



www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 379  
135<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Lorenz and Carruthers

Jeff Grim, Research Analyst

### SUMMARY

- Requires a road service crew member who discovers a deceased dog or cat when performing duties on a public road or public right-of-way to use a microchip scanning device on the animal prior to its disposal.
- Establishes requirements and procedures for the notification of the dog or cat's owner after a successful scan.

### DETAILED ANALYSIS

#### Scanning of deceased dogs or cats on roads

The bill requires a road service crew member who discovers a deceased dog or cat when performing duties on a public road or public right-of-way, including road construction, maintenance, and repair, to use a microchip scanning device on the animal prior to its disposal. A road service employer must provide microchip scanners to its road service crew members for that purpose.<sup>1</sup>

A road service employer is a person or public body that is responsible for employing road service crew members to perform road construction, maintenance, or repair. A road service crew member is an individual who is employed by a road service employer to perform road construction, maintenance, or repair.<sup>2</sup>

---

<sup>1</sup> R.C. 5535.17(B)(1).

<sup>2</sup> R.C. 5535.17(A). A public body is the state or a county, township, municipal corporation, or any other body corporate and politic that is responsible for government activities in a geographic area smaller than that of the state.

If, after scanning, a road service crew member determines the contact information for the deceased dog or cat, the crew member must communicate that information to the crew member's road service employer. If the road service employer is a private entity, it must notify the public body with jurisdiction over the road or highway on which the deceased dog or cat was discovered and then deliver the deceased animal to the public body. If the road service employer is a public body or if the public body takes possession of the dog or cat from a private entity, the public body must make a reasonable effort to contact any person identified in the contact information.

After contacting the identified person, the public body must hold the deceased dog or cat in a sanitary manner for 24 hours to provide the identified person with an opportunity to retrieve the deceased animal (see **COMMENT**). If the identified person does not retrieve the deceased dog or cat within the 24-hour period, the public body may dispose of the deceased animal. If the public body is not able to contact any person identified by a microchip scan after a reasonable effort, the public body may dispose of the deceased dog or cat.<sup>3</sup>

---

## COMMENT

If challenged, a court may examine the bill's application to municipal corporations and charter counties. The Home Rule Amendment to the Ohio Constitution, allows municipal corporations and charter counties to exercise all powers of local self-government and to adopt and enforce local police, sanitary, and other similar regulations that are not in conflict with general laws.<sup>4</sup> A law is a general law only if all of the following apply:

- It is part of a statewide and comprehensive legislative enactment;
- It applies to all parts of the state alike and operates uniformly throughout the state;
- It sets forth police, sanitary, or similar regulations, rather than purports only to grant or limit legislative power of a municipal corporation to set forth police, sanitary, or similar regulations; and
- It prescribes a rule of conduct upon citizens generally.<sup>5</sup>

---

<sup>3</sup> R.C. 5535.17(B)(2) and (3).

<sup>4</sup> Ohio Constitution, Article XVIII, Section 3 and Article X, Section 3.

<sup>5</sup> *Canton v. State*, 95 Ohio St.3d 149 (2002).

---

## HISTORY

Action	Date
Introduced	01-16-24

---