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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
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H.B. 503
135th General Assembly

Final Analysis

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Primary Sponsors: Reps. Peterson and Jones

Effective date: March 20, 2025

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SUMMARY

Department of Natural Resources: wild boar and feral swine

- Adds certain prohibitions to the wildlife law related to wild boar and feral swine, including prohibitions against:
 - Knowingly importing, transporting, or possessing live wild boar or feral swine;
 - Knowingly releasing wild boar or feral swine into the wild or expanding the range of a wild boar or feral swine by introducing it to a new location; and
 - Purposely feeding a wild boar or feral swine.
- Requires a person who knows or has reason to know that wild boar or feral swine are present on public or private property to report that fact to the Division of Wildlife.
- Eliminates wild boar as a game animal, but establishes a process by which a person or the person's agent may immediately eradicate wild boar and feral swine on the person's property without a hunting license if the person or the person's agent notifies the Division and follows Division instructions.

Department of Agriculture: feeding swine

- Eliminates the required annual license to feed treated garbage to swine and, instead, prohibits feeding any garbage to swine, including treated garbage.
- Prohibits a person from bringing into Ohio a swine that has been fed garbage or treated garbage.
- Authorizes the Director of Agriculture to investigate violations of the above prohibitions and to make inquiries into any alleged violation as are necessary to secure compliance with the law governing garbage-fed swine and orders issued under it.
- Allows the Director to assess a civil penalty against a person who violates the act's prohibitions regarding garbage-fed swine.

- Establishes the amounts of the civil penalties as follows:
 - For a first violation, up to \$500;
 - For each subsequent violation, up to \$1,000.

Agricultural commodity handlers

- For purposes of the definition of “storage” in the Agricultural Commodity Handlers Law, retains the definition, but states that it includes unapplied and hold grain tickets.
- Defines “grain bank” for purposes of the Agricultural Commodity Handlers Law in addition to defining it for purposes of agricultural commodity transactions as under continuing law.
- Includes a definition of “regular price bid” for purposes of the Agricultural Commodity Handlers Law, but does not use the term in that law.
- Defines “regular price bid” as the current basis bid or cash price of an agricultural commodity handler licensed under that law.

DETAILED ANALYSIS

Department of Natural Resources: wild boar and feral swine

Former law authorized the ODNR Division of Wildlife to regulate wild boar as a game quadruped. Those regulations allowed the hunting of wild boar year-round with a hunting license. In addition, a person could possess and sell wild boar under a noncommercial or commercial propagating license as well as hunt wild boar in a game preserve. The act modifies these regulations, defines what constitutes a wild boar, and expands the law governing wild boar to include feral swine.

Definitional changes

The act defines a wild boar or feral swine to mean either of the following:

- Members of the family Suidae, including both of the following:
 - Wild pig, wild hog, feral hog, and feral pig; and
 - Old world swine, razorbacks, European wild boar, and Russian wild boar, and any hybrids or crossbreeds of those animals.
- Members of the family Tayassuidae, including collared peccary and javelina, and any hybrids or crossbreeds of members of the family Tayassuidea.¹

The act removes wild boar from the definition of “game quadruped,” but adds wild boar and feral swine to the definition of “wild quadruped.” According to a representative of the Division of Wildlife, these definitional changes accomplish the following:

¹ R.C. 1531.01(HHH).

1. Regarding the removal of wild boar from the definition of “game quadrupeds,” eliminates a person’s ability to hold, possess, and sell wild boar under a noncommercial or commercial propagating license and reinforces the idea that wild boar and feral swine cannot be hunted in a game preserve or in the wild (unless otherwise authorized under the act);² and
2. Regarding the addition of wild boar and feral swine to the definition of “wild quadrupeds,” maintains the Division of Wildlife’s authority to regulate wild boar and feral swine in the wild.

By virtue of these definitional changes, the act also removes wild boar from the definition of “game.”³

Prohibitions regarding feral swine and wild boar

The act establishes the following prohibitions regarding feral swine and wild boar:⁴

Prohibitions regarding feral swine and wild boar		
Prohibition	Mental state	Criminal penalty
Transporting or possessing live wild boar or feral swine	Knowingly	First degree misdemeanor
Releasing wild boar or feral swine into the wild or importing wild boar or feral swine into Ohio	Knowingly	Fifth degree felony
Expanding the range of a wild boar or feral swine by introducing the wild boar or feral swine to a new location	Knowingly	First degree misdemeanor
Allowing a swine that is under the ownership or possession of the person to live in a feral state	Knowingly	First degree misdemeanor

² R.C. 1533.71, not in the act, requires any person desiring to engage in the business of raising and selling game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in a wholly enclosed preserve of which the person is the owner or lessee, or to have game birds, game quadrupeds, reptiles, amphibians, or fur-bearing animals in captivity to apply to the Division of Wildlife for a commercial propagating license, noncommercial propagating license, or captive white-tailed deer propagation license.

³ Phone conversation with the Department of Natural Resources, April 29, 2024. R.C. 1531.01(R), (U), and (V) and 1533.01.

⁴ R.C. 1533.731(B)(4), 1533.75, and 1533.99(C) and (H).

Prohibitions regarding feral swine and wild boar		
Prohibition	Mental state	Criminal penalty
Except as otherwise provided in the act (see “ Notification and eradication ,” below), hunting, trapping, or killing a wild boar or feral swine or assisting in the hunting, trapping, or killing of a wild boar or feral swine	Knowingly	First degree misdemeanor
Profiting from the releasing, hunting, trapping, or killing of wild boar or feral swine	Knowingly	First degree misdemeanor
Failing to notify the Division of Wildlife within 24 hours of eradicating a wild boar or feral swine (see “ Notification and eradication ,” below)	Knowingly	First degree misdemeanor
Feeding a wild boar or feral swine	Purposely	First degree misdemeanor
Releasing for hunting or hunting wild boar or feral swine in any wild animal hunting preserve in Ohio	Knowingly	First degree misdemeanor

In addition to any other penalty, the court must require any person who is convicted of or pleads guilty to a violation (other than the prohibition governing hunting preserves) to pay the costs incurred by any state or federal agency for the investigation, control, and eradication of wild boar or feral swine that resulted from the violation. Money paid to the Division of Wildlife must be credited to the Wildlife Fund.⁵

Notification and eradication

Except as provided in Division of Wildlife rules, the act requires a person who knows or has reason to believe that a wild boar or feral swine is present on private or public property to notify the Division within 24 hours of the person so knowing or having reason to believe of the wild boar’s or feral swine’s presence. A person includes a property owner, tenant, or person responsible for a property’s management.⁶ The act does not impose any criminal penalties for violating this requirement.⁷

⁵ R.C. 1533.99(C) and (H).

⁶ R.C. 1533.751(A).

⁷ R.C. 1533.99(F).

Except as provided in Division rules, a person or a person's agent who encounters wild boar or feral swine on property owned or leased by that person may immediately eradicate the wild boar or feral swine without a hunting license required under continuing law if the person or agent does both of the following:

1. Notifies the Division as soon as practicable, but within 24 hours after the eradication or attempted eradication of the wild boar or feral swine; and
2. Follows the instructions provided by the Division, including the handling, preservation for testing, and disposal of any wild boar or feral swine carcass.⁸

Department of Agriculture: Feeding swine

License to feed garbage

The act prohibits a person from feeding on the person's premises, or permitting the feeding of, *all* garbage, whether treated or not, to swine. Thus, it eliminates the authorization in prior law for licensed individuals to feed treated garbage to swine under an annual garbage fed swine license. Under continuing law:

1. "Garbage" is all waste material derived in whole or in part from the meat of any animal, including fish and poultry, or other animal material, and other refuse of any character that has been associated with that waste material resulting from the handling, preparation, cooking, or consumption of food.
2. "Treated garbage" is any edible garbage for consumption by swine that has been heated at boiling point while being agitated, except in steam cooking equipment, to ensure that the garbage is heated throughout for 30 minutes.

As a result of the elimination of the required annual license to feed treated garbage to swine, the bill eliminates the \$100 annual license fee, and the following:

1. Requirements and procedures regarding the handling of equipment, conveyances, and premises used to feed treated garbage to swine;
2. Requirements regarding the maintenance of records for the disposal of treated and untreated garbage by a license holder;
3. The Director of Agriculture's rulemaking authority with respect to garbage-fed swine;
4. Enforcement provisions, including criminal penalties for violating the garbage-fed swine law; and
5. A requirement that money collected from license fees be credited to the Animal and Consumer Protection Laboratory Fund.

The act also prohibits a person from bringing into Ohio a swine that has been fed garbage or treated garbage. It does not establish any criminal penalties for violating the act's

⁸ R.C. 1533.751(A) and (B).

new prohibitions regarding garbage-fed swine, but establishes civil penalties for those violations (see “**Civil penalties**,” below).⁹

Investigative authority

The act authorizes the Director, upon receipt of a complaint or on the Director’s own initiative, to investigate violations of the above prohibitions and make inquiries into any alleged violation as are necessary to secure compliance with the law governing garbage-fed swine and orders issued under it.

With the consent of the owner of a premises, lessee of a premises, or the owner, keeper, or harbinger of a swine that is kept or harbored on a premises, the Director or the Director’s authorized representative may enter at all reasonable times on any premises where swine are kept or harbored for the purpose of determining compliance with the act. If the Director or the Director’s authorized representative is denied access to the premises and suspects that the law relating to garbage-fed swine are not being complied with, the Director may apply for a search warrant authorizing access from a court of competent jurisdiction. The court must issue the search warrant if there is probable cause. Probable cause may be based on hearsay if there is substantial basis for believing the source is credible and there is factual basis for the information.

Upon entering a premises, the Director or the Director’s authorized representative must observe biosecurity measures to prevent spreading disease and infecting livestock.¹⁰

Civil penalties

The act allows the Director of Agriculture to assess a civil penalty against a person that violates the act’s prohibitions regarding garbage-fed swine. The Director may assess a civil penalty only if the Director affords the person an opportunity for an adjudication hearing under the Administrative Procedure Act. The person may waive the right to an adjudication hearing.

If a person waives an adjudication hearing or if, after an adjudication hearing, the Director determines that a violation has occurred or is occurring, the Director may issue an order requiring compliance and assess a civil penalty. The order and assessment of the civil penalty may be appealed in accordance with the Administrative Procedure Act.

The Director may assess a civil penalty for a violation of the act’s prohibitions regarding garbage-fed swine in the following amounts:

1. For a first violation, up to \$500;
2. For each subsequent violation, up to \$1,000.

Money collected from civil penalties must be credited to the Animal and Consumer Protection Fund.¹¹ The act renames the Captive Deer Fund as the Animal and Consumer

⁹ R.C. 901.43, 942.01, 942.02; 942.03 to 942.07, repealed; 942.10 to 942.12, repealed; 942.99, repealed; and 4745.01; and Section 4.

¹⁰ R.C. 942.03 (reenacted).

Protection Fund and makes conforming changes, and expands the uses of the fund to include the administration of the law governing garbage-fed swine.¹²

Agricultural commodity handlers

The act makes the following changes to defined terms in the Agricultural Commodity Handlers Law:

1. For purposes of the definition of “storage,” retains the definition, but states that it includes unapplied and hold grain tickets. Continuing law defines “storage” as the deposit of an agricultural commodity into a warehouse either for the account of the licensed agricultural commodity handler operating the warehouse or for the account of an agricultural commodity depositor.
2. Defines “grain bank” for purposes of the Agricultural Commodity Handlers Law in addition to defining it for purposes of agricultural commodity transactions as under continuing law. A grain bank is the storage of an agricultural commodity under a bailment agreement with the commodity normally returned to the bailor at a later date as an ingredient of a processed feed.
3. Defines “regular price bid” as the current basis bid or cash price of an agricultural commodity handler licensed under the Law. Though the term is added by the act, it is not used in the Agricultural Commodity Handlers Law.¹³

HISTORY

Action	Date
Introduced	04-22-24
Reported, H. Agriculture	06-12-24
Passed House (90-0)	06-12-24
Reported, S. Agriculture & Natural Resources	12-11-24
Passed Senate (31-0)	12-11-24
House concurred in Senate amendments (90-0)	12-11-24

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¹¹ R.C. 942.04 (reenacted).

¹² R.C. 943.23 and 943.26.

¹³ R.C. 926.01 and 926.011, repealed.