

As Introduced

**129th General Assembly
Regular Session
2011-2012**

S. B. No. 310

Senator Balderson

Cosponsor: Senator Jones

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A B I L L

To amend section 1533.71, to enact sections 935.01 to 1
935.26 and 935.99, and to repeal section 2927.21 2
of the Revised Code to establish requirements 3
governing the possession of dangerous wild animals 4
and restricted snakes. 5

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

Section 1. That section 1533.71 be amended and sections 6
935.01, 935.02, 935.03, 935.04, 935.05, 935.06, 935.07, 935.08, 7
935.09, 935.10, 935.11, 935.12, 935.13, 935.14, 935.15, 935.16, 8
935.17, 935.18, 935.19, 935.20, 935.21, 935.22, 935.23, 935.24, 9
935.25, 935.26, and 935.99 of the Revised Code be enacted to read 10
as follows: 11

Sec. 935.01. As used in this chapter: 12

(A) "Board of health" means the board of health of a city or 13
general health district or the authority having the duties of a 14
board of health in any city authorized by section 3709.05 of the 15
Revised Code. 16

(B) "Circus" means a traveling show to which all of the 17
following apply: 18

<u>(1) It is licensed by the United States department of</u>	19
<u>agriculture under 84 Stat. 1560 (1970), 7 U.S.C. 2133 et seq.</u>	20
<u>(2) It features natural or artificial curiosities and</u>	21
<u>dangerous wild animals, restricted snakes, or both as an integral</u>	22
<u>part of the show.</u>	23
<u>(3) It does not allow physical contact between the public and</u>	24
<u>the dangerous wild animals or restricted snakes possessed by it.</u>	25
<u>(4) It is in the state for less than forty-five days each</u>	26
<u>year.</u>	27
<u>(C) "Dangerous wild animal" means any of the following,</u>	28
<u>including hybrids unless otherwise specified:</u>	29
<u>(1) Hyenas;</u>	30
<u>(2) Gray wolves, excluding hybrids;</u>	31
<u>(3) Lions;</u>	32
<u>(4) Tigers;</u>	33
<u>(5) Jaguars;</u>	34
<u>(6) Leopards, including clouded leopards, Sunda clouded</u>	35
<u>leopards, and snow leopards;</u>	36
<u>(7) All of the following, including hybrids with domestic</u>	37
<u>cats:</u>	38
<u>(a) Cheetahs;</u>	39
<u>(b) Lynxes, including Canadian lynxes, Eurasian lynxes, and</u>	40
<u>Iberian lynxes;</u>	41
<u>(c) Cougars, also known as pumas or mountain lions;</u>	42
<u>(d) Caracals;</u>	43
<u>(e) Servals.</u>	44
<u>(8) Bears;</u>	45

<u>(9) Elephants;</u>	46
<u>(10) Rhinoceroses;</u>	47
<u>(11) Hippopotamuses;</u>	48
<u>(12) Cape buffaloes;</u>	49
<u>(13) African wild dogs;</u>	50
<u>(14) Komodo dragons;</u>	51
<u>(15) Alligators;</u>	52
<u>(16) Crocodiles;</u>	53
<u>(17) Caimans, excluding dwarf caimans;</u>	54
<u>(18) Gharials;</u>	55
<u>(19) Nonhuman primates other than the nonhuman primates specified in division (C)(20) of this section;</u>	56 57
<u>(20) All of the following nonhuman primates:</u>	58
<u>(a) Golden lion, black-faced lion, golden-rumped lion, cotton-top, emperor, saddlebacked, black-mantled, and Geoffroy's tamarins;</u>	59 60 61
<u>(b) Pygmy, white-tufted-ear, silvery, and black-pencilled marmosets;</u>	62 63
<u>(c) Squirrel monkeys, including Central American squirrel monkeys;</u>	64 65
<u>(d) Southern and northern night monkeys;</u>	66
<u>(e) Dusky titi and masked titi monkeys;</u>	67
<u>(f) Muriquis;</u>	68
<u>(g) Goeldi's monkeys;</u>	69
<u>(h) Brown, white-faced, weeping, and white-fronted capuchins;</u>	70
<u>(i) White-faced, black-bearded, white-nose bearded, and monk sakis;</u>	71 72

<u>(j) Bald and black uakaris;</u>	73
<u>(k) Black-handed, white-bellied, brown-headed, and black spider monkeys;</u>	74 75
<u>(l) Common woolly monkeys;</u>	76
<u>(m) Red, black, and mantled howler monkeys.</u>	77
<u>(21) Any other animals designated by the director of agriculture in rules.</u>	78 79
<u>(D) "Federal animal welfare act" has the same meaning as in section 959.131 of the Revised Code.</u>	80 81
<u>(E) "Felony drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.</u>	82 83
<u>(F) "Health district" means a city or general health district created by or under the authority of Chapter 3709. of the Revised Code.</u>	84 85 86
<u>(G) "Humane society" means an organization that is organized under section 1717.05 of the Revised Code.</u>	87 88
<u>(H) "Law enforcement officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or state highway patrol trooper.</u>	89 90 91 92
<u>(I) "Natural resources law enforcement officers" means peace officers as specified in division (A)(6) of section 109.71 of the Revised Code and employees of the division of wildlife specified in sections 1531.13 and 1531.14 of the Revised Code.</u>	93 94 95 96
<u>(J) "Offense of violence" has the same meaning as in section 2901.01 of the Revised Code.</u>	97 98
<u>(K) "Restricted snake" means any of the following:</u>	99
<u>(1) All of the following constricting snakes:</u>	100
<u>(a) Green anacondas;</u>	101

<u>(b) Yellow anacondas;</u>	102
<u>(c) Reticulated pythons;</u>	103
<u>(d) Indian pythons;</u>	104
<u>(e) Burmese pythons;</u>	105
<u>(f) North African rock pythons;</u>	106
<u>(g) South African rock pythons;</u>	107
<u>(h) Amethystine pythons;</u>	108
<u>(i) Boa constrictors.</u>	109
<u>(2) Species of the following families:</u>	110
<u>(a) Atractaspididae;</u>	111
<u>(b) Elapidae;</u>	112
<u>(c) Viperidae.</u>	113
<u>(3) Boomslang snakes;</u>	114
<u>(4) Twig snakes;</u>	115
<u>(5) Any other snakes designated by the director in rules.</u>	116
<u>(L) "Rule" means a rule adopted under section 935.17 of the Revised Code.</u>	117 118
<u>(M) "Veterinarian" means a person who is licensed under Chapter 4741. of the Revised Code.</u>	119 120
<u>(N) "Wildlife sanctuary" means a nonprofit organization as described in section 170 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 170, as amended, that is accredited or verified by the global federation of animal sanctuaries, that operates a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals or restricted snakes are provided care for their lifetime or released back to their natural habitat, and, with respect to an animal or snake possessed by the organization, that does not do</u>	121 122 123 124 125 126 127 128 129

<u>any of the following:</u>	130
<u>(1) Use the animal or snake for any type of entertainment or in a traveling exhibit;</u>	131
<u>(2) Sell, trade, or barter the animal or snake or the animal's or snake's body parts;</u>	132
<u>(3) Use the animal or snake in any manner for profit;</u>	133
<u>(4) Breed the animal or snake;</u>	134
<u>(5) Allow the public the opportunity to come into contact with the animal or snake.</u>	135
<u>Sec. 935.02. (A) No person shall possess a dangerous wild animal on or after January 1, 2014.</u>	136
<u>(B) Except as provided in division (G)(1) of section 935.06 of the Revised Code, no person shall acquire, buy, sell, trade, or transfer possession or ownership of a dangerous wild animal on or after the effective date of this section.</u>	137
<u>Sec. 935.03. (A) Division (A) of section 935.02 of the Revised Code does not apply to a person whose possession of a dangerous wild animal is authorized by an unexpired permit issued under this chapter.</u>	138
<u>(B) This chapter does not apply to any of the following:</u>	139
<u>(1) A facility that is an accredited member of the association of zoos and aquariums or the zoological association of America and that is licensed by the United States department of agriculture;</u>	140
<u>(2) A research facility as defined in the federal animal welfare act;</u>	141
<u>(3) A circus;</u>	142
<u>(4) A wildlife rehabilitation facility that is issued a</u>	143

permit by the chief of the division of wildlife in rules adopted 158
under section 1531.08 of the Revised Code and that rehabilitates 159
dangerous wild animals or restricted snakes that are native to the 160
state for the purpose of reintroduction into the wild; 161

(5) A veterinarian that is providing temporary veterinary 162
care to a dangerous wild animal or restricted snake; 163

(6) A wildlife sanctuary; 164

(7) An individual who does not reside in this state, is 165
traveling through this state with a dangerous wild animal or 166
restricted snake, and does all of the following: 167

(a) Confines the animal or snake in a cage at all times; 168

(b) Confines the animal or snake in a cage that is not 169
accessible to the public; 170

(c) Does not exhibit the animal or snake; 171

(d) Is in the state not more than forty-eight hours unless 172
the animal or snake is receiving veterinary care. 173

(8) An educational institution that displays a single 174
dangerous wild animal as a sports mascot and that meets all of the 175
following criteria: 176

(a) An official of the educational institution has submitted 177
an affidavit attesting that the institution will care for the 178
animal as long as the animal lives and in a facility that is an 179
accredited member of the association of zoos and aquariums or the 180
zoological association of America. 181

(b) The educational institution maintains a liability 182
insurance policy with an insurer authorized or approved to write 183
such insurance in this state that covers claims for injury or 184
damage to persons or property caused by a dangerous wild animal. 185
The amount of the insurance coverage shall be not less than one 186
million dollars. 187

(c) During display and transport, the educational institution 188
confines the dangerous wild animal in a cage that does not permit 189
physical contact between the animal and the public. 190

(d) The educational institution began displaying a dangerous 191
wild animal as a mascot prior to the effective date of this 192
section. 193

(9) Any person who has been issued a permit under section 194
1533.08 of the Revised Code; 195

(10) Any person authorized to possess a dangerous wild animal 196
or restricted snake under section 1531.25 of the Revised Code or 197
rules adopted under it. 198

Sec. 935.04. (A) A person that possesses a dangerous wild 199
animal on the effective date of this section shall register the 200
animal with the director of agriculture in accordance with this 201
section not later than sixty days after the effective date of this 202
section. 203

(B) A person shall register a dangerous wild animal on a form 204
prescribed and provided by the director. The form shall include 205
all of the following: 206

(1) The name, address, social security number, and federal 207
employer identification number, if applicable, of the person 208
registering the dangerous wild animal; 209

(2) If different from the information provided under division 210
(B)(1) of this section, the name and address of the location where 211
the dangerous wild animal is confined; 212

(3) A description of the dangerous wild animal, including the 213
scientific and common names of the animal, the name that the 214
person has given the animal, the animal's sex, age, color, and 215
weight, and any distinguishing marks or coloration that would aid 216
in the identification of the animal; 217

<u>(4) The name, address, and telephone number of the</u>	218
<u>veterinarian that provides veterinary care to the dangerous wild</u>	219
<u>animal;</u>	220
<u>(5) Any other information required by the director in rules.</u>	221
<u>(C) Beginning ninety days after the director adopts rules</u>	222
<u>under division (A) of section 935.17 of the Revised Code, a person</u>	223
<u>that has registered a dangerous wild animal under this section</u>	224
<u>shall comply with the applicable requirements regarding the care</u>	225
<u>and housing of dangerous wild animals established in those rules.</u>	226
<u>(D) A person that registers a dangerous wild animal under</u>	227
<u>this section shall have permanently implanted in the dangerous</u>	228
<u>wild animal a microchip at the time of registration. The microchip</u>	229
<u>shall have an identification number that is unique to the</u>	230
<u>microchip. In addition, the microchip shall contain a passive</u>	231
<u>integrated transponder, which shall have a frequency of one</u>	232
<u>hundred twenty-five, one hundred thirty-four and two-tenths, or</u>	233
<u>four hundred kilohertz.</u>	234
<u>(E) A person that possesses a registered dangerous wild</u>	235
<u>animal on October 1, 2013, and that wishes to continue to possess</u>	236
<u>the dangerous wild animal on and after January 1, 2014, shall</u>	237
<u>obtain a wildlife shelter permit issued under section 935.06 of</u>	238
<u>the Revised Code or a wildlife propagation permit issued under</u>	239
<u>section 935.07 of the Revised Code.</u>	240
<u>Sec. 935.05.</u> <u>(A) A person that possesses a registered</u>	241
<u>dangerous wild animal in this state on October 1, 2013, that</u>	242
<u>wishes to continue to possess the dangerous wild animal on and</u>	243
<u>after January 1, 2014, and that does not intend to propagate the</u>	244
<u>animal shall apply for a wildlife shelter permit under this</u>	245
<u>section.</u>	246
<u>(B) An applicant for a wildlife shelter permit shall file an</u>	247

application for a permit with the director of agriculture on a 248
form prescribed and provided by the director. An applicant need 249
apply for only one permit regardless of the number of dangerous 250
wild animals that the applicant possesses. The application shall 251
include all of the following: 252

(1) The name, date of birth, address, social security number, 253
and federal employer identification number, if applicable, of the 254
applicant; 255

(2) If different from the information provided under division 256
(B)(1) of this section, the name and address of the location where 257
each dangerous wild animal will be confined; 258

(3) A description of each dangerous wild animal, including 259
the scientific and common names, the name that the applicant has 260
given the animal, the animal's sex, age, color, and weight, and 261
any distinguishing marks or coloration that would aid in the 262
identification of the animal; 263

(4) The identification number of the microchip that is 264
implanted in each dangerous wild animal and the frequency of the 265
passive integrated transponder contained in the microchip as 266
required in section 935.04 of the Revised Code; 267

(5) Proof of liability insurance, including the name of the 268
insurance company and the policy number, as required in division 269
(D) of this section; 270

(6) Except as otherwise provided in this section, proof that 271
the applicant has at least two years of experience in the care of 272
the species of dangerous wild animal or animals that are the 273
subject of the application. If an applicant cannot provide such 274
proof, the applicant shall pass a written examination regarding 275
the care of dangerous wild animals that is established and 276
administered in accordance with rules. 277

(7) A plan of action to be undertaken if a dangerous wild 278

<u>animal escapes;</u>	279
<u>(8) Proof that the applicant has established a</u>	280
<u>veterinarian-client relationship as described in section 4741.04</u>	281
<u>of the Revised Code with regard to each dangerous wild animal;</u>	282
<u>(9) Any additional information required in rules.</u>	283
<u>An applicant shall submit a copy of the plan of action</u>	284
<u>required in division (B)(7) of this section to the sheriff of the</u>	285
<u>county and to the chief law enforcement officer of the township or</u>	286
<u>municipal corporation having jurisdiction where the dangerous wild</u>	287
<u>animal or animals are confined.</u>	288
<u>(C) An applicant shall submit one of the following fees, as</u>	289
<u>applicable, with an application:</u>	290
<u>(1) Five hundred dollars if the applicant possesses not more</u>	291
<u>than three dangerous wild animals;</u>	292
<u>(2) One thousand dollars if the applicant possesses at least</u>	293
<u>four, but not more than fifteen dangerous wild animals;</u>	294
<u>(3) Two thousand dollars if the applicant possesses sixteen</u>	295
<u>or more dangerous wild animals.</u>	296
<u>(D) An applicant shall obtain and maintain a liability</u>	297
<u>insurance policy with an insurer authorized or approved to write</u>	298
<u>such insurance in this state that covers claims for injury or</u>	299
<u>damage to persons or property caused by a dangerous wild animal</u>	300
<u>possessed by the applicant. The amount of the insurance coverage</u>	301
<u>shall be one of the following, as applicable:</u>	302
<u>(1) Two hundred fifty thousand dollars if the applicant</u>	303
<u>possesses not more than five dangerous wild animals;</u>	304
<u>(2) Five hundred thousand dollars if the applicant possesses</u>	305
<u>at least six, but not more than fifteen dangerous wild animals;</u>	306
<u>(3) One million dollars if the applicant possesses sixteen or</u>	307
<u>more dangerous wild animals.</u>	308

Sec. 935.06. (A) Not later than ninety days after receipt of 309
an application under section 935.05 of the Revised Code, the 310
director of agriculture shall issue or deny a wildlife shelter 311
permit. The director shall issue a permit to an applicant only if 312
all of the following apply: 313

(1) The applicant is eighteen years of age or older. 314

(2) The applicant has registered the dangerous wild animal or 315
animals that are the subject of the application under section 316
935.04 of the Revised Code. 317

(3) The applicant is in compliance with the standards of care 318
established in rules adopted under division (A)(2) of section 319
935.17 of the Revised Code. 320

(4) The applicant has neutered each male dangerous wild 321
animal that is possessed by the applicant. 322

(5) If an applicant possesses only one or more dangerous wild 323
animals specified in division (C)(20) of section 935.01 of the 324
Revised Code, the applicant has been issued a class A or class B 325
license by the United States department of agriculture pursuant to 326
the federal animal welfare act. 327

(6) The applicant has signed an affidavit attesting that the 328
applicant will not allow members of the public to be in physical 329
contact with a dangerous wild animal possessed by the applicant. 330

(7) The applicant has not been convicted of or pleaded guilty 331
to a felony drug abuse offense, an offense of violence that is a 332
felony, or a violation of section 959.13 or 959.131 of the Revised 333
Code or of section 2927.21 of the Revised Code as that section 334
existed prior to its repeal by S.B. ... of the 129th general 335
assembly, as determined by a criminal records check performed in 336
accordance with division (B) of this section. 337

(8) The facility at which a dangerous wild animal or 338

dangerous wild animals will be maintained under the permit 339
consists of at least one acre. Division (A)(8) of this section 340
applies only to dangerous wild animals specified in divisions 341
(C)(1) to (19) of section 935.01 of the Revised Code. 342

(9) The applicant has signed an affidavit attesting that the 343
facility at which a dangerous wild animal or dangerous wild 344
animals will be maintained under the permit and the conditions in 345
which each dangerous wild animal will be kept in that facility are 346
in compliance with this chapter and rules. 347

(10) The applicant has submitted a complete application that 348
meets the requirements established in section 935.05 of the 349
Revised Code. 350

(11) The applicant has submitted the applicable fee under 351
section 935.05 of the Revised Code. 352

If a permit is issued, the director shall assign a unique 353
identification number to the permit. 354

(B) Prior to issuing or denying a wildlife shelter permit, 355
the director shall submit a request to the bureau of criminal 356
identification and investigation in the office of the attorney 357
general for a criminal records check of the applicant for the 358
permit. Upon receipt of a request, the superintendent of the 359
bureau shall conduct a criminal records check in the manner 360
described in division (B) of section 109.572 of the Revised Code 361
to determine whether any information exists that indicates that 362
the applicant previously has been convicted of or pleaded guilty 363
to any of the following: 364

(1) A felony drug abuse offense; 365

(2) An offense of violence that is a felony; 366

(3) A violation of section 959.13 or 959.131 of the Revised 367
Code or of section 2927.21 of the Revised Code as that section 368

existed prior to its repeal by S.B. ... of the 129th general assembly. 369
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The applicant is responsible for paying all costs associated with the criminal records check. 371
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(C) If a permit application is denied, the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application. 373
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(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the dangerous wild animal or animals that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.05 of the Revised Code. If a renewal permit is denied, the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application. 376
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(E) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code. 389
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(F) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the dangerous wild animal or animals that the person possesses to a humane society, wildlife 393
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sanctuary, or facility that is an accredited member of either the 400
association of zoos and aquariums or the zoological association of 401
America. After the transfer has occurred, the person shall submit 402
proof to the director that the dangerous wild animal or animals 403
were transferred and shall specify the society, sanctuary, or 404
facility to which the animal or animals were transferred. 405

The person is responsible for all costs associated with the 406
transfer of the dangerous wild animal or animals. 407

(G) If a person that has been issued a wildlife shelter 408
permit under this section or a wildlife propagation permit under 409
section 935.07 of the Revised Code dies, the person's next of kin 410
shall do one of the following: 411

(1) If the next of kin wishes to possess the dangerous wild 412
animal or animals, obtain a wildlife shelter permit under this 413
section or a wildlife propagation permit under section 935.07 of 414
the Revised Code, as applicable. That next of kin shall comply 415
with this chapter and rules, except that, with respect to the next 416
of kin's initial permit, the person need not pay the applicable 417
permit application fee. 418

(2) Transfer the dangerous wild animal or animals that were 419
possessed by the deceased person in accordance with division (F) 420
of this section. 421

(H) All fees collected under this section shall be credited 422
to the dangerous and restricted animal fund created in section 423
935.25 of the Revised Code. 424

Sec. 935.07. (A) A person that possesses a registered 425
dangerous wild animal in this state on October 1, 2013, that 426
wishes to continue to possess the dangerous wild animal on and 427
after January 1, 2014, and that intends to propagate the animal 428
solely for the purposes of a species survival program that 429

complies with rules shall apply for a wildlife propagation permit 430
under this section. An applicant need apply for only one permit 431
regardless of the number of dangerous wild animals that the 432
applicant possesses. 433

(B) Except as otherwise provided in this section, an 434
applicant for a wildlife propagation permit shall comply with the 435
requirements and procedures established in sections 935.05 and 436
935.06 of the Revised Code. The application fee for a wildlife 437
propagation permit shall be one of the following, as applicable: 438

(1) One thousand dollars if the applicant possesses not more 439
than fifty dangerous wild animals; 440

(2) Three thousand dollars if the applicant possesses more 441
than fifty dangerous wild animals. 442

(C) The facility at which a dangerous wild animal or 443
dangerous wild animals will be maintained under a wildlife 444
propagation permit shall consist of at least two acres. Division 445
(C) of this section applies only to dangerous wild animals 446
specified in divisions (C)(1) to (19) of section 935.01 of the 447
Revised Code. 448

(D) All fees collected under this section shall be credited 449
to the dangerous and restricted animal fund created in section 450
935.25 of the Revised Code. 451

Sec. 935.08. (A)(1) A person that possesses a restricted 452
snake in this state prior to January 1, 2014, that wishes to 453
continue to possess the restricted snake on and after that date, 454
and that does not intend to propagate, sell, trade, or otherwise 455
transfer the snake shall obtain a restricted snake possession 456
permit under this section not later than January 1, 2014. 457

(2) A person that acquires a restricted snake in this state 458
on or after January 1, 2014, and that does not intend to 459

propagate, sell, trade, or otherwise transfer the snake shall 460
obtain a restricted snake possession permit under this section not 461
later than one hundred twenty days after acquiring the snake. 462

(3) An applicant need apply for only one permit regardless of 463
the number of restricted snakes that the applicant possesses. 464

(B) An applicant for a restricted snake possession permit 465
shall file an application for a permit with the director of 466
agriculture on a form prescribed and provided by the director. The 467
application shall include all of the following: 468

(1) The name, date of birth, address, social security number, 469
and federal employer identification number, if applicable, of the 470
applicant; 471

(2) If different from the information provided under division 472
(B)(1) of this section, the name and address of the location where 473
each restricted snake will be confined; 474

(3) A description of each restricted snake, including the 475
scientific and common names, the name that the applicant has given 476
the snake, the snake's sex, age, color, and weight, and any 477
distinguishing marks or coloration that would aid in the 478
identification of the snake; 479

(4) Proof of liability insurance, including the name of the 480
insurance company and the policy number, as required in division 481
(D) of this section; 482

(5) Except as otherwise provided in this section, proof that 483
the applicant has at least two years of experience in the care of 484
the species of restricted snake or snakes that are the subject of 485
the application. If an applicant cannot provide such proof, the 486
applicant shall pass a written examination regarding the care of 487
restricted snakes that is established and administered in 488
accordance with rules. The requirements of division (B)(5) of this 489
section do not apply with respect to a restricted snake specified 490

<u>in division (K)(1) of section 935.01 of the Revised Code.</u>	491
<u>(6) A plan of action to be undertaken if a restricted snake escapes;</u>	492 493
<u>(7) Proof that the applicant has established a veterinarian-client relationship as described in section 4741.04 of the Revised Code with regard to each restricted snake;</u>	494 495 496
<u>(8) Any additional information required in rules.</u>	497
<u>An applicant shall submit a copy of the plan of action required in division (B)(6) of this section to the sheriff of the county and to the chief law enforcement officer of the township or municipal corporation having jurisdiction where the restricted snake or snakes are confined.</u>	498 499 500 501 502
<u>(C) An applicant shall submit one of the following fees, as applicable, with an application:</u>	503 504
<u>(1) One hundred dollars if the applicant possesses not more than three restricted snakes;</u>	505 506
<u>(2) Three hundred dollars if the applicant possesses at least four, but not more than fifteen restricted snakes;</u>	507 508
<u>(3) Five hundred dollars if the applicant possesses sixteen or more restricted snakes.</u>	509 510
<u>(D)(1) An applicant shall obtain and maintain a liability insurance policy with an insurer authorized or approved to write such insurance in this state that covers claims for injury or damage to persons or property caused by a restricted snake possessed by the applicant. Except as provided in division (D)(2) of this section, the amount of the insurance coverage shall be one of the following, as applicable:</u>	511 512 513 514 515 516 517
<u>(a) One hundred thousand dollars if the applicant possesses not more than five restricted snakes;</u>	518 519
<u>(b) Two hundred fifty thousand dollars if the applicant</u>	520

possesses at least six, but not more than fifteen restricted snakes; 521
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(c) Five hundred thousand dollars if the applicant possesses sixteen or more restricted snakes. 523
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(2) If an applicant possesses one or more restricted snakes specified in division (K)(1)(i) of section 935.01 of the Revised Code, but no other restricted snakes, the amount of the insurance coverage shall be one of the following, as applicable: 525
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(a) Five thousand dollars if the applicant possesses not more than five such restricted snakes; 529
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(b) Ten thousand dollars if the applicant possesses at least six, but not more than fifteen such restricted snakes; 531
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(c) Fifteen thousand dollars if the applicant possesses sixteen or more such restricted snakes. 533
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Sec. 935.09. (A) Not later than ninety days after receipt of an application under section 935.08 of the Revised Code, the director of agriculture shall issue or deny a restricted snake possession permit. The director shall issue a permit to an applicant only if all of the following apply: 535
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(1) The applicant is eighteen years of age or older. 540

(2) The applicant has signed an affidavit attesting that the applicant will not allow members of the public to be in physical contact with a restricted snake possessed by the applicant. 541
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(3) The applicant has not been convicted of or pleaded guilty to a felony drug abuse offense, an offense of violence that is a felony, or a violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. ... of the 129th general assembly, as determined by a criminal records check performed in accordance with division (B) of this section. 544
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(4) The applicant has signed an affidavit attesting that the facility at which a restricted snake or snakes will be maintained under the permit and the conditions in which each restricted snake will be kept in that facility are in compliance with this chapter and rules. 551
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(5) The applicant has submitted a complete application that meets the requirements established in section 935.08 of the Revised Code. 556
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(6) The applicant has submitted the applicable fee under section 935.08 of the Revised Code. 559
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If a permit is issued, the director shall assign a unique identification number to the permit. 561
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(B) Prior to issuing or denying a restricted snake possession permit, the director shall submit a request to the bureau of criminal identification and investigation in the office of the attorney general for a criminal records check of the applicant for the permit. Upon receipt of a request, the superintendent of the bureau shall conduct a criminal records check in the manner described in division (B) of section 109.572 of the Revised Code to determine whether any information exists that indicates that the applicant previously has been convicted of or pleaded guilty to any of the following: 563
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(1) A felony drug abuse offense; 573

(2) An offense of violence that is a felony; 574

(3) A violation of section 959.13 or 959.131 of the Revised Code or of section 2927.21 of the Revised Code as that section existed prior to its repeal by S.B. ... of the 129th general assembly. 575
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The applicant is responsible for paying all costs associated with the criminal records check. 579
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(C) If a permit application is denied, the permit application fee shall be retained by the director as payment for the reasonable expense of processing the application. 581
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(D) Not later than the first day of December of each year, a permit holder shall apply to the director, on a form prescribed and provided by the director, for a renewal of the permit if the permit holder intends to retain possession of the restricted snake or snakes that are identified in the permit. Not later than thirty days after receipt of an application for renewal, the director shall renew or deny the renewal of the permit. The director shall renew the permit if the permit holder complies with this chapter and rules and pays a renewal fee in the same amount as the fee established for the initial permit in section 935.08 of the Revised Code. If a renewal permit is denied, the renewal fee shall be retained by the director as payment for the reasonable expense of processing the application. 584
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(E) If the director denies an application for a permit or a renewal of a permit, the director shall notify the person of the denial, the grounds for the denial, and the person's right to an adjudication under Chapter 119. of the Revised Code. 597
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(F) If a person does not appeal the determination of the director to deny an application for a permit or a renewal of a permit or if the determination of the director is affirmed under Chapter 119. of the Revised Code, not later than thirty days after the decision not to appeal or after the determination is affirmed, as applicable, the person shall transfer the restricted snake or snakes that the person possesses to a humane society, wildlife sanctuary, or facility that is an accredited member of either the association of zoos and aquariums or the zoological association of America. After the transfer has occurred, the person shall submit proof to the director that the restricted snake or snakes were transferred and shall specify the society, sanctuary, or facility 601
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to which the snake or snakes were transferred. 613

The person is responsible for all costs associated with the 614
transfer of the restricted snake or snakes. 615

(G) If a person that has been issued a restricted snake 616
possession permit under this section or a restricted snake 617
propagation permit under section 935.10 of the Revised Code dies, 618
the person's next of kin shall do one of the following: 619

(1) If the next of kin wishes to possess the restricted snake 620
or snakes, obtain a restricted snake possession permit under this 621
section or a restricted snake propagation permit under section 622
935.10 of the Revised Code, as applicable. That next of kin shall 623
comply with this chapter and rules, except that, with respect to 624
the next of kin's initial permit, the person need not pay the 625
applicable permit application fee. 626

(2) Transfer the restricted snake or snakes that were 627
possessed by the deceased person in accordance with division (F) 628
of this section. 629

(H) All fees collected under this section shall be credited 630
to the dangerous and restricted animal fund created in section 631
935.25 of the Revised Code. 632

Sec. 935.10. (A)(1) A person that possesses a restricted 633
snake in this state prior to January 1, 2014, that wishes to 634
continue to possess the restricted snake on and after that date, 635
and that intends to propagate, sell, trade, or otherwise transfer 636
the snake shall obtain a restricted snake propagation permit under 637
this section not later than January 1, 2014. 638

(2) A person that acquires a restricted snake in this state 639
on or after January 1, 2014, and that intends to propagate, sell, 640
trade, or otherwise transfer the snake shall obtain a restricted 641
snake propagation permit under this section not later than one 642

hundred twenty days after acquiring the snake. 643

(3) An applicant need apply for only one permit regardless of the number of restricted snakes that the applicant possesses. 644
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(B) Except as otherwise provided in this section, an applicant for a restricted snake propagation permit shall comply with the requirements and procedures established in sections 935.08 and 935.09 of the Revised Code. The application fee for a restricted snake propagation permit shall be one of the following, as applicable: 646
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(1) Two hundred dollars if the applicant possesses not more than three restricted snakes; 652
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(2) Six hundred dollars if the applicant possesses at least four, but not more than fifteen restricted snakes; 654
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(3) One thousand dollars if the applicant possesses sixteen or more restricted snakes. 656
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(C) All fees collected under this section shall be credited to the dangerous and restricted animal fund created in section 935.25 of the Revised Code. 658
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Sec. 935.11. (A) A person that possesses at least one dangerous wild animal and at least one restricted snake shall apply for both a wildlife shelter permit issued under section 935.06 of the Revised Code and a restricted snake possession permit issued under section 935.09 of the Revised Code. 661
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(B) A person that possesses at least one dangerous wild animal and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules and that possesses at least one restricted snake and that intends to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife propagation permit issued under section 935.07 of the Revised Code and a restricted snake propagation 666
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permit issued under section 935.10 of the Revised Code. 673

(C) A person that possesses at least one dangerous wild animal and does not intend to propagate the animal and that possesses at least one restricted snake and intends to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife shelter permit issued under section 935.06 of the Revised Code and a restricted snake propagation permit issued under section 935.10 of the Revised Code. 674
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(D) A person that possesses at least one dangerous wild animal and that intends to propagate the animal solely for the purposes of a species survival program that complies with rules and that possesses at least one restricted snake and does not intend to propagate, sell, trade, or otherwise transfer the snake shall apply for both a wildlife propagation permit issued under section 935.07 of the Revised Code and a restricted snake possession permit issued under section 935.09 of the Revised Code. 681
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Sec. 935.12. (A) Except as provided in division (B) of this section, a person that has been issued a permit under this chapter for a dangerous wild animal or animals shall comply with the requirements regarding the care and housing of dangerous wild animals established in rules. 689
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(B)(1) A person that has been issued a permit under this chapter for a dangerous wild animal or animals specified in division (C)(20) of section 935.01 of the Revised Code shall comply with the requirements regarding the care of those animals established in regulations adopted under the federal animal welfare act. 694
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(2)(a) A person that has been issued a permit under this chapter for a dangerous wild animal or animals specified in division (C)(20)(a) or (b) of section 935.01 of the Revised Code shall confine each animal in a cage that is not less than nine 700
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square feet. 704

(b) A person that has been issued a permit under this chapter 705
for a dangerous wild animal or animals specified in divisions 706
(C)(20)(c) to (g) of section 935.01 of the Revised Code shall 707
confine each animal in a cage that is not less than twenty-four 708
square feet. 709

(c) A person that has been issued a permit under this chapter 710
for a dangerous wild animal or animals specified in divisions 711
(C)(20)(h) to (m) of section 935.01 of the Revised Code shall 712
confine each animal in a cage that is not less than thirty-two 713
square feet. 714

(C) A person that has been issued a permit under this chapter 715
for a restricted snake or snakes shall comply with the 716
requirements regarding the care and housing of those snakes 717
established in standards adopted by the zoological association of 718
America. 719

Sec. 935.13. The director of agriculture may suspend or 720
revoke a permit issued under this chapter for a violation of this 721
chapter or rules. A person adversely affected by an order of 722
suspension or revocation may request an adjudication under Chapter 723
119. of the Revised Code. 724

Sec. 935.14. (A) The director of agriculture shall maintain a 725
database of both of the following: 726

(1) Until January 1, 2014, the name and address of each 727
person that possesses a dangerous wild animal and registers the 728
animal under section 935.04 of the Revised Code; 729

(2) On and after January 1, 2014, the name and address of 730
each person that has applied for and been issued a permit under 731
this chapter. 732

(B) The director shall allow the directors of health and natural resources to have access to the database. 733
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Sec. 935.15. (A) A person that has been issued a permit under this chapter shall maintain records of all of the following regarding each dangerous wild animal and each restricted snake that the permit holder possesses: 735
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(1) The scientific and common names of the animal or snake, including the species; 739
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(2) If the animal or snake was purchased or otherwise acquired from another person, the name and address of the other person; 741
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(3) The date on which the animal or snake was acquired, if applicable; 744
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(4) If the permit holder propagates dangerous wild animals, the date of birth of the animal if the animal was propagated by the permit holder; 746
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(5) If the permit holder propagates restricted snakes, the date of birth of the snake if the snake was propagated by the permit holder; 749
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(6) The name and address of the person to whom the animal or snake was sold or otherwise transferred, if applicable; 752
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(7) The date on which the animal or snake died or escaped, if applicable; 754
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(8) The identification number of the microchip that is implanted in the animal and the frequency of the passive integrated transponder contained in the microchip as required in section 935.04 of the Revised Code. 756
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(B) A permit holder shall maintain the records in accordance with rules. 760
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Sec. 935.16. (A) If a dangerous wild animal or restricted snake escapes, the person that possesses the animal or snake immediately shall notify both of the following: 762
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(1) The sheriff of the county and the chief law enforcement officer of the township or municipal corporation where the escape occurred; 765
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(2) The division of animal health in the department of agriculture by means of the twenty-four-hour telephone number that is maintained by the division. 768
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(B)(1) A law enforcement officer or natural resources law enforcement officer may destroy a dangerous wild animal or restricted snake that has escaped and that poses a threat to public safety. 771
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(2) A law enforcement officer or natural resources law enforcement officer that destroys an escaped dangerous wild animal or restricted snake pursuant to division (B)(1) of this section is not liable for damages in a civil action for any injury, death, or loss to person or property that allegedly arises from the destruction of the animal or snake. 775
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(C) The person that possesses a dangerous wild animal or restricted snake that escapes is responsible for all reasonable costs associated with the capture or destruction of the animal or snake. The person shall reimburse the political subdivision that employs the law enforcement officer who captured or destroyed the dangerous wild animal or restricted snake for the costs incurred in capturing or destroying the animal or snake. However, if the law enforcement officer is a state highway patrol trooper or if a natural resources law enforcement officer captured or destroyed the dangerous wild animal or restricted snake, the person shall reimburse the state highway patrol or department of natural resources, as applicable, for those costs. 781
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(D)(1) Except as provided in division (D)(2) of this section, 793
money collected under division (C) of this section shall be 794
credited to a special fund, which is hereby created in the 795
applicable political subdivision. Money in the special fund shall 796
be used exclusively for the administration and enforcement of this 797
chapter and rules. 798

(2) Money collected under division (C) of this section for 799
costs incurred by a state highway patrol trooper or a natural 800
resources law enforcement officer under this section shall be 801
deposited in the state treasury to the credit of the dangerous and 802
restricted animal fund created in section 935.25 of the Revised 803
Code. 804

(3) If law enforcement officers from more than one 805
jurisdiction assist in the capture or destruction of a dangerous 806
wild animal or restricted snake, the money collected shall be 807
proportionally distributed to each political subdivision's special 808
fund and the dangerous and restricted animal fund, if applicable. 809

Sec. 935.17. The director of agriculture shall adopt rules in 810
accordance with Chapter 119. of the Revised Code that establish 811
all of the following: 812

(A) Both of the following concerning the registration of 813
dangerous wild animals under section 935.04 of the Revised Code: 814

(1) Any additional information that must be included with a 815
registration; 816

(2) Standards for the care and housing of registered 817
dangerous wild animals, including standards for the proper care of 818
each species of dangerous wild animal and caging and fencing of 819
the animals. 820

The director shall adopt rules under division (A) of this 821
section not later than ninety days after the effective date of 822

this section. 823

(B) Standards for the care and well-being of dangerous wild animals specified in divisions (C)(1) to (19) of section 935.01 of the Revised Code that are possessed by the holders of wildlife shelter permits and wildlife propagation permits issued under this chapter. The standards shall govern at least sanitation for, provision of health care for, and feeding, caging, housing, and fencing of dangerous wild animals. In adopting rules under this division, the director shall consider the following factors: 824
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(1) Best management practices for the care and well-being of dangerous wild animals; 832
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(2) Public health and safety; 834

(3) Biosecurity; 835

(4) The prevention of disease; 836

(5) Animal morbidity and mortality data; 837

(6) Generally accepted veterinary medical practices; 838

(7) Standards adopted by the association of zoos and aquariums; 839
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(8) Standards adopted by the zoological association of America; 841
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(9) Standards established in the federal animal welfare act; 843

(10) Ethical standards established by the American veterinary medical association; 844
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(11) Any other factors that the director considers necessary for the proper care and well-being of dangerous wild animals in this state. 846
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(C) All of the following concerning applications for permits issued under sections 935.06 and 935.07 of the Revised Code: 849
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(1) Any additional information that must be included with a 851

<u>permit application;</u>	852
<u>(2) Criteria for determining what constitutes a species survival program for the purposes of division (A)(1) of section 935.07 of the Revised Code and requirements and procedures that are necessary to determine if a program meets those criteria;</u>	853 854 855 856
<u>(3) The content of the examination specified in division (B)(6) of section 935.05 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, exercise needs, and housing of the species of dangerous wild animal or animals that are the subject of the application.</u>	857 858 859 860 861 862
<u>(4) Procedures and requirements concerning the administration of the examination specified in division (B)(6) of section 935.05 of the Revised Code.</u>	863 864 865
<u>(D) All of the following concerning applications for permits issued under sections 935.09 and 935.10 of the Revised Code:</u>	866 867
<u>(1) Any additional information that must be included with a permit application;</u>	868 869
<u>(2) The content of the examination specified in division (B)(5) of section 935.08 of the Revised Code. The rules shall require the examination to test an applicant's knowledge on topics that include proper diet, health care, and housing of the species of restricted snake or snakes that are the subject of the application.</u>	870 871 872 873 874 875
<u>(3) Procedures and requirements concerning the administration of the examination specified in division (B)(5) of section 935.08 of the Revised Code.</u>	876 877 878
<u>(E) Procedures and requirements governing the maintenance of records under section 935.15 of the Revised Code;</u>	879 880
<u>(F) Standards for signs that are required to be posted and</u>	881

displayed in accordance with section 935.18 of the Revised Code; 882

(G) The amount of civil penalties that may be assessed under 883
section 935.24 of the Revised Code; 884

(H) Procedures and requirements governing the distribution of 885
money under division (B)(4) of section 935.25 of the Revised Code 886
from the dangerous and restricted animal fund created in that 887
section; 888

(I) Any other provisions necessary to administer and enforce 889
this chapter. 890

Sec. 935.18. (A) Except for a restricted snake specified in 891
division (K)(1) of section 935.01 of the Revised Code, no person 892
shall sell or offer for sale at auction a dangerous wild animal or 893
restricted snake. 894

(B) No person shall knowingly remove a microchip that is 895
implanted in a dangerous wild animal as required in section 935.04 896
of the Revised Code. 897

(C) No person that possesses a dangerous wild animal or 898
restricted snake shall fail to post and display any of the 899
following: 900

(1) At intervals of ten feet along the boundary of the 901
property where each dangerous wild animal is confined, signs 902
warning the public that a dangerous wild animal or restricted 903
snake, as applicable, is on the property; 904

(2) At the main entrance to the property where each dangerous 905
wild animal or restricted snake is confined, a sign warning the 906
public that a dangerous wild animal or restricted snake, as 907
applicable, is on the property; 908

(3) On a vehicle that is used to transport a dangerous wild 909
animal or restricted snake, a sign warning that a dangerous wild 910
animal or restricted snake, as applicable, is in the vehicle. 911

The signs shall comply with standards established in rules. 912

(D) No person shall knowingly release a dangerous wild animal or restricted snake into the wild. 913
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(E) No person shall allow a dangerous wild animal or restricted snake to roam off the property where it is confined. 915
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(F) No person shall remove any teeth or claws from a dangerous wild animal or restricted snake, as applicable, unless determined to be medically necessary by a veterinarian. 917
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(G) No person shall violate any other provisions of this chapter or rules. 920
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Sec. 935.19. (A)(1) The director of agriculture or the director's designee may enter at all reasonable times any premises at which a dangerous wild animal or restricted snake is confined, with the consent of the owner of the premises, for the purpose of determining compliance with this chapter and rules. 922
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(2) If the director or the director's designee is denied access to any such premises, and if the director reasonably suspects that the person who possesses the dangerous wild animal or restricted snake is not in compliance with this chapter or rules, the director may apply to a court of competent jurisdiction in the county in which the premises is located for a search warrant authorizing access to the premises for the purposes of this section. 927
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(3) The court shall issue the search warrant for the purposes requested if there is probable cause to believe that the person is not in compliance with this chapter or rules. The finding of probable cause may be based on hearsay, provided that there is a substantial basis for believing that the source of the hearsay is credible and that there is a factual basis for the information furnished. 935
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<u>(B) The director may designate any of the following to</u>	942
<u>conduct inspections under this section:</u>	943
<u>(1) Employees of the department of agriculture;</u>	944
<u>(2) Natural resources law enforcement officers with the</u>	945
<u>consent of the director of natural resources;</u>	946
<u>(3) Employees of the department of health with the consent of</u>	947
<u>the director of health;</u>	948
<u>(4) Employees of a board of health with the consent of the</u>	949
<u>board;</u>	950
<u>(5) Agents of a humane society appointed under section</u>	951
<u>1717.06 of the Revised Code with the consent of the humane</u>	952
<u>society.</u>	953
<u>(C) If a person designated under division (B) of this section</u>	954
<u>determines, while conducting an inspection, that a violation of</u>	955
<u>this chapter or rules has occurred, is occurring, or may occur,</u>	956
<u>the person shall immediately notify the director of agriculture.</u>	957
<u>The director may proceed as provided in section 935.24 of the</u>	958
<u>Revised Code.</u>	959
<u>Sec. 935.20. (A) On and after January 1, 2014, the director</u>	960
<u>of agriculture immediately shall cause an investigation to be</u>	961
<u>conducted if the director has reason to believe that one of the</u>	962
<u>following may be occurring:</u>	963
<u>(1) A dangerous wild animal is possessed by a person who has</u>	964
<u>not been issued either a wildlife shelter permit or a wildlife</u>	965
<u>propagation permit under this chapter.</u>	966
<u>(2) A restricted snake is possessed by a person that has not</u>	967
<u>been issued either a restricted snake possession permit or a</u>	968
<u>restricted snake propagation permit under this chapter.</u>	969
<u>(3) A dangerous wild animal or restricted snake is being</u>	970

treated or kept in a manner that is in violation of this chapter 971
or rules. 972

For purposes of the investigation, the director or the 973
director's designee may order the animal or snake that is the 974
subject of the notification to be quarantined or may order the 975
transfer of the animal or snake to a facility that is on the list 976
maintained by the director under this section. If the director's 977
designee orders the animal or snake to be quarantined or 978
transferred, the designee shall provide a copy of the order to the 979
director. 980

(B) The director shall attempt to notify the person owning or 981
possessing an animal or snake that has been ordered to be 982
quarantined or transferred under division (A) of this section. The 983
notice shall be delivered in person or by certified mail. The 984
director also may post a copy of a quarantine order at two 985
conspicuous locations on the premises where the animal or snake is 986
quarantined. The director shall maintain a copy of an order issued 987
under this section and evidence that the director attempted to 988
notify the person owning or possessing the animal or snake. 989

(C) A quarantine or transfer order issued under this section 990
shall contain all of the following: 991

(1) The name and address of the person owning or possessing 992
the animal or snake, if known; 993

(2) A description of the quarantined or transferred animal or 994
snake; 995

(3) A description of the premises affected by the quarantine 996
or transfer; 997

(4) The reason for the quarantine or transfer; 998

(5) Any terms and conditions of the quarantine or transfer; 999

(6) A notice that a person adversely affected by the order 1000

may request a hearing to review the order. 1001

(D) A person that is adversely affected by a quarantine or transfer order pertaining to a dangerous wild animal or restricted snake owned or possessed by the person, within thirty days after the order is issued, may request in writing an adjudication in accordance with Chapter 119. of the Revised Code. A request for an adjudication does not stay a quarantine or transfer order. 1002
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(E) The owner of or person possessing a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is responsible for all reasonable costs associated with the quarantine or transfer, including the costs of transportation, housing, food, and veterinary care for the animal or snake. 1008
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(F) If the state veterinarian determines that a dangerous wild animal or restricted snake that was quarantined or transferred under division (A) of this section is infected with or exposed to a dangerously contagious or infectious disease or is seriously injured, the state veterinarian shall so notify the director. The director may order the animal or snake to be humanely euthanized by a veterinarian if the state veterinarian has indicated that euthanization is medically necessary. 1014
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(G) A quarantine or transfer order issued under this section shall remain in effect until one of the following occurs: 1022
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(1) The director, after reviewing the results of the investigation conducted under division (A) of this section, issues a written notice of release. 1024
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(2) A court of competent jurisdiction orders the quarantine or transfer order to be terminated in a proceeding conducted under division (H) of this section. 1027
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(3) A court of competent jurisdiction orders the seizure of the dangerous wild animal or restricted snake in a proceeding 1030
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conducted under division (H) of this section. 1032

(H) If, after reviewing the results of an investigation 1033
concerning a dangerous wild animal or restricted snake conducted 1034
under division (A) of this section and after resolution of any 1035
proceeding conducted under division (D) of this section, the 1036
director determines that a circumstance described in division 1037
(A)(1), (2), or (3) of this section is or was occurring, the 1038
director shall initiate, in a court of competent jurisdiction, a 1039
proceeding for the permanent seizure of the animal or snake, as 1040
applicable. If the court affirms the director's determination that 1041
a circumstance described in division (A)(1), (2), or (3) of this 1042
section is or was occurring, the court shall order the animal or 1043
snake seized and shall order the method of disposition of the 1044
animal or snake. The court may order the person owning or 1045
possessing the animal or snake to pay all reasonable costs 1046
associated with the seizure and, if applicable, the costs 1047
associated with the quarantine or transfer of the animal or snake, 1048
including the costs of transportation, housing, food, and 1049
veterinary care of the animal or snake. If the court does not 1050
affirm the director's determination, the court shall order the 1051
quarantine or transfer order to be terminated and the animal or 1052
snake to be returned to the person owning or possessing it, if 1053
applicable. 1054

(I) The director may authorize any of the following to 1055
conduct an investigation and order the quarantine or transfer of a 1056
dangerous wild animal or restricted snake under division (A) of 1057
this section: 1058

(1) Employees of the department of agriculture; 1059

(2) Natural resources law enforcement officers with the 1060
consent of the director of natural resources; 1061

(3) Employees of the department of health with the consent of 1062

<u>the director of health;</u>	1063
<u>(4) Employees of a board of health with the consent of the board;</u>	1064
<u>(5) Agents of a humane society appointed under section 1717.06 of the Revised Code with the consent of the humane society;</u>	1065
<u>(6) Law enforcement officers with the consent of the sheriff of the county or the chief law enforcement officer of the township or municipal corporation, as applicable, by whom the law enforcement officers are employed;</u>	1066
<u>(7) Law enforcement officers who are state highway patrol troopers with the consent of the superintendent of the state highway patrol.</u>	1067
<u>(J) Money collected for reimbursement of costs associated with the quarantine or transfer of dangerous wild animals and restricted snakes under this section shall be credited to one of the following funds, as applicable:</u>	1068
<u>(1) If the animal or snake was quarantined or transferred by an employee of the department of agriculture or the department of health, a natural resources law enforcement officer, or a law enforcement officer who is a state highway patrol trooper, the dangerous and restricted animal fund created in section 935.25 of the Revised Code;</u>	1069
<u>(2) If the animal or snake was quarantined or transferred by an employee of a board of health, a special fund, which is hereby created in each health district, that shall be used exclusively for the administration and enforcement of this chapter and rules;</u>	1070
<u>(3) If the animal or snake was quarantined or transferred by an agent of a humane society, a special fund, which is hereby created in each county that has a humane society, that shall be</u>	1071
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used exclusively for the administration and enforcement of this 1093
chapter and rules; 1094

(4) If the animal or snake was quarantined or transferred by 1095
a law enforcement officer who is not a state highway patrol 1096
trooper, the special fund that is created in the political 1097
subdivision that employs the law enforcement officer in division 1098
(D) of section 935.16 of the Revised Code. 1099

(K) The director shall maintain a list of facilities inside 1100
and outside the state that the director determines are eligible to 1101
accept dangerous wild animals and restricted snakes for the 1102
purposes of this section. 1103

Sec. 935.21. The director of agriculture may request either 1104
of the following to accompany the director or an employee of the 1105
department of agriculture for purposes of investigations and 1106
inspections conducted under this chapter: 1107

(A) A law enforcement officer; 1108

(B) With the consent of the director of natural resources, a 1109
natural resources law enforcement officer. 1110

Sec. 935.22. An employee of an agency or political 1111
subdivision of the state that destroys a dangerous wild animal or 1112
restricted snake that is a threat to public safety is not liable 1113
for damages in a civil action for any injury, death, or loss to 1114
person or property that allegedly arises from the destruction of 1115
the animal or snake. 1116

Sec. 935.23. (A) The owner of a restricted snake specified in 1117
division (K)(2), (3), or (4) of section 935.01 of the Revised Code 1118
shall maintain antivenom for each species of snake at the location 1119
where each snake is confined. 1120

(B) If a restricted snake specified in division (K)(2), (3), 1121

or (4) of section 935.01 of the Revised Code bites a person other 1122
than the snake's owner, the owner is liable for all costs 1123
associated with the treatment of the bite, including the cost of 1124
replacement of any antivenom that was used to treat the bite. 1125

Sec. 935.24. (A) The attorney general, upon request of the 1126
director of agriculture, shall bring an action for injunction 1127
against any person who has violated, is violating, or is 1128
threatening to violate this chapter or rules. The court of common 1129
pleas in which an action for injunction is filed has jurisdiction 1130
to and shall grant preliminary and permanent injunctive relief 1131
upon a showing that the person against whom the action is brought 1132
has violated, is violating, or is threatening to violate this 1133
chapter or rules. 1134

(B)(1) The director may assess a civil penalty against any 1135
person that the director determines is not in compliance with this 1136
chapter or rules. 1137

(2) The director shall afford the person an opportunity for 1138
an adjudication under Chapter 119. of the Revised Code to 1139
challenge the director's determination that the person is not in 1140
compliance with this chapter or rules. However, the person may 1141
waive the right to an adjudication. 1142

(3) If the opportunity for an adjudication is waived or if, 1143
after an adjudication, the director determines that a violation 1144
has occurred or is occurring, the director may issue an order and 1145
assess a civil penalty in an amount established in rules against 1146
the violator. The order and the assessment of the civil penalty 1147
may be appealed in accordance with section 119.12 of the Revised 1148
Code. 1149

(C) The attorney general, upon request of the director, shall 1150
criminally prosecute to termination any person who has violated or 1151
is violating this chapter or rules. 1152

(D) Notwithstanding any other section of the Revised Code, 1153
money resulting from any action taken under this section shall be 1154
credited to the dangerous and restricted animal fund created in 1155
section 935.25 of the Revised Code. 1156

Sec. 935.25. (A) There is hereby created in the state 1157
treasury the dangerous and restricted animal fund, which shall 1158
consist of all of the following: 1159

(1) Money collected from permit application fees under this 1160
chapter; 1161

(2) Money credited to the fund under division (J)(1) of 1162
section 935.20 of the Revised Code; 1163

(3) Money credited to the fund under division (D) of section 1164
935.24 of the Revised Code. 1165

(B) Money in the fund shall be used for any of the following 1166
purposes: 1167

(1) Administration and enforcement of this chapter and rules; 1168

(2) Compensation of the department of natural resources or 1169
the state highway patrol for the costs incurred in capturing or 1170
destroying a dangerous wild animal or restricted snake pursuant to 1171
section 935.16 of the Revised Code; 1172

(3) Compensation of the departments of natural resources and 1173
health and the state highway patrol for the costs incurred in 1174
conducting investigations and quarantining or transferring a 1175
dangerous wild animal or restricted snake pursuant to section 1176
935.20 of the Revised Code; 1177

(4) Compensation of a facility that is on the list maintained 1178
by the director of agriculture under division (K) of section 1179
935.20 of the Revised Code and that accepts a dangerous wild 1180
animal or restricted snake pursuant to that section. 1181

(C) Investment earnings of the fund shall be credited to the 1182
fund. 1183

Sec. 935.26. (A) There is hereby created the dangerous and 1184
restricted animals advisory board consisting of the following 1185
members: 1186

(1) The director of agriculture or the director's designee, 1187
who shall be the chairperson of the board; 1188

(2) The director of natural resources or the director's 1189
designee; 1190

(3) The director of health or the director's designee; 1191

(4) The state veterinarian in the department of agriculture; 1192

(5) The following ten members who shall be appointed by the 1193
governor with the advice and consent of the senate and shall be 1194
residents of this state: 1195

(a) One member representing dangerous wild animal or 1196
restricted snake owners; 1197

(b) One member who is knowledgeable about dangerous wild 1198
animals or restricted snakes; 1199

(c) One member representing an accredited member of the 1200
association of zoos and aquariums that operates in this state; 1201

(d) One member representing an accredited member of the 1202
zoological association of America; 1203

(e) Two members who are veterinarians; 1204

(f) Two members representing the public; 1205

(g) One member representing the governor; 1206

(h) One member representing a humane society. 1207

(6) One member appointed by the speaker of the house of 1208
representatives who shall be a restricted snake owner; 1209

(7) One member appointed by the president of the senate who shall be a dangerous wild animal owner. 1210
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Not more than seven members appointed to the board at any given time shall be members of the same political party. 1212
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(B)(1) The governor, the speaker of the house of representatives, and the president of the senate shall make initial appointments to the board not later than forty-five days after the effective date of this section. 1214
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(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 15, 2013: 1218
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(a) The member representing dangerous wild animal or restricted snake owners; 1221
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(b) One of the members who is a veterinarian; 1223

(c) The member representing the governor; 1224

(d) The member representing an accredited member of the zoological association of America. 1225
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(3) The following initial members of the board shall be appointed for a term ending January 15, 2014: 1227
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(a) The member appointed by the speaker of the house of representatives; 1229
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(b) The member who is knowledgeable about dangerous wild animals or restricted snakes; 1231
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(c) The member representing a humane society; 1233

(d) One of the members representing the public. 1234

(4) The following initial members of the board shall be appointed for a term ending January 15, 2015: 1235
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(a) The member appointed by the president of the senate; 1237

(b) The member representing an accredited member of the association of zoos and aquariums that operates in this state; 1238
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(c) One of the members representing the public; 1240

(d) One of the members who is a veterinarian. 1241

Thereafter, terms of office of appointed members shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. An appointed member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. 1242
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The terms of office of the director of agriculture, the director of natural resources, the director of health, their designees, and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian or is a designee, as applicable. If a director, a designee, or the state veterinarian resigns or that person's employment is terminated, that person shall cease to serve on the board, and the successor of that person shall serve on the board in accordance with this section. 1247
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(C) Vacancies on the board shall be filled in the manner provided for original appointments. A member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that 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 one hundred eighty days has elapsed, whichever occurs first. A member may be reappointed upon the expiration of the member's term. 1256
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(D) The board shall hold at least three regular meetings each year and may hold additional meetings at times that the chairperson or a majority of the board members considers appropriate. At the first meeting of the board in each calendar 1265
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year, the director of agriculture or the director's designee shall 1269
designate one member of the board to serve as its 1270
vice-chairperson. A majority of the board constitutes a quorum. 1271
The board may act only if a quorum is present and only by a 1272
majority vote of the members. 1273

(E) Serving as an appointed member of the board does not 1274
constitute holding a public office or position of employment under 1275
the laws of this state and does not constitute grounds for removal 1276
of public officers or employees from their offices or positions of 1277
employment. 1278

(F) Appointed members of the board shall receive no 1279
compensation for their services. Members shall be reimbursed for 1280
their actual and necessary expenses incurred in the performance of 1281
their duties as members. The expenses shall be paid from the 1282
dangerous and restricted animal fund created in section 935.25 of 1283
the Revised Code. The expenses shall be paid in accordance with 1284
the rules and requirements adopted by the department of 1285
administrative services that are applicable to state employees. 1286

(G) The board may create committees that it considers 1287
appropriate to make recommendations to the board. Committees may 1288
include members who do not serve on the board. 1289

(H) The board shall do both of the following: 1290

(1) Review the rules that have been or are proposed to be 1291
adopted under divisions (A)(2) and (B) of section 935.17 of the 1292
Revised Code; 1293

(2) Advise the director of agriculture on the administration 1294
of this chapter and rules. 1295

Sec. 935.99. (A) Whoever violates division (A), (B), (C), 1296
(E), (F), or (G) of section 935.18 of the Revised Code is guilty 1297
of a misdemeanor of the first degree on a first offense and a 1298

felony of the fifth degree on each subsequent offense. 1299

(B) Whoever violates division (D) of section 935.18 of the 1300

Revised Code is guilty of a felony of the fifth degree. 1301

Sec. 1533.71. (A) Unless otherwise provided by division rule, 1302
any person desiring to engage in the business of raising and 1303
selling game birds, game quadrupeds, reptiles, amphibians, or 1304
fur-bearing animals in a wholly enclosed preserve of which the 1305
person is the owner or lessee, or to have game birds, game 1306
quadrupeds, reptiles, amphibians, or fur-bearing animals in 1307
captivity, shall apply in writing to the division of wildlife for 1308
a license to do so. 1309

(B) The division, when it appears that the application is 1310
made in good faith and upon the payment of the fee for each 1311
license, may issue to the applicant any of the following licenses 1312
that may be applied for: 1313

~~(A)~~(1) "Commercial propagating license" permitting the 1314
licensee to propagate game birds, game quadrupeds, reptiles, 1315
amphibians, or fur-bearing animals in the wholly enclosed preserve 1316
the location of which is stated in the license and the application 1317
therefor, and to sell the propagated game birds, game quadrupeds, 1318
reptiles, amphibians, or fur-bearing animals and ship them from 1319
the state alive at any time, and permitting the licensee and the 1320
licensee's employees to kill the propagated game birds, game 1321
quadrupeds, or fur-bearing animals and sell the carcasses for food 1322
subject to sections 1533.70 to 1533.80 of the Revised Code. The 1323
fee for such a license is forty dollars per annum. 1324

~~(B)~~(2) "Noncommercial propagating license" permitting the 1325
licensee to propagate game birds, game quadrupeds, reptiles, 1326
amphibians, or fur-bearing animals and to hold the animals in 1327
captivity. Game birds, game quadrupeds, reptiles, amphibians, and 1328

fur-bearing animals propagated or held in captivity by authority 1329
of a noncommercial propagating license are for the licensee's own 1330
use and shall not be sold. The fee for such a license is 1331
twenty-five dollars per annum. 1332

~~(C)~~(3) A free "raise to release license" permitting duly 1333
organized clubs, associations, or individuals approved by the 1334
division to engage in the raising of game birds, game quadrupeds, 1335
or fur-bearing animals for release only and not for sale or 1336
personal use. 1337

(C) Except as provided by law, no person shall possess game 1338
birds, game quadrupeds, or fur-bearing animals in closed season, 1339
provided that municipal or governmental zoological parks are not 1340
required to obtain the licenses provided for in this section. 1341

All licenses issued under this section shall expire on the 1342
fifteenth day of March of each year. 1343

The chief of the division of wildlife shall pay all moneys 1344
received as fees for the issuance of licenses under this section 1345
into the state treasury to the credit of the fund created by 1346
section 1533.15 of the Revised Code for the use of the division in 1347
the purchase, preservation, and protection of wild animals and for 1348
the necessary clerical help and forms required by sections 1533.70 1349
to 1533.80 of the Revised Code. 1350

(D) This section does not authorize the taking or the release 1351
for taking of the following: 1352

(1) Game birds, without first obtaining a commercial bird 1353
shooting preserve license issued under section 1533.72 of the 1354
Revised Code; 1355

(2) Game or nonnative wildlife, without first obtaining a 1356
wild animal hunting preserve license issued under section 1533.721 1357
of the Revised Code. 1358

(E) A license shall not be issued under this section to raise 1359
or sell a dangerous wild animal or restricted snake as defined in 1360
section 935.01 of the Revised Code. 1361

Section 2. That existing section 1533.71 and section 2927.21 1362
of the Revised Code are hereby repealed. 1363