



# Ohio Legislative Service Commission

## Bill Analysis

Amanda George

### Sub. H.B. 60

131st General Assembly

(As Reported by H. Agriculture and Rural Development)

**Reps.** Patmon and Hall, Antonio, Brown, Patterson, Gerberry, Slaby, LaTourette, Grossman, Boyd, Cera, Barnes, Leland, Lepore-Hagan, Phillips, Sheehy, Romanchuk, Blessing, Ruhl

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## BILL SUMMARY

### Knowingly committing acts of cruel treatment against companion animals

- Prohibits a person from knowingly causing serious physical harm to a companion animal, violation of which is a fifth degree felony.
- Defines "serious physical harm," and revises the definition of "companion animal" to specifically include dogs and cats kept in pet stores for purposes of the Offenses Relating to Domestic Animals Law.
- Revises the prohibition in current law against knowingly committing specified types of cruel treatment against a companion animal by an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal.

### Negligently committing acts of cruel treatment against companion animals

- Revises the separate but identical prohibitions in current law against negligently committing specified types of cruel treatment against a companion animal by a person who confines or is the custodian or caretaker of a companion animal and by an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal.

### Humane society's employment of attorney

- Prohibits a humane society or its agent from employing an attorney or one or more assistant attorneys to prosecute a felony violation of the statute prohibiting cruel treatment of companion animals.

## **Humane agents training**

- Adds to the purposes for which a county humane society must use fine moneys received for violation of prohibitions regarding companion animals the provision of additional training for humane agents.

## **Use of animals to secure opioids**

- Requires state agency collaboration in the development of resources and educational materials to enhance the ability of veterinarians to identify current or potential clients who may abuse opioids and may use animals in their care to improperly secure them.

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## **CONTENT AND OPERATION**

### **Knowingly committing acts of cruel treatment against companion animals**

#### **General prohibition against causing serious physical harm**

The bill prohibits a person from knowingly causing serious physical harm to a companion animal.<sup>1</sup> Violation of that prohibition is a fifth degree felony.<sup>2</sup>

For purposes of the Offenses Relating to Domestic Animals Law, the bill defines "serious physical harm" to mean any of the following:

- (1) Physical harm that carries a substantial risk of death;
- (2) Physical harm that involves either partial or total permanent incapacity;
- (3) Physical harm that involves acute pain of a duration that results in substantial suffering or that involves any degree of prolonged or intractable pain; or
- (4) Physical harm that results from a person who confines or who is the custodian or caretaker of a companion animal depriving the companion animal of good, wholesome food and water that proximately causes the death of the companion animal.<sup>3</sup>

In addition, the bill revises the definition of "companion animal" in that Law to specify that the location where a dog or cat is kept includes a pet store. Under current

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<sup>1</sup> R.C. 959.131(C).

<sup>2</sup> R.C. 959.99(E)(2).

<sup>3</sup> R.C. 959.131(A)(12).



law, a companion animal is any animal that is kept inside a residential dwelling and any dog or cat regardless of where it is kept.<sup>4</sup>

The bill applies to the above prohibition the following exceptions established in existing law to the continuing prohibitions against cruel treatment of a companion animal:

(1) A companion animal used in scientific research conducted by an institution in accordance with the federal Animal Welfare Act and related regulations;

(2) The lawful practice of veterinary medicine by a person who has been issued a license, temporary permit, or registration certificate to do so under the Veterinarians Law;

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

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

(5) The administering of medicine to a companion animal that was properly prescribed by a person who has been issued a license, temporary permit, or registration certificate under the Veterinarians Law.<sup>5</sup>

### **Prohibition applicable to owners, managers, and employees of dog kennels**

The bill also revises the existing prohibition against knowingly committing specified types of cruel treatment against a companion animal by an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal. Current law prohibits such an owner, manager, or employee from knowingly doing either of the following:

(1) Torturing, tormenting, needlessly mutilating or maiming, cruelly beating, poisoning, needlessly killing, or committing an act of cruelty against the companion animal; or

(2) Depriving the companion animal of necessary sustenance, confining the companion animal without supplying it during the confinement with sufficient

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<sup>4</sup> R.C. 959.131(A)(1).

<sup>5</sup> R.C. 959.131(G).



quantities of food and water, or impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter if it is substantially certain that the companion animal would die or experience unnecessary or unjustifiable pain or suffering due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.<sup>6</sup>

The bill retains item (1), above, but revises item (2) by doing all the following:

--Specifying that the sufficient quantities of food must be good, wholesome food;

--Replacing "if it is substantially certain that the companion animal would die or experience unnecessary or unjustifiable pain or suffering due to the deprivation, confinement, or impoundment, or confinement in any of those specified manners" with "if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of the deprivation or confinement";<sup>7</sup> and

--Removing the prohibition against impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter.<sup>8</sup>

Violation remains a fifth degree felony.<sup>9</sup>

### **Negligently committing acts of cruel treatment against companion animals**

The bill revises existing prohibitions against negligently committing specified types of cruel treatment against a companion animal by a person who confines or is the custodian or caretaker of a companion animal and by an owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal. Existing law establishes separate but identical prohibitions for persons who confine or are custodians or caretakers of companion animals and for such owners, managers, or employees of dog kennels.

Current law prohibits both such a person and such an owner, manager, or employee of a dog kennel from negligently doing any of the following:

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<sup>6</sup> R.C. 959.131(D)(1) and (2).

<sup>7</sup> R.C. 959.131(E)(2).

<sup>8</sup> R.C. 959.131(E)(2).

<sup>9</sup> R.C. 959.99(E)(4).



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

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

(3) Committing any act of neglect by which unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue, when there is a reasonable remedy or relief, against the companion animal;

(4) Needlessly killing the companion animal; and

(5) Depriving the companion animal of necessary sustenance, confining the companion animal without supplying it during the confinement with sufficient quantities of good, wholesome food and water, or impounding or confining the companion animal without affording it, during the impoundment or confinement, with access to shelter from heat, cold, wind, rain, snow, or excessive direct sunlight if it can reasonably be expected that the companion animal would become sick or suffer in any other way as a result of or due to the deprivation, confinement, or impoundment or confinement in any of those specified manners.<sup>10</sup>

The bill removes items (1) to (4), above, in both prohibitions and replaces them in both with a prohibition against torturing, tormenting, or committing an act of cruelty against the companion animal.<sup>11</sup> The bill also revises item (5), above, in both prohibitions by dividing it as follows:

--First prohibiting depriving a companion animal of necessary sustenance or confining it without supplying good, wholesome food and water as specified in current law; and

--In a separate provision, prohibiting impounding or confining a companion animal without affording it with access to shelter as specified in current law.<sup>12</sup>

Criminal penalties remain unchanged under the bill. Under continuing law, a person who confines or is the custodian or caretaker of a companion animal and who violates the applicable prohibition is guilty of a second degree misdemeanor on a first

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<sup>10</sup> R.C. 959.131(C) and (E).

<sup>11</sup> R.C. 959.131(D)(1) and (F)(1).

<sup>12</sup> R.C. 959.131(D)(2) and (3) and (F)(2) and (3).



offense and a first degree misdemeanor on each subsequent offense. An owner, manager, or employee of a dog kennel who confines or is the custodian or caretaker of a companion animal and who violates the applicable prohibition is guilty of a first degree misdemeanor.<sup>13</sup>

### **Humane society's employment of attorney**

The bill creates an exception to existing law by prohibiting a humane society or its agent from employing an attorney or one or more assistant attorneys to prosecute a felony violation of the statute prohibiting cruel treatment of companion animals. Current law authorizes a humane society or its agent to employ an attorney and one or more assistant attorneys to prosecute violations of certain laws, including laws regarding the prevention of cruelty to animals or children. The bill retains that authority, but with the above exception.<sup>14</sup>

### **Humane agents training**

The bill requires a county humane society that receives fine moneys for violation of the prohibitions in current law and the bill regarding companion animals to use the fine moneys to either provide additional training for humane agents or, as in current law, to provide training for humane agents required under the Humane Societies Law.<sup>15</sup>

### **Use of animals to secure opioids**

The bill requires the Attorney General, State Veterinary Medical Licensing Board, State Board of Pharmacy, and Ohio Veterinary Medical Association to collaborate in the development of resources and educational materials to enhance the ability of veterinarians to identify current or potential clients who may abuse opioids and may use animals in their care to improperly secure them.<sup>16</sup>

### **Conforming changes**

Finally, the bill makes necessary conforming changes.<sup>17</sup>

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<sup>13</sup> R.C. 959.99(E)(3) and (5).

<sup>14</sup> R.C. 2931.18.

<sup>15</sup> R.C. 959.131(H).

<sup>16</sup> R.C. 4741.05.

<sup>17</sup> See R.C. 959.131, 959.132, and 959.99.



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## HISTORY

### ACTION

### DATE

Introduced

02-11-15

Reported, H. Agriculture & Rural Development

06-17-15

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