

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 396**

**Representative Hall**

**Cosponsors: Representatives Dovilla, Thompson, O'Brien, M., Patterson,  
Strahorn, Sprague, Young, Slaby, Smith, K., Arndt, Blessing**

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**A BILL**

To amend section 1531.17 and to enact sections 1  
1532.01, 1532.02, 1532.03, 1532.04, 1532.05, and 2  
1532.99 of the Revised Code to prohibit the 3  
possession, introduction, sale, or offer of sale 4  
of specified restricted and prohibited species. 5

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That section 1531.17 be amended and sections 6  
1532.01, 1532.02, 1532.03, 1532.04, 1532.05, and 1532.99 of the 7  
Revised Code be enacted to read as follows: 8

**Sec. 1531.17.** All fines, penalties, and forfeitures 9  
arising from prosecutions, convictions, confiscations, or 10  
otherwise under this chapter and Chapters 1517., 1532., and 11  
1533. of the Revised Code, unless otherwise directed by the 12  
director of natural resources, shall be paid by the officer by 13  
whom collected to the director and by the director paid into the 14  
state treasury to the credit of the wildlife fund, which is 15  
hereby created, for the use of the division of wildlife. All 16  
moneys received from the sale of wild animals under division (J) 17  
of section 1531.06 of the Revised Code shall be paid into the 18

state treasury to the credit of the wildlife fund for the use of 19  
the division. All moneys collected as license fees on nets in 20  
the Lake Erie fishing district shall be paid by the director 21  
into the state treasury to the credit of the wildlife fund for 22  
use only in the betterment and the propagation of fish therein 23  
or in otherwise propagating fish in ~~such that~~ district. All 24  
investment earnings of the fund shall be credited to the fund. 25  
The wildlife fund shall not be used for compensation of 26  
personnel employed by other divisions of the department of 27  
natural resources who are assigned to law enforcement duties in 28  
aid of the division of wildlife or for compensation of division 29  
of wildlife personnel for activities related to the instruction 30  
of personnel of other divisions. 31

**Sec. 1532.01.** As used in this chapter: 32

(A) "Amphibian" means a frog, toad, or salamander of the 33  
class Amphibia. 34

(B) "Aquatic" means an amphibian, crustacean, fish, 35  
mollusk, reptile, or wiggler. 36

(C) "Crustacean" means any freshwater crayfish, shrimp, or 37  
prawn of the order Decapoda. 38

(D) "Genetically engineered" means an organism whose 39  
genome, either chromosomal or extrachromosomal, is modified 40  
permanently and heritably using recombinant nucleic acid 41  
techniques or the progeny of such an organism. 42

(E) "Introduce" means to stock, place, plant, release, or 43  
allow the release of an organism in this state at a specific 44  
location where the organism is not already naturalized. 45

(F) "Mollusk" means an invertebrate of the class Bivalvia 46  
or Gastropoda. 47

(G) "Naturalize" means any process by which a nonnative species is spread into the wild and its reproduction is sufficient to sustain its own population. 48  
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(H) "Nonnative" means not indigenous to this state. 51

(I) "Prohibited species" means: 52

(1) A eurasian collared dove (Streptopelia decaocto), including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant; 53  
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(2) A rusty crayfish (Orconectes rusticus), including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant; 57  
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(3) All of the following fish species, including a hybrid or genetically engineered variant of the species or an egg of the species or of a hybrid or genetically engineered variant: 61  
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(a) Bighead carp (Hypophthalmichthys nobilis); 64

(b) Bitterling (Bitterling (Rhodeus sericeus)); 65

(c) Black carp (Mylopharyngodon piceus); 66

(d) Eurasian ruffe (Gymnocephalus cernuus); 67

(e) Grass carp (Ctenopharyngodon idella); 68

(f) Ide (Leuciscus idus); 69

(g) Japanese weatherfish (Misgurnus anguillicaudatus); 70

(h) Round goby (Neogobius melanostomus); 71

(i) Rudd (Scardinius erythrophthalmus); 72

<u>(j) Silver carp (Hypophthalmichthys molitrix);</u>	73
<u>(k) A fish of the snakehead family (family Channidae);</u>	74
<u>(l) Tench (Tinca tinca);</u>	75
<u>(m) Tubenose goby (Proterorhinus marmoratus).</u>	76
<u>(4) Both of the following insect species, including a</u>	77
<u>hybrid or genetically engineered variant of the species or an</u>	78
<u>egg of the species or of a hybrid or genetically engineered</u>	79
<u>variant:</u>	80
<u>(a) Asian longhorned beetle (Anoplophora glabripennis);</u>	81
<u>(b) Emerald ash borer (Agrilus planipennis).</u>	82
<u>(5) A nutria (Myocastor coypus), including a hybrid or</u>	83
<u>genetically engineered variant of the species;</u>	84
<u>(6) Any of the following mollusk species, including a</u>	85
<u>hybrid or genetically engineered variant of the species or an</u>	86
<u>egg of the species or of a hybrid or genetically engineered</u>	87
<u>variant:</u>	88
<u>(a) Brown garden snail (Helix aspersa);</u>	89
<u>(b) Cartusian snail (Monacha cartusiana);</u>	90
<u>(c) Giant African snail (Achatina fulica);</u>	91
<u>(d) Girdled snail (Hygromia cinctella);</u>	92
<u>(e) Eastern heath snail (Xerolenta obvia);</u>	93
<u>(f) Wrinkled dune snail (Candidula intersecta).</u>	94
<u>(J) "Recombinant nucleic acid techniques" means laboratory</u>	95
<u>techniques through which genetic material is isolated and</u>	96
<u>manipulated in vitro and then inserted into an organism.</u>	97

<u>(K) "Reptile" means any turtle, snake, or lizard of the</u>	98
<u>class Reptilia.</u>	99
<u>(L) "Restricted species" means both of the following</u>	100
<u>mollusk species, including a hybrid or genetically engineered</u>	101
<u>variant of the species or an egg of the species or of a hybrid</u>	102
<u>or genetically engineered variant:</u>	103
<u>(1) Quagga mussel (Dreissena rostriformis bugensis);</u>	104
<u>(2) Zebra mussel (Dreissena polymorpha).</u>	105
<u>(M) "Wiggler" means an egg, nymph, or larva of an insect.</u>	106
<b>Sec. 1532.02.</b> <u>(A) The chief of the division of wildlife</u>	107
<u>may adopt rules in accordance with Chapter 119. of the Revised</u>	108
<u>Code, in consultation with the director of agriculture,</u>	109
<u>designating additional species, other than plant species, as</u>	110
<u>restricted species and prohibited species for the purposes of</u>	111
<u>this chapter as provided in this section.</u>	112
<u>(B) The chief shall conduct a risk assessment in</u>	113
<u>accordance with rules adopted under section 1532.04 of the</u>	114
<u>Revised Code before adopting rules to designate an aquatic</u>	115
<u>species as a restricted species or prohibited species.</u>	116
<u>(C) The chief shall not adopt rules to designate a</u>	117
<u>proposed species as a restricted species or prohibited species</u>	118
<u>unless all of the following apply:</u>	119
<u>(1) The species is nonnative.</u>	120
<u>(2) The species is not naturalized in this state or, if</u>	121
<u>naturalized, is not widely distributed throughout this state.</u>	122
<u>(3) The species has the potential to harm human health or</u>	123
<u>to severely harm natural, agricultural, or silvicultural</u>	124

<u>resources.</u>	125
<u>(4) Effective management or control techniques for the</u>	126
<u>species are not available.</u>	127
<u>(D) Notwithstanding any other provision of this section,</u>	128
<u>the chief may issue an emergency order designating a nonnative</u>	129
<u>species, other than a plant species, as a restricted species or</u>	130
<u>prohibited species if the species has the potential to harm</u>	131
<u>human health or severely harm natural, agricultural, or</u>	132
<u>silvicultural resources. An emergency order issued by the chief</u>	133
<u>under this division shall be effective for not longer than</u>	134
<u>ninety days. In addition, the chief shall do both of the</u>	135
<u>following:</u>	136
<u>(1) Post the emergency order on the division of wildlife's</u>	137
<u>web site and publicize the order, including the reason for the</u>	138
<u>order and the effective date of the order;</u>	139
<u>(2) Provide a copy of the emergency order to the</u>	140
<u>committees of the senate and the house of representatives that</u>	141
<u>are primarily responsible for considering environment, natural</u>	142
<u>resources, and tourism-related matters.</u>	143
<b><u>Sec. 1532.03.</u></b> <u>(A) No person shall possess a restricted</u>	144
<u>species or prohibited species.</u>	145
<u>(B) No person shall introduce a restricted species or</u>	146
<u>prohibited species.</u>	147
<u>(C) No person shall sell or offer to sell a restricted</u>	148
<u>species or prohibited species.</u>	149
<b><u>Sec. 1532.04.</u></b> <u>The chief of the division of wildlife shall</u>	150
<u>adopt rules in accordance with Chapter 119. of the Revised Code</u>	151
<u>establishing all of the following:</u>	152

(A) A risk assessment procedure for evaluating potential 153  
restricted and prohibited species; 154

(B) Any other rules that are necessary to administer and 155  
enforce this chapter. 156

**Sec. 1532.05.** (A) (1) Whoever violates division (A) or (B) 157  
of section 1532.03 of the Revised Code with respect to a 158  
restricted species is subject to a civil penalty of not more 159  
than five thousand dollars. 160

(2) Whoever violates division (C) of section 1532.03 of 161  
the Revised Code with respect to a restricted species is subject 162  
to a civil penalty of not less than one thousand and not more 163  
than ten thousand dollars. 164

(B) (1) Whoever violates division (A) or (B) of section 165  
1532.03 of the Revised Code with respect to a prohibited species 166  
is subject to a civil penalty of not more than ten thousand 167  
dollars. 168

(2) Whoever violates division (C) of section 1532.03 of 169  
the Revised Code with respect to a prohibited species is subject 170  
to a civil penalty of not less than two thousand and not more 171  
than twenty thousand dollars. 172

(C) The attorney general, upon written request by the 173  
director of natural resources, shall commence an action under 174  
this section against any person who violates division (A), (B), 175  
or (C) of section 1532.03 of the Revised Code. 176

**Sec. 1532.99.** (A) (1) Whoever knowingly violates division 177  
(A), (B), or (C) of section 1532.03 of the Revised Code with 178  
respect to a restricted species is guilty of a misdemeanor and 179  
shall be fined not less than one thousand and not more than ten 180  
thousand dollars and may be imprisoned for not more than one 181

year. 182

(2) Whoever purposefully, and with the intent to damage 183  
natural, agricultural, or silvicultural resources or human 184  
health, violates division (A) of section 1532.03 of the Revised 185  
Code with respect to a restricted species is guilty of a felony 186  
and shall be fined not less than one thousand and not more than 187  
two hundred fifty thousand dollars and may be imprisoned for not 188  
more than two years. 189

(3) Whoever purposefully violates division (B) or (C) of 190  
section 1532.03 of the Revised Code with respect to a restricted 191  
species is guilty of a felony and shall be fined not less than 192  
one thousand and not more than two hundred fifty thousand 193  
dollars and may be imprisoned for not more than two years. 194

(4) Whoever purposefully, and with the intent to damage 195  
natural, agricultural, or silvicultural resources or human 196  
health, violates division (B) or (C) of section 1532.03 of the 197  
Revised Code with respect to a restricted species is guilty of a 198  
felony and shall be fined not less than one thousand and not 199  
more than five hundred thousand dollars and may be imprisoned 200  
for not more than three years. 201

(B)(1) Whoever knowingly violates division (A), (B), or 202  
(C) of section 1532.03 of the Revised Code with respect to a 203  
prohibited species that is not an aquatic species is guilty of a 204  
felony and shall be fined not less than two thousand and not 205  
more than twenty thousand dollars and may be imprisoned for not 206  
more than two years. 207

(2) Whoever knowingly violates division (A), (B), or (C) 208  
of section 1532.03 of the Revised Code with respect to a 209  
prohibited species that is an aquatic species is guilty of a 210

felony and shall be fined not less than two thousand and not 211  
more than one hundred thousand dollars and may be imprisoned for 212  
not more than three years. 213

(3) Whoever purposefully, and with the intent to damage 214  
natural, agricultural, or silvicultural resources or human 215  
health, violates division (A) of section 1532.03 of the Revised 216  
Code with respect to a prohibited species is guilty of a felony 217  
and shall be fined not less than two thousand and not more than 218  
five hundred thousand dollars and may be imprisoned for not more 219  
than four years. 220

(4) Whoever purposefully violates division (B) or (C) of 221  
section 1532.03 of the Revised Code with respect to a prohibited 222  
species is guilty of a felony and shall be fined not less than 223  
two thousand and not more than five hundred thousand dollars and 224  
may be imprisoned for not more than four years. 225

(5) Whoever purposefully, and with the intent to damage 226  
natural, agricultural, or silvicultural resources or human 227  
health, violates division (B) or (C) of section 1532.03 of the 228  
Revised Code with respect to a prohibited species is guilty of a 229  
felony and shall be fined not less than two thousand and not 230  
more than one million dollars and may be imprisoned for not more 231  
than five years. 232

**Section 2.** That existing section 1531.17 of the Revised 233  
Code is hereby repealed. 234