Boarding kennel" has the same meaning as in section 956.01 of the Revised Code.	39 40
(9) "Training kennel" means an establishment operating for profit that keeps, houses, and maintains dogs for the purpose of training the dogs in return for a fee or other consideration.	41 42 43
(10) "Livestock" means horses, mules, and other equidae; cattle, sheep, goats, and other bovidae; swine and other suidae;	44 45

poultry; alpacas; llamas; captive white-tailed deer; and any 46  
other animal that is raised or maintained domestically for food 47  
or fiber. 48

(11) "Captive white-tailed deer" has the same meaning as 49  
in section 1531.01 of the Revised Code. 50

(12) "Serious physical harm" means any of the following: 51

(a) Physical harm that carries a substantial risk of 52  
death; 53

(b) Physical harm that involves either partial or total 54  
permanent incapacity; 55

(c) Physical harm that involves acute pain of a duration 56  
that results in substantial suffering or that involves any 57  
degree of prolonged or intractable pain; 58

(d) Physical harm that results from a person who confines 59  
or who is the custodian or caretaker of a companion animal 60  
depriving the companion animal of good, wholesome food and water 61  
that proximately causes the death of the companion animal. 62

(B) No person shall knowingly torture, torment, needlessly 63  
mutilate or maim, cruelly beat, poison, needlessly kill, or 64  
commit an act of cruelty against a companion animal. 65

(C) No person shall knowingly cause serious physical harm 66  
to a companion animal. 67

(D) No person who confines or who is the custodian or 68  
caretaker of a companion animal shall negligently do any of the 69  
following: 70

~~(1) Commit any act by which unnecessary or unjustifiable~~ 71  
~~pain or suffering is caused, permitted, or allowed to continue,~~ 72

~~when there is a reasonable remedy or relief, against the  
companion animal;~~ 73  
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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;~~ 75  
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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 Torture, torment, or commit an act  
of cruelty against the companion animal;~~ 79  
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~~(4) Needlessly kill the companion animal;~~ 84

~~(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;~~~~ 85  
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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  
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 lack of adequate shelter. 96  
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~~(D)~~ (E) No owner, manager, or employee of a dog kennel who 102  
confines or is the custodian or caretaker of a companion animal 103  
shall knowingly do any of the following: 104

(1) Torture, torment, needlessly mutilate or maim, cruelly 105  
beat, poison, needlessly kill, or commit an act of cruelty 106  
against the companion animal; 107

(2) Deprive the companion animal of necessary sustenance, ~~or~~ 108  
or confine the companion animal without supplying it during the 109  
confinement with sufficient quantities of good, wholesome food 110  
and water, ~~or impound or confine the companion animal without~~ 111  
~~affording it, during the impoundment or confinement, with access~~ 112  
~~to shelter if it is substantially certain that the companion~~ 113  
~~animal would die or experience unnecessary or unjustifiable pain~~ 114  
~~or suffering due to the deprivation, confinement, or impoundment~~ 115  
~~or confinement in any of those specified manners~~ can reasonably 116  
be expected that the companion animal would become sick or 117  
suffer in any other way as a result of the deprivation or 118  
confinement. 119

~~(E)~~ (F) No owner, manager, or employee of a dog kennel who 120  
confines or is the custodian or caretaker of a companion animal 121  
shall negligently do any of the following: 122

~~(1) Commit any act by which unnecessary or unjustifiable~~ 123  
~~pain or suffering is caused, permitted, or allowed to continue,~~ 124  
~~when there is a reasonable remedy or relief, against the~~ 125  
~~companion animal;~~ 126

~~(2) Omit any act of care by which unnecessary or~~ 127  
~~unjustifiable pain or suffering is caused, permitted, or allowed~~ 128  
~~to continue, when there is a reasonable remedy or relief,~~ 129  
~~against the companion animal;~~ 130

~~(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. Torture, torment, or commit an act of cruelty against the companion animal;~~ 131-135

~~(4) Needlessly kill the companion animal;~~ 136

~~(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;~~ 137-147

(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 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 lack of adequate shelter. 148-153

~~(F) (G) Divisions (B), (C), (D), and (E), and (F) of this section do not apply to any of the following:~~ 154-155

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal animal welfare act and related regulations; 156-158

(2) The lawful practice of veterinary medicine by a person 159

who has been issued a license, temporary permit, or registration certificate to do so under Chapter 4741. of the Revised Code; 160  
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(3) Dogs being used or intended for use for hunting or field trial purposes, provided that the dogs are being treated in accordance with usual and commonly accepted practices for the care of hunting dogs; 162  
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(4) The use of common training devices, if the companion animal is being treated in accordance with usual and commonly accepted practices for the training of animals; 166  
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(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under Chapter 4741. of the Revised Code. 169  
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~~(G)~~ (H) Notwithstanding any section of the Revised Code that otherwise provides for the distribution of fine moneys, the clerk of court shall forward all fines the clerk collects that are so imposed for any violation of this section to the treasurer of the political subdivision or the state, whose county humane society or law enforcement agency is to be paid the fine money as determined under this division. The treasurer 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. 173  
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<b>Sec. 959.132.</b> (A) As used in this section:	190
(1) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.	191 192
(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.	193 194 195 196
(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.	197 198 199 200
(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.	201 202 203 204
(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, or controlled by a board of county commissioners pursuant to Chapter 955. of the Revised Code unless the board, by resolution, authorizes the impoundment of such a companion animal in a shelter owned, operated, or controlled by that board and has executed, in the case when the officer is other than a dog warden or assistant dog warden, a contract specifying the terms and conditions of the impoundment.	205 206 207 208 209 210 211 212 213 214 215 216
(C) The officer shall give written notice of the seizure and impoundment to the owner, keeper, or harbinger of the	217 218



companion animal that was seized and impounded. If the officer 219  
is unable to give the notice to the owner, keeper, or harbinger 220  
of the companion animal, the officer shall post the notice on 221  
the door of the residence or in another conspicuous place on the 222  
premises at which the companion animal was seized. The notice 223  
shall include a statement that a hearing will be held not later 224  
than ten days after the notice is provided or at the next 225  
available court date to determine whether the officer had 226  
probable cause to seize the companion animal and, if applicable, 227  
to determine the amount of a bond or cash deposit that is needed 228  
to provide for the companion animal's care and keeping for not 229  
less than thirty days beginning on the date on which the 230  
companion animal was impounded. 231

(D) A companion animal that is seized under this section 232  
may be humanely destroyed immediately or at any time during 233  
impoundment if a licensed veterinarian determines it to be 234  
necessary because the companion animal is suffering. 235

(E) (1) Not later than ten days after notice is provided or 236  
at the next available court date, the court shall hold a hearing 237  
to determine whether the officer impounding a companion animal 238  
had probable cause to seize the companion animal. If the court 239  
determines that probable cause exists, the court shall determine 240  
the amount of a bond or cash deposit that is needed to provide 241  
for the companion animal's care and keeping for not less than 242  
thirty days beginning on the date on which the companion animal 243  
was impounded. 244

(2) If the court determines that probable cause does not 245  
exist, the court immediately shall order the impounding agency 246  
to return the companion animal to its owner if possible. If the 247  
companion animal cannot be returned because it has died as a 248

result of neglect or other misconduct by the impounding agency 249  
or if the companion animal is injured as a result of neglect or 250  
other misconduct by the impounding agency, the court shall order 251  
the impounding agency to pay the owner an amount determined by 252  
the court to be equal to the reasonable market value of the 253  
companion animal at the time that it was impounded plus 254  
statutory interest as defined in section 1343.03 of the Revised 255  
Code from the date of the impoundment or an amount determined by 256  
the court to be equal to the reasonable cost of treatment of the 257  
injury to the companion animal, as applicable. The requirement 258  
established in division (E)(2) of this section regarding the 259  
payment of the reasonable market value of the companion animal 260  
shall not apply in the case of a dog that, in violation of 261  
section 955.01 of the Revised Code, was not registered at the 262  
time it was seized and impounded. 263

(3) If the court determines that probable cause exists and 264  
determines the amount of a bond or cash deposit, the case shall 265  
continue and the owner shall post a bond or cash deposit to 266  
provide for the companion animal's care and keeping for not less 267  
than thirty days beginning on the date on which the companion 268  
animal was impounded. The owner may renew a bond or cash deposit 269  
by posting, not later than ten days following the expiration of 270  
the period for which a previous bond or cash deposit was posted, 271  
a new bond or cash deposit in an amount that the court, in 272  
consultation with the impounding agency, determines is 273  
sufficient to provide for the companion animal's care and 274  
keeping for not less than thirty days beginning on the date on 275  
which the previous period expired. If no bond or cash deposit is 276  
posted or if a bond or cash deposit expires and is not renewed, 277  
the impounding agency may determine the disposition of the 278  
companion animal unless the court issues an order that specifies 279

otherwise. 280

(F) If a person is convicted of committing an offense, the 281  
court may impose the following additional penalties against the 282  
person: 283

(1) A requirement that the person pay for the costs 284  
incurred by the impounding agency in caring for a companion 285  
animal involved in the applicable offense, provided that the 286  
costs were incurred during the companion animal's impoundment. A 287  
bond or cash deposit posted under this section may be applied to 288  
the costs. 289

(2) An order permanently terminating the person's right to 290  
possession, title, custody, or care of the companion animal that 291  
was involved in the offense. If the court issues such an order, 292  
the court shall order the disposition of the companion animal. 293

(G) If a person is found not guilty of committing an 294  
offense, the court immediately shall order the impounding agency 295  
to return the companion animal to its owner if possible and to 296  
return the entire amount of any bond or cash deposit posted 297  
under division (E) of this section. If the companion animal 298  
cannot be returned because it has died as a result of neglect or 299  
other misconduct by the impounding agency or if the companion 300  
animal is injured as a result of neglect or other misconduct by 301  
the impounding agency, the court shall order the impounding 302  
agency to pay the owner an amount determined by the court to be 303  
equal to the reasonable market value of the companion animal at 304  
the time that it was impounded plus statutory interest as 305  
defined in section 1343.03 of the Revised Code from the date of 306  
the impoundment or an amount determined by the court to be equal 307  
to the reasonable cost of treatment of the injury to the 308  
companion animal, as applicable. The requirements established in 309

this division regarding the return of a bond or cash deposit and 310  
the payment of the reasonable market value of the companion 311  
animal shall not apply in the case of a dog that, in violation 312  
of section 955.01 of the Revised Code, was not registered at the 313  
time it was seized and impounded. 314

(H) If charges are filed under section 959.131 of the 315  
Revised Code against the custodian or caretaker of a companion 316  
animal, but the companion animal that is the subject of the 317  
charges is not impounded, the court in which the charges are 318  
pending may order the owner or person having custody of the 319  
companion animal to provide to the companion animal the 320  
necessities described in division ~~(C) (5)~~, (D) (2), (D) (3), (E) 321  
(2), (E) (3), (F) (2), or ~~(E) (5) (F) (3)~~ of section 959.131 of the 322  
Revised Code until the final disposition of the charges. If the 323  
court issues an order of that nature, the court also may 324  
authorize an officer or another person to visit the place where 325  
the companion animal is being kept, at the times and under the 326  
conditions that the court may set, to determine whether the 327  
companion animal is receiving those necessities and to remove 328  
and impound the companion animal if the companion animal is not 329  
receiving those necessities. 330

**Sec. 959.99.** (A) Whoever violates section 959.18 or 959.19 331  
of the Revised Code is guilty of a minor misdemeanor. 332

(B) Except as otherwise provided in this division, whoever 333  
violates section 959.02 of the Revised Code is guilty of a 334  
misdemeanor of the second degree. If the value of the animal 335  
killed or the injury done amounts to three hundred dollars or 336  
more, whoever violates section 959.02 of the Revised Code is 337  
guilty of a misdemeanor of the first degree. 338

(C) Whoever violates section 959.03, 959.06, 959.12, 339

959.15, or 959.17 of the Revised Code is guilty of a misdemeanor 340  
of the fourth degree. 341

(D) Whoever violates division (A) of section 959.13 of the 342  
Revised Code is guilty of a misdemeanor of the second degree. In 343  
addition, the court may order the offender to forfeit the animal 344  
or livestock and may provide for its disposition, including, but 345  
not limited to, the sale of the animal or livestock. If an 346  
animal or livestock is forfeited and sold pursuant to this 347  
division, the proceeds from the sale first shall be applied to 348  
pay the expenses incurred with regard to the care of the animal 349  
from the time it was taken from the custody of the former owner. 350  
The balance of the proceeds from the sale, if any, shall be paid 351  
to the former owner of the animal. 352

(E) (1) Whoever violates division (B) of section 959.131 of 353  
the Revised Code is guilty of a misdemeanor of the first degree 354  
on a first offense and a felony of the fifth degree on each 355  
subsequent offense. 356

(2) Whoever violates division (C) of section 959.131 of 357  
the Revised Code is guilty of a felony of the fifth degree. 358

(3) Whoever violates section 959.01 of the Revised Code or 359  
division ~~(C)~~(D) of section 959.131 of the Revised Code is 360  
guilty of a misdemeanor of the second degree on a first offense 361  
and a misdemeanor of the first degree on each subsequent 362  
offense. 363

~~(3)~~(4) Whoever violates division ~~(D)~~(E) of section 364  
959.131 of the Revised Code is guilty of a felony of the fifth 365  
degree. 366

~~(4)~~(5) Whoever violates division ~~(E)~~(F) of section 367  
959.131 of the Revised Code is guilty of a misdemeanor of the 368

first degree. 369

~~(5)~~ (6) (a) A court may order a person who is convicted of 370  
or pleads guilty to a violation of section 959.131 of the 371  
Revised Code to forfeit to an impounding agency, as defined in 372  
section 959.132 of the Revised Code, any or all of the companion 373  
animals in that person's ownership or care. The court also may 374  
prohibit or place limitations on the person's ability to own or 375  
care for any companion animals for a specified or indefinite 376  
period of time. 377

(b) A court may order a person who is convicted of or 378  
pleads guilty to a violation of section 959.131 of the Revised 379  
Code to reimburse an impounding agency for the reasonably 380  
necessary costs incurred by the agency for the care of a 381  
companion animal that the agency impounded as a result of the 382  
investigation or prosecution of the violation, provided that the 383  
costs were not otherwise paid under section 959.132 of the 384  
Revised Code. 385

~~(6)~~ (7) If a court has reason to believe that a person who 386  
is convicted of or pleads guilty to a violation of section 387  
959.131 of the Revised Code suffers from a mental or emotional 388  
disorder that contributed to the violation, the court may impose 389  
as a community control sanction or as a condition of probation a 390  
requirement that the offender undergo psychological evaluation 391  
or counseling. The court shall order the offender to pay the 392  
costs of the evaluation or counseling. 393

(F) Whoever violates section 959.14 of the Revised Code is 394  
guilty of a misdemeanor of the second degree on a first offense 395  
and a misdemeanor of the first degree on each subsequent 396  
offense. 397

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

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

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.

**Section 2.** That existing sections 959.131, 959.132, and 959.99 of the Revised Code are hereby repealed.

**Section 3.** This act shall be known as Dick Goddard's Law.