



Ohio Administrative Code Rule 901:12-2-01 Civil penalties.

Effective: February 13, 2025

(A) "Minor violations" include actions that violate division 901:12 of the Administrative Code that occur due to neglect or unintentional acts of substandard practices which do not:

- (1) Place the animal's life in imminent peril;
- (2) Cause protracted disfigurement;
- (3) Cause protracted impairment of health; or
- (4) Cause protracted loss or impairment of the function of a limb or bodily organ.

(B) "Major violations" are actions that violate division 901:12 of the Administrative Code which:

- (1) Place an animal's life in imminent peril;
- (2) Cause protracted disfigurement;
- (3) Cause protracted impairment of health;
- (4) Cause protracted loss or impairment of the function of a limb or bodily organ; or
- (5) Occur due to reckless or intentional acts which result in unjustifiable infliction of pain.

(C) Nothing in the rules adopted in division 901:12 of the Administrative Code shall be construed to prevent a licensed veterinarian, or other person acting under the veterinarian's supervision, from meeting the standards set forth in Chapter 4741. of the Revised Code or rules promulgated thereunder.



(D) Notice of violation:

(1) Where the Ohio department of agriculture (department) determines that the owner of the livestock and a person who has current custody or responsibility of the livestock (the responsible party) has committed a violation of the standards created in the rules adopted by the livestock care board, the department shall inform the responsible party of the provisions violated.

(2) The initial notification may be in person, by telephone, or email.

(3) If the initial notice is not in writing, the investigating authority shall, within three business days of the finding that the violation has occurred, serve on the responsible party or mail to the responsible party's last known address, a written notification of the findings of the inspection and, the standard of the rules violated or any other acts of cruelty.

(4) If the violation can be corrected, the written notice will also include the corrective measures that must be taken to achieve compliance, including the amount of time allowed to take corrective measures.

(E) If the responsible party, after receiving a notice of violation issued pursuant to paragraph (D) of this rule, fails to cure the violation within the time specified in the written notice, the responsible party may be assessed for a subsequent violation for each day the violation remains uncured. The responsible party may challenge the notice of violation in accordance with the hearing procedures set forth in Chapter 119. of the Revised Code.

(F) Penalties for minor violations:

Pursuant to section 904.04 of the Revised Code, the department may assess a civil penalty up to five hundred dollars for the first minor violation as described in paragraph (A) of this rule. The department may assess a civil penalty up to one thousand dollars for each subsequent minor violation that is committed within sixty months of the previous minor violation.

(G) Penalties for major violations:



(1) Pursuant to section 904.04 of the Revised Code, the department may assess a civil penalty a minimum of one thousand dollars and a maximum of five thousand dollars for the first major violation as described in paragraph (B) of this rule. The department may assess a civil penalty a minimum of five thousand dollars and a maximum of ten thousand dollars for each subsequent major violation that is committed within sixty months of the previous major violation.

(2) Where the department determines that the responsible party has committed a major violation of this rule, in addition to the penalty assessed in paragraph (G)(1) of this rule, the department may assist the actions of state and local agencies and nongovernmental organizations to provide proper care for the animal including, but not limited to:

- (a) Feeding and watering;
- (b) Providing medical care;
- (c) Actions necessary to take possession of the livestock; or
- (d) Euthanasia and disposal.

(H) For the purposes of determining the civil penalties in paragraphs (F) and (G) of this rule, a violation affecting more than one animal may be considered as one offense.

(I) The director of agriculture may impose the civil penalties assessed in paragraphs (F) and (G) of this rule if the director affords the responsible party an opportunity for an adjudication hearing under Chapter 119. of the Revised Code.

(J) In addition to the civil penalty assessed, the department may assess an additional amount to recover the cost to the department to investigate a matter if the investigation results in a final adjudication that a violation has occurred. Calculation of the cost may include:

- (1) The average salary of all employees directly involved in the investigations;
- (2) Average fringe benefits rate for all employees directly involved in the investigation;



(3) Duplicating and copying costs; and

(4) Direct and indirect costs including all laboratory analysis.

(K) In addition to all other penalties assessed, the department may assess the responsible party the costs for the care of livestock incurred under paragraph (G)(2) of this rule.

(L) Costs recovered under paragraphs (J) and (K) of this rule shall be deposited to the livestock care standards fund.