



Ohio Legislative Service Commission

Bill Analysis

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H.B. 267

131st General Assembly
(As Introduced)

Reps. Ruhl, Brenner, Fedor, Grossman, LaTourette, Lepore-Hagan, Thompson

BILL SUMMARY

Deer sanctuary licenses

- Creates an annual deer sanctuary license, which authorizes a person to raise or rehabilitate white-tailed deer that are not captive white-tailed deer and are not for sale or personal use, and specifies the manner in which a person may apply for such a license.
- Requires an applicant for a deer sanctuary license to submit proof that the applicant has established a veterinarian-client relationship with regard to the care of each deer the applicant intends to raise.
- Prohibits a person that has been issued a license from releasing a deer held under the license into the wild.
- Requires the Director of Agriculture to do all of the following:
 - Issue a license if the Director determines that the application is made in good faith and is complete;
 - Inspect all licensed deer sanctuaries in accordance with rules adopted under the bill; and
 - Adopt specified rules, including rules governing the application for a deer sanctuary license, a fee for the license, a requirement that any male deer held under the license be sterilized, and facility specifications for a deer sanctuary.
- Requires money received from license fees to be credited to the Deer Sanctuary Fund, which the bill creates, and requires the Director to use the Fund to administer the above provisions.

Wild animal permit for rehabilitation of deer

- Requires the Chief of the Division of Wildlife to issue a wild animal permit to take, possess, and transport, at any time and in a manner acceptable to the Chief, deer for rehabilitation when it appears that the application for the permit is made in good faith.
- Authorizes the holder of such a wild animal permit to take, possess, and transport the deer in accordance with the permit.
- Authorizes the Chief to establish requirements and procedures that the Chief determines are necessary to administer wild animal permits issued for the rehabilitation of deer.

Law enforcement and humane procedures for euthanizing deer

- Requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General establishing requirements for the training of law enforcement officers authorized to enforce the Division of Wildlife Law and the Hunting and Fishing Law regarding humane procedures for euthanizing injured deer.
- Requires the Attorney General to adopt rules recommended by the Ohio Peace Officer Training Commission and to provide training to law enforcement officers regarding humane procedures for euthanizing injured deer.
- Requires a wildlife officer or other law enforcement official, when investigating a motor vehicle accident involving an injured deer, to determine whether to humanely euthanize the injured deer or to transfer the deer for rehabilitation to a person who holds a wild animal permit.
- Requires an officer who euthanizes a deer to do so in accordance with training protocols established by the Attorney General and to make every effort to euthanize the deer out of the presence of any person who is under 16 years old.

CONTENT AND OPERATION

Deer sanctuary licenses

The bill creates an annual deer sanctuary license, which authorizes a person to raise or rehabilitate white-tailed deer that are not captive white-tailed deer and are not for sale or personal use. A person seeking a license must apply in writing to the Department of Agriculture. An applicant must include in the application for the license proof that the applicant has established a veterinarian-client relationship with regard to the care of each deer the applicant intends to raise. If the Director of Agriculture



determines that the application is made in good faith and is complete, the Director must issue a deer sanctuary license to the applicant upon payment of the license fee established in rules adopted under the bill. A license expires annually on March 31 and may be renewed.¹ The bill prohibits a licensee from releasing any deer held under the license into the wild.²

Under the bill, the Director must do both of the following:

(1) Inspect all licensed deer sanctuaries in accordance with rules adopted under the bill; and

(2) Adopt rules that do all of the following:

--Specify information to be included in a license application, including a description of an applicant's facility that demonstrates that it will comply with facility specifications established in rules (see below);

--Establish facility specifications for a licensed deer sanctuary;

--Establish a fee for the issuance of a license;

--Establish procedures governing the inspection of licensed deer sanctuaries;

--Establish a procedure for and requirements governing the renewal of a deer sanctuary license;

Establish the manner in which a deer must be transported to a licensed deer sanctuary;

--Require that any male deer held under the license be sterilized; and

--Establish any other requirements and procedures that the Director determines are necessary.³

Money from license fees must be credited to the Deer Sanctuary Fund, which the bill creates in the state treasury. The Director must use money in the Fund to administer the above provisions and rules adopted under them.⁴

¹ R.C. 901.80(A).

² R.C. 901.80(B).

³ R.C. 901.80(C) and (D).

⁴ R.C. 901.80(E) and 901.801.

Wild animal permit for the rehabilitation of deer

The bill requires the Chief of the Division of Wildlife to issue a wild animal permit to take, possess, and transport, at any time and in a manner acceptable to the Chief, deer for rehabilitation when it appears that the application is made in good faith. The bill then authorizes the holder of the permit to take, possess, and transport the deer in accordance with the permit. The Chief may establish requirements and procedures that the Chief determines are necessary to administer wild animal permits issued for the rehabilitation of deer.⁵

Law enforcement and humane procedures for euthanizing deer

Training

The bill requires the Ohio Peace Officer Training Commission to recommend rules to the Attorney General establishing requirements for the training of law enforcement officers authorized to enforce the Division of Wildlife Law and the Hunting and Fishing Law regarding humane procedures for euthanizing injured deer.⁶ The bill then requires the Attorney General to adopt the rules recommended by the Commission and to provide training to the officers regarding humane procedures for euthanizing injured deer.⁷

Motor vehicle accidents involving deer

The bill alters the procedures that are applicable when a driver of a motor vehicle allegedly causes the death of a deer by striking the deer. Under current law, the driver of a motor vehicle on a highway that strikes and kills a deer may take possession of the deer if the driver reports the accident to a wildlife officer or other law enforcement officer within 24 hours. After the incident is reported to an officer, the officer must investigate the incident. If the officer finds that the death has been caused as alleged by the driver, the officer must give a legal certificate of ownership to the driver.

Under the bill, if the officer finds that the deer is alive, but injured, the officer must determine whether to humanely euthanize the injured deer or to transfer the injured deer to the holder of a wild animal permit issued for the rehabilitation of deer. If the officer determines that the deer must be humanely euthanized, the officer must euthanize the deer in accordance with training received from the Attorney General (see

⁵ R.C. 1533.08(C).

⁶ R.C. 109.73(A)(13).

⁷ R.C. 109.74.



above) and must make every effort to euthanize the deer out of the presence of any person under 16 years old.⁸

HISTORY

ACTION	DATE
Introduced	06-22-15

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⁸ R.C. 1533.121(B)(2) and (3).

