



Ohio Revised Code

Section 941.04 Access to premises containing contagious or infected animal by director or representative.

Effective: March 23, 2016

Legislation: House Bill 131 - 131st General Assembly

(A) Whenever the director of agriculture or the director's authorized representative reasonably suspects that any premises or means of conveyance contains an animal that is infected with or has been exposed to a dangerously contagious or infectious disease or a disease of concern or is adulterated with a residue, the director or the director's authorized representative shall have free access to those premises or that means of conveyance at any reasonable time.

(B) Whenever the director of agriculture or the director's authorized representative reasonably suspects that any vehicle or means of conveyance traveling into or through the state contains an animal, the director or the director's authorized representative shall have free access to the vehicle or means of conveyance, including the right to stop the vehicle or conveyance transporting animals into or through the state. The director or the director's authorized representative may examine any certificate of veterinary inspection, animal health certificate, waybill, yarding receipt, sale ticket, or other document required by this chapter or rules adopted under it. The director or the director's authorized representative also may inspect the vehicle or conveyance for the purposes of verifying the presence or existence of any animal for which a document is required by this chapter or rules adopted under it and verifying lawful possession or ownership of the animal. This division does not apply to animals transported intrastate.

Within the parameters of the United States and Ohio constitutions, any person who operates a vehicle or means of conveyance upon a roadway in this state is deemed to have consented to the inspection of the vehicle or conveyance and the documents as described in this section.

(C) In the event the owner of the animal or the operator of the vehicle or conveyance fails to present any document required by this chapter and rules adopted under it, or if the documents indicate or the director or the director's authorized representative reasonably suspects that an animal is infected with or has been exposed to a dangerously contagious or infectious disease or a disease of concern or is adulterated with a residue, the director or the director's authorized representative shall seal the



vehicle or conveyance. A seal shall not be broken or removed from a vehicle or conveyance within this state or any other state except by the director or the director's authorized representative or by a person holding a similar position in another state, territory, or country.

Once the vehicle or conveyance is sealed, its operator shall choose a course of action to be taken under division (D) of section 941.10 of the Revised Code. If the operator fails to choose and the owner of the animal can be contacted, the owner shall make the choice. If the owner cannot be contacted, the director or the director's authorized representative shall make the choice. Any time that the director or the director's authorized representative determines that a course of action under division (D) of section 941.10 of the Revised Code is inappropriate, the director or the director's authorized representative may refuse to allow that course of action to be taken or may limit it. The director or the director's authorized representative shall issue a permit designating and requiring compliance with the course of action chosen under this division.

If the director or the director's authorized representative reasonably suspects that an animal is stolen or that the operator of the vehicle or conveyance is not in lawful possession of the animal, or while waiting for a search warrant to be issued under section 941.042 of the Revised Code, the director or the director's authorized representative may detain or impound the vehicle or conveyance or detain the animal. If the director or the director's authorized representative determines, during any detention or impoundment, that disposal of the animal is necessary, the director or the director's authorized representative may provide for its disposal in accordance with section 941.043 of the Revised Code.

(D) The director or the director's authorized representative, in performing official duties under this section, may call on such law enforcement personnel and government officials as are necessary to provide assistance. The director or the director's authorized representative may detain or follow any vehicle or conveyance until those persons arrive.

(E) At the direction of the director and in the director's discretion, an employee of the animal and plant health inspection service-veterinary services in the United States department of agriculture may be an authorized representative of the director for purposes of this chapter.