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SUMMARY

Child abuse reporting

- Adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township to the list of professionals who must immediately report child abuse to a public children services agency (PCSA) or peace officer.

Animal abuse reporting

- Generally prohibits veterinarians and specified social service and counseling professionals from failing to report abuse of a companion animal (e.g., a dog or cat).
- Requires the animal abuse report to be made to a law enforcement officer, humane society agent, or animal control-type professional.
- Similarly prohibits a law enforcement officer, humane society agent, animal control-type professional, dog warden, or deputy dog warden from failing to report abuse of a companion animal to an appropriate social service professional when they suspect abuse toward a companion animal may impact a child or older adult in the home.
- Sets forth the information that must be included in a report, including a description of the animal (if known) and the nature and extent of the suspected abuse, but exempts information that is confidential or that could jeopardize a pending criminal investigation.
- Specifies that a person required to make an animal abuse report is immune from civil or criminal liability in connection with making the report when the report is made in good faith.

- Prohibits individuals required to report animal abuse from knowingly making a false report, and specifies that violating the prohibition is a fourth degree misdemeanor.
- Requires the appropriate licensing board or the entity with employment oversight to issue a confidential written warning and explanation of reporting requirements to a person who fails to make a report when required.
- Imposes civil penalties on licensed veterinarians, counselors, social workers, and marriage and family therapists for knowingly making a false report and for the second or subsequent violation of failing to report when required.
- Requires that all civil penalties collected be deposited into the Occupational Licensing and Regulatory Fund.

DETAILED ANALYSIS

Child abuse reporting

The act adds a dog warden, deputy dog warden, or other person appointed to act as an animal control officer for a municipal corporation or township to the list of professionals who must immediately report child abuse (when acting in an official or professional capacity). These individuals must report the abuse to the public children services agency (PCSA) or municipal or county peace officer in the county in which the child resides or in which the abuse or neglect is occurring or has occurred.¹ A violation of the prohibition is generally a fourth degree misdemeanor.² For more information about mandatory child abuse reporting, see the LSC *Members Briefs*, [Child Abuse or Neglect Reporting](#) and [Liability for Child Abuse and Neglect Reporting and Investigation Failures](#).

Animal abuse reporting

The act establishes two prohibitions that require certain individuals or public officials to report animal abuse-type offenses involving a companion animal (any animal that is kept inside a residential dwelling, other than a wild animal, and any dog or cat regardless of where it is kept). The specific offenses (which must involve a companion animal) for which reporting is required include: animal cruelty, abandoning an animal, poisoning an animal, dog fighting, and sexual conduct with an animal.³

The first prohibition applies to a licensed veterinarian, social service professional, and any other person licensed as a counselor, social worker, or marriage and family therapist (when acting in an official or professional capacity). Such persons are prohibited by the act from failing to immediately report abuse of a companion animal to an officer when that person has

¹ R.C. 2151.421(A)(1)(b).

² R.C. 2151.99(A), not in the act.

³ R.C. 959.07 and 959.08. See Chapter 959. of the Revised Code for complete descriptions of the animal abuse offenses for which reporting is required.

knowledge or reasonable cause to suspect that the abuse has occurred or is occurring. An officer is any law enforcement officer, agent of a county humane society, or other person appointed to act as an animal control officer for a municipal corporation or township. A social service professional is an employee of a private or public children services agency or an employee of a county department of job and family services with responsibility for protective services.⁴

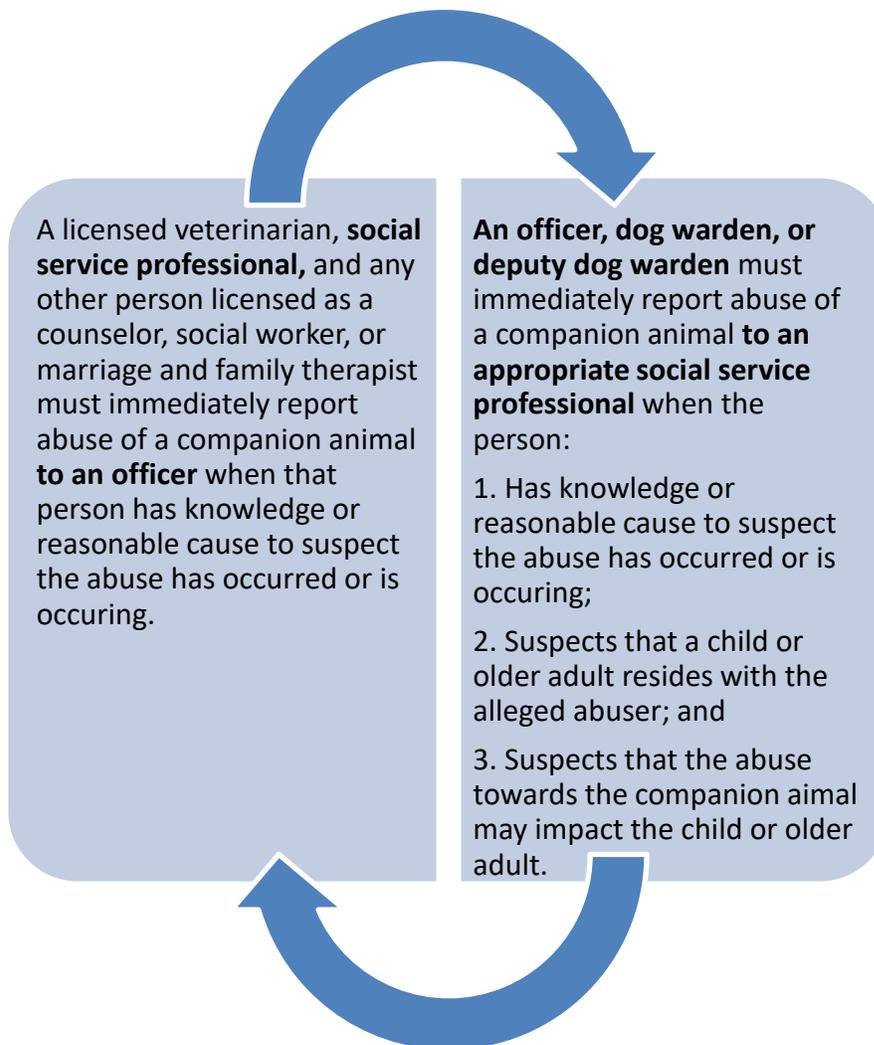
Secondly, the act imposes a duty on animal control officials to report to social services professionals when they suspect abuse toward a companion animal may impact a child or older adult who resides in the home. Specifically, it prohibits an officer, a dog warden, or a deputy dog warden (operating in an official or professional capacity) from failing to immediately report abuse of a companion animal to an appropriate social service professional when all of the following apply:

1. The officer, dog warden, or deputy dog warden has knowledge or reasonable cause to suspect that the abuse has occurred or is occurring;
2. The officer, dog warden, or deputy dog warden has knowledge or reasonable cause to suspect that a child or older adult resides with the alleged abuser; and
3. The officer, dog warden, or deputy dog warden suspects that the abuse towards the companion animal may impact the child or older adult.⁵

The act therefore establishes a “cross reporting” relationship as shown below:

⁴ R.C. 959.07.

⁵ R.C. 959.08.



Contents of a report

Under the act, a person required to make an animal abuse report may do so orally or in writing and must include the following in the report:

1. A description of the animal involved and the animal's name, if known;
2. The address and telephone number of the owner or other person responsible for the care of the animal, if known;
3. The nature and extent of the suspected abuse; and
4. Any other information that the person making the report believes may be useful in establishing the existence of the suspected violation or the violator's identity.⁶

⁶ R.C. 959.09(A)(1).

An officer, dog warden, or deputy dog warden may exclude any information from the report that is confidential or that the person reasonably believes could jeopardize a pending criminal investigation.⁷

Civil immunity and false reporting

The act prohibits a person required to report animal abuse from knowingly making a false report. A violation of this prohibition is a fourth degree misdemeanor. However, the act specifies that a person required to make a report is immune from civil or criminal liability in connection with making the report if the person acted in good faith when making it.⁸

A court must award reasonable attorney's fees and costs to the prevailing party in a civil or criminal action or judicial proceeding if it is proved that participation in making the report was not in good faith. The act also authorizes a court to award those fees and costs to the party against whom a civil action or proceeding is brought in which it is alleged that participation in the making of the report was not in good faith when the action or proceeding is voluntarily dismissed.⁹

Professional enforcement

The act creates a separate enforcement scheme for each type of professional required to make an animal abuse report, as follows:

Officers, dog wardens, and deputy dog wardens

The entity responsible for employment oversight of an officer, dog warden, or deputy dog warden must issue a confidential written warning and explanation of the reporting requirements to an officer, warden, or deputy who fails to make a report when required. The act does not impose any civil penalties on a violating officer, dog warden, or deputy dog warden.¹⁰

Social service professionals

The entity responsible for employment oversight of a social service professional must issue, at minimum, a confidential written warning and explanation of the reporting requirements to a professional who fails to make a report when required. Any additional penalties are left to the employer's discretion.¹¹

Licensed veterinarians

The first time a licensed veterinarian violates the requirement to make a report, the Veterinary Medical Licensing Board must issue a confidential written warning and explanation

⁷ R.C. 959.08(C).

⁸ R.C. 959.09(B) and (C) and 959.99(C).

⁹ R.C. 959.09(D).

¹⁰ R.C. 959.10.

¹¹ R.C. 5101.93.

of the reporting requirements. For a second violation, the Board must impose a \$100 civil penalty. For any subsequent violation, the Board must impose a \$500 civil penalty. If a licensed veterinarian makes a false report in bad faith, the Board must impose a \$100 civil penalty for a first violation and a \$500 civil penalty for a second or subsequent violation. In addition to any civil penalty, the act authorizes the Board to assess the costs of the administrative hearing regarding the violation to the licensed veterinarian.¹²

Counselors, social workers, and marriage and family therapists

The appropriate professional standards committee of the licensing board is responsible for enforcement of the act's reporting requirements for a counselor, social worker, or marriage and family therapist (licensed professional). The first time a licensed professional violates the requirement to make a report, the licensing board must issue a confidential written warning and an explanation of the reporting requirements. For a second violation, the board must impose a \$100 fine. For any subsequent violation, the board must impose a \$500 fine. If a licensed professional makes a false report in bad faith, the board must impose a \$100 fine for a first violation and a \$500 fine for a second or subsequent violation.¹³ The act provides the board the discretion to suspend or revoke the individual's license for a second or subsequent violation of the reporting requirement or for making a false report in bad faith.¹⁴

Occupational Licensing and Regulatory Fund

The act requires that all civil penalties and fines collected by the licensing boards be deposited in the state treasury to the credit of the Occupational Licensing and Regulatory Fund.¹⁵

HISTORY

Action	Date
Introduced	02-12-19
Reported, H. Criminal Justice	11-26-19
Passed House (90-2)	06-11-20
Reported, S. Agriculture & Natural Resources	12-10-20
Passed Senate (32-0)	12-17-20

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¹² R.C. 4741.22(C)(2) and (3) and (D).

¹³ R.C. 4757.36(I) and (J).

¹⁴ R.C. 4757.36(B) and (C)(12).

¹⁵ R.C. 4757.36(H); R.C. 4741.25, not in the act.