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# COUNTY ADVISORY BULLETIN

**CAB**

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Bulletin 2026-01

May 2026

## HOUSE BILL 247 - AVERY'S LAW DOG LAW REFORM – DANGEROUS, VICIOUS, AND NUISANCE DOGS

**APPLICABLE LEGISLATION:** Sub. H.B. 247 (136th General Assembly) – “Avery’s Law”

**REVISED CODE SECTIONS AMENDED:** 304.02, 304.03, 715.23, 901.80, 935.03, 955.01, 955.011, 955.012, 955.02, 955.03, 955.04, 955.05, 955.06, 955.07, 955.10, 955.11, 955.12, 955.121, 955.14, 955.16, 955.20, 955.22, 955.221, 955.222, 955.26, 955.261, 955.40, 955.43, 955.44, 955.50, 955.54, 959.132, 1533.12, 1901.18, 1907.031, 2913.01, and 2921.32

**REVISED CODE SECTIONS ENACTED:** 955.21, 955.22, 955.024, 955.60, and 955.61

**LEAD SPONSORS:** Representatives Kevin Miller and Meredith Lawson-Rowe

**HOUSE COSPONSORS:**

Lawson-Rowe; Blasdel; Brennan; Hiner; Johnson; Ray; Stewart; Sigrist; Abrams; Ghanbari; Willis; Bird; Brent; Brewer; Brownlee; Claggett; Cockley; Creech; Daniels; Deeter; Dovilla; Glassburn; Grim; Gross; D. Hall; T. Hall; Holmes; Hoops; Humphrey; Isaacsohn; Jarrells; John; King; Kishman; Klopfenstein; Lampton; LaRe; Lear; Lett; Lorenz; A. Mathews; T. Mathews; McNally; Mohamed; Moore; Newman; Odioso; Oelslager; Peterson; Piccolantonio; Plummer; Rader; Richardson; Ritter; Robinson; Rogers; Russo; Salvo; Schmidt; Sims; Stephens; Sweeney; Synenberg; Thomas; Tims; Upchurch; White Williams; Young; Huffman

**SENATE COSPONSORS:**

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**EFFECTIVE DATE:** March 20, 2026

**BACKGROUND**

House Bill 247 (HB 247) was introduced in response to several high-profile dog attacks in Ohio. One of the survivors of the attack was Avery Russell from Reynoldsburg, and the bill is

named after her. Previously, Ohio's Dog Law (R.C. Chapter 955) relied on "running at large" enforcement and administrative dog designations (nuisance, dangerous, or vicious) to address dog attacks. Prior law generally did not require or authorize a court to order humane destruction when a dog seriously injured or killed a person if the dog had not previously committed a qualifying act. The unintended consequence in the previous statute created what was commonly known as the "one free bite rule" in Ohio. HB 247 comprehensively revises definitions, penalties, hearing procedures, and owner responsibilities, and adds new tools for courts and local officials to address serious dog attacks.

### **Changes to Definitions of Nuisance, Dangerous, and Vicious Dog Acts**

House Bill 247 revises Ohio's Dog Law by redefining nuisance dog acts, dangerous dog acts, and vicious dog acts based on the conduct involved in a specific incident, rather than relying primarily on whether a dog had previously been designated a nuisance, vicious, or dangerous dog. Under the bill, a single qualifying act may trigger enforcement and court action even if the dog has no prior history of causing harm to another dog or a person.

The bill clarifies when conduct is considered to occur "without provocation," providing greater statutory guidance for dog wardens, law enforcement, and courts when evaluating incidents. This clarification is intended to reduce ambiguity and improve consistency in enforcement and judicial determinations. Additional information about the different definitions of dog acts can be found below:

- Nuisance Dog Act
  - A nuisance dog act generally involves behavior by a dog that, without provocation, interferes with a person's use or enjoyment of property or public spaces but does not cause physical injury. This includes conduct such as chasing, barking at, or threatening people in a manner that creates a reasonable fear or disturbance, without escalating to physical harm.
  - A dog may be treated as a nuisance dog based on the act itself, even if the dog has not previously been designated.
- Dangerous Dog Act
  - A dangerous dog act occurs when a dog, without provocation, engages in behavior that causes injury to a person or creates a serious risk of physical harm, but does not result in death or the most severe forms of injury specified for vicious dog acts.
  - This category is intended to capture conduct that goes beyond a nuisance and presents a real threat to public safety, while stopping short of the most extreme outcomes. A single qualifying dangerous dog act may be sufficient for enforcement and court action, regardless of prior history.
- Vicious Dog Act
  - A vicious dog act occurs when a dog, without provocation, either:
    - Kills a person, or
    - Seriously injures a person in a manner that results in specified severe physical outcomes, such as permanent disfigurement, substantial

impairment, or similarly serious harm.

HB 247 ties the most severe legal consequences to vicious dog acts, including mandatory humane destruction in specified circumstances. As with nuisance and dangerous dog acts, the designation may be based solely on the incident itself and does not require prior qualifying behavior.

Finally, by defining qualifying acts independently from prior designations, the bill allows courts to impose consequences, including enhanced penalties and, in the most serious cases, mandatory humane destruction, based on the facts of the incident itself rather than the dog's past record.

R.C. 955.22; 955.24; and 959.132

### **Dog Complaint and Attack Notification Requirements**

House Bill 247 requires an authorized person to investigate any complaint indicating a possible violation of Ohio's Dog Law. When an investigation does not result in a citation or criminal charge, the authorized person must notify the dog's owner that a complaint was received and investigated. The notice must identify the applicable legal provisions governing the alleged violation and include contact information for the authorized person. The notice must be posted on the door of the dwelling where the dog resides within 24 hours after the investigation concludes.

The bill also codifies existing Department of Health rules governing dog bite and attack reporting. Health care providers and licensed veterinarians who become aware of a dog or other nonhuman mammal bite or injury are required to report the incident within 24 hours to the health commissioner of the health district where the incident occurred. Individuals who are bitten or injured may also report the incident directly to the local health commissioner.

In addition, city and general health district boards of health are required to submit an annual report to the Department of Health by March 1 of each year summarizing nonhuman mammalian bites and injuries that occurred in the district during the previous calendar year.

R.C. 955.60 and 955.61

### **Dog Designation Hearing Changes Under HB 247**

House Bill 247 substantially restructures Ohio's dog designation hearing process for nuisance, dangerous, and vicious dogs by clarifying how proceedings are initiated, which court has jurisdiction, and how quickly hearings must occur. The bill shifts the standard for designation from "reasonable cause" to probable cause and distinguishes between cases where a dog may safely remain with its owner and cases involving serious injury, death, or immediate safety concerns.

Under the bill, when a dog has not seriously injured or killed a person and the dog warden determines the dog may safely remain with the owner, the designation process generally

follows existing procedures, with the owner retaining the right to appeal. However, when a dog has seriously injured or killed a person, or when the dog cannot safely remain with the owner, the authorized person must petition the appropriate court directly to hold a designation hearing.

House Bill 247 changes jurisdiction for designation hearings by requiring the court with jurisdiction over the location of the incident, rather than the owner's residence, to conduct the hearing. The bill also establishes firm timelines, requiring hearings to be held within ten calendar days, either after a petition is filed or after an appeal is requested, and requires the court to issue a final determination at the conclusion of the hearing.

At the hearing, the authorized person continues to bear the burden of proof by clear and convincing evidence, but the bill clarifies that probable cause may be supported by written witness statements describing the incident. Either party may appeal the court's final determination under standard appellate procedures.

The bill also revises rules governing custody of the dog during the hearing and any appeal. If the dog did not seriously injure or kill a person and the dog warden determines it is safe, the dog must remain with the owner during the proceedings, subject to secure confinement requirements. If the dog seriously injured or killed a person, or if the dog cannot safely remain with the owner, the dog must be held by the dog warden, with costs generally borne by the owner unless the designation is ultimately not upheld.

Finally, House Bill 247 significantly expands the court's authority regarding dog disposition. For the first time, courts may order humane destruction as part of a designation hearing. Humane destruction is authorized for nuisance dogs in limited circumstances and for dangerous or vicious dogs generally, and it is mandatory when the court finds that a dog, without provocation, killed a person or caused serious injury resulting in severe or permanent harm.

R.C. 955.22 and 955.23

### **Requirements for Dangerous and Vicious Dog Owners Under HB 247**

House Bill 247 strengthens and expands the statutory requirements that apply to owners of dangerous and vicious dogs. The bill eliminates the ability for dangerous or vicious dogs to legally engage in hunting activities and requires that any fencing used to confine such dogs be sufficiently constructed to prevent escape.

The bill clarifies ownership prohibitions for individuals convicted of certain violent felony or animal cruelty offenses by specifying that the prohibition on knowingly owning or residing with a dangerous or vicious dog begins on the date of conviction or guilty plea, rather than upon completion of all sanctions associated with the offense.

House Bill 247 requires owners of dangerous or vicious dogs to obtain and maintain at least \$100,000 in liability insurance regardless of whether a court orders such coverage. Failure

to obtain insurance is a minor misdemeanor for a first offense and a fourth-degree misdemeanor for subsequent offenses.

The bill also imposes additional confinement and registration requirements. When an invitee is present, the dog must be securely confined within a dwelling or building, so there is no reasonable probability of contact. The dangerous dog registration fee is increased from \$50 to \$100.

Owners are required to disclose a dog's dangerous or vicious designation to trainers and veterinarians providing services, with failure to disclose constituting a minor misdemeanor. Expanded disclosure requirements also apply when a dangerous or vicious dog is sold or transferred, including written notice of any prior nuisance, dangerous, or vicious designation.

Finally, House Bill 247 designates several violations related to dangerous and vicious dogs as strict liability offenses, including failures related to registration, tagging, confinement, transfer requirements, insurance coverage, and required notifications to dog wardens or county auditors. These provisions increase enforcement consistency and owner accountability.

R.C. 955.01; 955.02; 955.11; 955.21; and 955.24

### **Criminal Penalties for Dog Attacks Under HB 247**

House Bill 247 significantly expands criminal liability for dog attacks by imposing penalties when a dog owner negligently fails to prevent, without provocation, a nuisance, dangerous, or vicious dog act. These penalties apply even if the dog has no prior history or designation. The bill also extends criminal liability to animal shelters for dogs, applying a reckless mental state standard for certain offenses.

For nuisance dog acts, a dog owner who negligently fails to prevent the act commits a minor misdemeanor for a first offense and a fourth-degree misdemeanor for subsequent offenses. An animal shelter that recklessly fails to prevent a nuisance dog act is subject to the same penalty structure.

For dangerous dog acts, a dog owner or animal shelter that fails to prevent the act faces a fourth-degree misdemeanor for a first offense and a third-degree misdemeanor for subsequent offenses. If the dog has previously been designated dangerous or vicious and the dangerous dog act results in injury to a person, the offense is elevated to a first-degree misdemeanor.

For vicious dog acts, a dog owner or animal shelter that fails to prevent the act commits a third-degree misdemeanor for a first offense and a second-degree misdemeanor for subsequent offenses. If the dog has previously been designated dangerous or vicious and the vicious dog act seriously injures or kills a person, the offense is elevated to a third-degree felony.

House Bill 247 also expands court authority in criminal proceedings to order the humane destruction of a dog. A court may order humane destruction when a dog commits a dangerous or vicious dog act, injures another dog, or attempts to bite a person resulting in injury. In cases where a dog kills a person or causes serious injury resulting in severe or permanent harm, the court is required to order humane destruction. Under the bill, humane destruction may only be carried out by a county dog warden or a licensed veterinarian, rather than a humane society.

R.C. 955.22 and 955.23

### **Animal Shelters for Dogs Under HB 247**

House Bill 247 expands statutory exemptions for animal shelters for dogs by exempting shelters from all dog registration requirements, rather than only from the payment of registration fees under prior law.

The bill also exempts animal shelters from certain requirements that apply to dangerous or vicious dogs for dogs the shelter keeps or harbors, including requirements related to transfer notifications, liability insurance, and secure confinement. These exemptions apply only when the shelter did not know and could not reasonably have determined that the dog was dangerous or vicious at the time it took possession.

To qualify for these exemptions, the shelter must exercise due diligence by asking specified questions of the dog's previous owner, if known and if the dog was not impounded due to animal abuse. These questions address the dog's prior aggressive behavior, bite history, whether the dog has seriously injured or killed a person, and whether the dog has previously been designated as a nuisance, dangerous, or vicious dog.

These provisions are intended to balance public safety with the operational realities of animal shelters by clarifying when shelters may rely on good-faith intake procedures to avoid compliance with requirements designed for known dangerous or vicious dogs.

R.C. 955.02; 955.11; and 955.24

### **Dogs Running at Large Under HB 247**

House Bill 247 retains Ohio's general prohibition against allowing a dog to run at large by failing to keep the dog confined, restrained, or under reasonable control. The bill expressly designates this violation as a strict liability offense, eliminating the need to prove intent or negligence.

The bill increases penalties when a dog that has been designated a nuisance, dangerous, or vicious runs at large, even if no injury or death occurs. For nuisance dogs, the penalty is increased to a fourth-degree misdemeanor for a first offense and a third-degree misdemeanor for subsequent offenses. For dangerous dogs, the penalty is increased to a third-degree misdemeanor for a first offense and a second-degree misdemeanor for subsequent offenses. For vicious dogs, the bill imposes a second-degree misdemeanor for a

first offense and a first-degree misdemeanor for subsequent offenses and removes the prior requirement that the dog cause serious injury or death for the heightened penalty to apply.

House Bill 247 also creates a limited exemption from the running-at-large prohibition when a dog is participating in a field trial, provided the dog is not designated dangerous or vicious and applicable conditions are met.

R.C. 955.21

### **Dog Warden, County Auditor, and Miscellaneous Provisions Under HB 247**

House Bill 247 revises the duties of county dog wardens by requiring a dog warden who has reason to believe a dog is being treated inhumanely to provide written notice to the humane society or the appropriate law enforcement authority with jurisdiction to enforce Ohio's animal cruelty laws. The bill eliminates the prior requirement that a dog warden apply to a court for an order to seize the dog and removes the dog warden's responsibility to independently investigate acts of animal cruelty.

The bill also repeals the existing criminal prohibition that imposed a minor misdemeanor penalty on a dog warden who willfully failed to perform "other duties required" of the office, removing this criminal liability provision from current law.

House Bill 247 imposes new coordination requirements on county auditors by requiring written notification to the county dog warden whenever the auditor registers a dangerous or vicious dog or receives an address-change notice from the owner of such a dog. Existing requirements for dangerous and vicious dog owners to register with the county auditor and obtain both a regular dog tag and a dangerous dog tag are retained.

In addition, the bill reorganizes and recodifies numerous provisions of Revised Code Chapter 955, including criminal penalty sections, to improve statutory clarity. The bill clarifies that several Dog Law violations are strict liability offenses, including failure to register a dog or kennel, failure to ensure a dog wears a valid tag, and failure to comply with statutory requirements governing the sale or transfer of a dog.

Finally, House Bill 247 repeals outdated or unfunded provisions, including the Department of Agriculture reimbursement program for livestock injured or killed by coyotes or black vultures, and the prohibition on allowing a female dog in heat to leave the owner's premises unless leashed. Under the bill, an undesignated female dog in heat that runs at large is instead subject to the general running-at-large penalties.

R.C. 955.04; 955.02; 955.024; 955.11; and 955.12