

# OHIO BRAND LAWS

## OHIO STATUTES

### TITLE IX. AGRICULTURE--ANIMALS--FENCES

#### CHAPTER 947. PROPERTY IDENTIFICATION

##### 947.01 DEFINITIONS

As used in this chapter:

(A) "Brand" means a distinctive design, mark of identification, or number that is applied to the hide of livestock by a hot iron or other humane method approved by the director of agriculture and is currently registered under section 947.02 of the Revised Code.

(B) "Livestock" means cattle, sheep, goats, and other animals of the family bovidae, swine and other animals of the family suidae, and horses, mules, burros, asses, and other animals of the family equidae.

(C) "Person" includes an individual, firm, association, partnership, corporation, or other legal entity, and the state and any of its agencies, institutions, instrumentalities, or political subdivisions.

##### 947.02 CENTRAL REGISTRY OF LIVESTOCK BRANDS; EXCLUSIVE USE OF BRAND ACQUIRED; HOW

(A) The director of agriculture shall record livestock brands and maintain a central registry of brands. The director shall publish a booklet of brands registered pursuant to this section, containing a facsimile of each registered brand and the name and address of the individual to whom it is registered. The director shall update or supplement the booklet at least once annually and shall provide copies of the booklet and any updating or supplemental materials, free of charge, to all state and county law enforcement agencies in Ohio. The director shall also provide copies of the booklet and updating or supplemental materials to the public upon request and payment of a fee established by the director. The fee shall reasonably relate to the cost of printing and mailing the booklet and materials.

(B) A person owning livestock in this state may apply to register and obtain the right to exclusive use of a brand by filing an application with the director on a form approved and provided by the director. The director shall register a brand received upon application and payment of the fee authorized by this section unless the brand submitted is identical to or, in the director's opinion, so similar to a brand previously recorded as to cause confusion as to the identity or ownership of livestock. If the director rejects an application, he shall return a facsimile [sic] brand submitted with the application, refund the recording fee, and explain the basis for the rejection to the applicant.

(C) If the director accepts an application, he shall record and maintain the brand in the central registry of the department, furnish the applicant with a certificate as evidence of the registration, and inform the applicant that he has, from the date of filing, exclusive right to the use of the brand in this state.

(D) If the director receives two or more acceptable applications for the same or a similar brand, he shall make a determination as to which application will be accepted. In making this determination, the director shall consider all factors he deems relevant, including, but not limited to, the length of time that any of the applicants have used the brand prior to applying for registration under this section.

(E) The director may not concurrently register more than one brand name in the name of the owner of livestock in this state.

(F) Registration of a brand is for five years. Registrations may be renewed for periods of five years under procedures prescribed by rule of the director.

(G) The director shall establish, by rule, fees for the registration, renewal, reinstatement, and reregistration of brands under this section and section 947.03 of the Revised Code. The fees shall be reasonably related to the cost of the transaction, but shall not exceed twenty-five dollars.

(H) In any civil or criminal proceedings in this state in which title to or ownership of livestock is in dispute, a certificate of registration issued pursuant to division (C) of this section or of reregistration issued pursuant to section 945.03 of the Revised Code is prima facie evidence of ownership by the holder of the certificate of all livestock bearing the brand described in the certificate.

### **947.03 PROPERTY RIGHT; TRANSFER**

A brand currently registered under section 947.02 of the Revised Code is personal property of the person in whose name it is registered and may be sold, assigned, transferred, or bequeathed or pass under the laws of descent and distribution as other personal property. However, the buyer or other assignee or transferee of a currently registered brand shall apply to the director of agriculture on a form prescribed and provided by the director for the reregistration of the brand in the name of the buyer, assignee, or other transferee. On receipt of the application, fee, and such proof of sale or assignment that the director may require, the director shall reregister the brand in the name of the buyer, assignee, or other transferee.

### **947.04 BILLS OF SALE FOR BRANDED LIVESTOCK**

(A) A person who sells livestock branded with a brand shall execute to the purchaser a written bill of sale bearing the signature and residence of the seller, the name and address of the purchaser, the total number of livestock sold, a description of each animal sold as to sex and kind, and identification of the brand and shall give a copy of the bill of sale to each hauler of livestock, other than railroads, to accompany the shipment of livestock while in transit. The bill of sale or a copy shall be shown by the possessor on demand to any law enforcement officer. The bill of sale is prima facie evidence of the conveyance of title of the livestock described by the bill of sale.

(B) A person engaged in the business of transporting or hauling livestock in this state shall, upon receiving livestock for transportation, issue a waybill or bill of lading for all livestock transported or hauled. The waybill or bill of lading shall accompany the shipment of livestock and a copy shall be furnished to the person delivering livestock to the hauler. The waybill or bill of lading shall show the place of origin and destination of the shipment, the name of the owner of the livestock, the date and time of loading, the name of person or company hauling the livestock, the number of livestock and a general description thereof, and identification of the brands. The waybill or bill of lading shall be signed by the person delivering the livestock to the hauler certifying that the information contained therein is correct.

### **947.05 OFFENSES**

(A) No person, with purpose to deprive the owner of livestock and without privilege to do so, shall knowingly apply a brand to livestock owned by another or knowingly destroy or alter a brand on livestock owned by another.

(B) No person shall knowingly offer to sell, sell, purchase, or transport livestock on which a brand has been destroyed or altered for the purpose of depriving the owner of the livestock.

(C) No person, without privilege to do so, shall knowingly use a brand registered to another.

(D) No person shall knowingly apply a brand to livestock in a way that overlaps, disfigures, mutilates, or destroys a brand or other mark of identification or ownership previously applied.

#### **947.06 RULES; REPORTING OF LIVESTOCK THEFTS; BRAND REGISTRATION FUND**

(A) The director of agriculture shall adopt rules, subject to Chapter 119. of the Revised Code, to implement, administer, and enforce this chapter. No person shall violate such a rule of the director.

(B) In cooperation with law enforcement officers in this and other states, the director shall develop a uniform procedure for notifying livestock marketing and slaughtering establishments of reported livestock thefts and of any brands or other identifying marks on such livestock.

(C) Moneys received by the director under sections 947.01 to 947.06 of the Revised Code shall be deposited in the brand registration fund, which is hereby created in the state treasury. The director shall spend moneys from the fund to pay the costs and expenses of administering sections 947.01 to 947.06 of the Revised Code.

#### **947.11 IDENTIFICATION NUMBERS FOR FARM PROPERTY; IDENTIFICATION NUMBER FUND**

The director of agriculture may, by rule adopted under Chapter 119. of the Revised Code, establish and administer a program for registering identification numbers for farm equipment, livestock, and grain. The rules may provide for a central registry of identification numbers, the transfer, renewal, reinstatement, and reregistration of numbers, for fees, assuring that registrants are entitled to exclusive use of a number during periods of current registration, and other matters necessary and convenient for administration or enforcement of the program.

Moneys received by the director pursuant to rules adopted under this section shall be deposited in the identification number fund, which is hereby created in the state treasury. The director shall spend moneys from the fund to pay the costs and expenses of administering this section.

#### **947.99 PENALTIES**

(A) Whoever violates section 947.04 of the Revised Code is guilty of a misdemeanor of the second degree.

(B) Whoever violates division (A) or (B) of section 947.05 of the Revised Code is guilty of a felony of the fourth degree.

(C) Whoever violates division (C) of section 947.05 of the Revised Code is guilty of a misdemeanor of the first degree.

(D) Whoever violates division (D) of section 947.05 of the Revised Code is guilty of a minor misdemeanor.

(E) Whoever violates a rule of the director of agriculture adopted under section 947.06 or 947.11 of the Revised Code is guilty of a misdemeanor of the third degree.

## **OHIO ADMINISTRATIVE CODE**

**901. DEPARTMENT OF AGRICULTURE**  
**901:8. DIVISION OF ENFORCEMENT AND COMPLIANCE**  
**CHAPTER 901:8-1. LIVESTOCK BRANDS**

**901:8-1-01 PROCEDURES FOR RECORDING LIVESTOCK BRANDS**

- (A) Livestock brands within the state of Ohio shall be recorded in the Ohio department of agriculture.
- (B) The brand, after being received and approved by the director of the Ohio department of agriculture in accordance with this rule, shall be recorded in the department of agriculture central registry. A formal certificate containing a facsimile of the brand shall be issued to the applicant as proof of ownership.
- (C) Except for "in-herd" identification or disease control purposes, no persons within the state of Ohio may use any brand for identifying livestock unless that brand has been recorded with the Ohio department of agriculture.
- (D) No brand may be recorded or used which is identical with, or in the opinion of the director, is so similar to any brand previously recorded that it is liable to cause confusion as to the identity or ownership of the livestock.
- (E) In order to avoid confusion, the director requires that brands:
- (1) Be read from:
    - (a) Left to right;
    - (b) Top to bottom;
    - (c) Outside to inside.
  - (2) All stacked and/or connected brands will be read from top to bottom whether or not the bottom letter may extend to the left.
  - (3) Brands will be filed in the category read first (left takes preference over top).
  - (4) Brands will be filed in the following sequence:
    - (a) "A" to "Z";
    - (b) "1" to "9";
    - (c) Symbols and characters:
      - (i) Double letters;
      - (ii) Letter with numbers;
      - (iii) Letters with characters (to the right or below).
  - (5) Single letter brands shall not be recorded.
  - (6) No lazy open "As" will be recorded: "]" will be considered as "Vs."
  - (7) The letter "G" will only be recorded in the reverse position (e.g., " ").

- (8) The letter "C" will never be recorded in the reverse position.
  - (9) The letter "W" will not be recorded in the lazy position: " " will be considered as the letter "M."
  - (10) The letter "I" will only be recorded with another letter.
  - (11) Lower case (e.g., a, c, t, d,) will not be recorded.
  - (12) Circles and zeroes will be recorded as the letter "O."
  - (13) The letter "Q" will not be recorded.
  - (14) Half diamonds must always have the point ends toward the brands (e.g., "H").
  - (15) Quarter circles must always be recorded with the points away from the brand, e.g., "H," and are never connected with the letter.
  - (16) Brands consisting of Arabic numerals only may be used for individual livestock identification (in-herd) if they are located at least ten inches away from any recorded brand. In-herd brands are not to be recorded.
  - (17) When a recorded brand is applied to livestock which may have been branded by a previous owner, the new brand must be applied so as not to knowingly overlap, obliterate, disfigure, or mutilate the previous brand.
  - (18) Brands shall be placed in one specific location upon an animal. The appropriate location shall be designated on the brand recordation application.
  - (19) Horses may be branded on the shoulders or neck regardless of the specific location designated for other livestock. Brands shall not be recorded on the ribs of horses.
  - (20) All cattle brands must be a minimum of three inches in height and all other brands must be a minimum of two inches in height.
- (F) The director of agriculture shall adjust conflicting livestock brands and make such changes as may be necessary. Such changes are conclusive and such brand as the director indicates may be recalled or adjusted at any time by means of written notice from the director to the owner. Written notice will include an explanation for the recall or adjustment together with any suggestions for changes that would be appropriate. All livestock marked with brands later recalled or adjusted, shall retain said brand on livestock previously branded. The owner of the recalled or adjusted brand shall not knowingly apply any new brand so as to interfere, overlap, obliterate, disfigure, or mutilate the previously recorded brand. If applicant disagrees with the decision of the director he shall issue a written request for an appeal within thirty days of receiving a rejection notice. The director will then schedule a hearing to hear the appeal and make a decision in the matter.
- (G) Any brand which, in the opinion of the director, is designed in such a manner as to cause difficulty in obtaining a readable brand (due to blotching, etc.) shall not be recorded. The director shall notify the applicant and either adjust or return the facsimile brand. If the facsimile brand is returned to the applicant, the recording fee shall also be returned.
- (H) Owners of livestock wishing to use earmarks or notches in addition to a recorded brand may so notify the administrator, in writing, and the marks or notches will be listed in the state brand book.
- (I) The director of agriculture rules that freeze branding meets the requirements of a brand and is an approved method of applying brands.
- (J) For the purpose of determining renewal date, the period between the date a brand is recorded by the director and January first of the next year shall constitute the first year of the five-year period.
- (K) If the owner of a brand of record fails, refuses, or neglects to pay the fee by June thirtieth of the year in which it is

due, the brand shall be forfeited and no longer carried in the record. A forfeited brand may not be issued to another person for a period of five years following the date of forfeiture. During this five-year period, the former owner of record may make application to the department for reinstatement of a forfeited brand. Such application shall be accompanied by a re-recording fee as established in rule 901:8-1-02 of the Administrative Code. The renewal date for a reinstatement brand shall remain the same and renewal fees on such brands shall be due on January first of each fifth year following original recording.

#### **901:8-1-02 FEES FOR REGISTRATION OF BRANDS**

The director of agriculture may, at his discretion, establish and collect up to twenty-five dollars for each brand recorded, and fair and reasonable charges related to the cost of administering a brand recordation program. There is hereby established a fee of:

- (A) Twenty-five dollars for each recorded brand;
- (B) Twenty-five dollars for each rerecording of a brand;
- (C) Ten dollars for the recording of instruments transferring ownership of brands; and
- (D) Five dollars for each additional certificate or recordation or rerecordation of brands.

#### **901:8-1-03 ADMINISTRATOR OF LIVESTOCK IDENTIFICATION LAW**

The director of agriculture may designate the administrator of the livestock identification law. Such administrator shall:

- (A) Serve at the pleasure of the director of agriculture;
- (B) Act as administrator of the livestock identification law and other applicable programs promulgated pursuant to sections 947.06, 947.11 and 947.99 of the Revised Code. The director may also choose a department of agriculture employee as the administrator with the above responsibilities.

#### **901:8-1-04 NOTIFICATION OF CHANGES REQUIRED**

In addition to all other information required by the act and these rules, the owner of a recorded livestock brand shall immediately give written notice to the director of agriculture upon the occurrence [sic] of any of the following:

- (A) Change in ownership of a recorded brand;
- (B) Change in name under which a brand is recorded; and
- (C) Change in address of the owner of a recorded brand.

#### **901:8-1-05 NOTIFICATION OF LOSS**

In the event of loss of any livestock due to theft or suspected theft, the owner of a recorded livestock brand shall immediately give verbal notice to the director of agriculture on the toll-free number, 1-800-252-1955, and shall also notify the sheriff's office in the county in which the loss occurred.

### **901:8-1-06 BRANDS EXCLUSIVE TO STATE OF OHIO AND U.S.D.A.**

The state of Ohio and U.S.D.A. reserve the right to exclusive use of the following brands for disease control.

(A) For EIA positive and livestock to be moved interstate, the identification shall be in accordance with this format.

"##--A--####"

- (1) The first two numbers will be assigned by the U.S.D.A.
- (2) The letter will be the EIA identifier.
- (3) The final four numbers are department of agriculture laboratory numbers.

This will be freeze branded or tattooed.

(B) Standard bred or thoroughbred lip tattoos are acceptable for EIA positive identifiers.

(C) For intrastate movement of EIA positives, freeze branding of department of agriculture lab number will be on the neck, on the side of predominate mane fall.

(D) For bovine tuberculosis, hot or freeze branded "T" will be on the left jaw.

(E) For bovine brucellosis, hot branded "B" will be on the left jaw.

(F) U.S.D.A. reserves the right for a suspect bovine to be branded "S" anywhere on the body.

(G) Use of "V" for vaccinate for bovine and "AV" for adult vaccinate hot branded on right jaw.

(H) U.S.D.A. uses a shielded "V" in right ear for calfhood vaccinate for brucellosis.

(I) The letter "F" hot iron branded on the left jaw, hip or tail head to identify cattle restricted to use as feeders.

### **901:8-1-07 NUMERICAL IDENTIFICATION PROGRAM**

(A) As a part of its crime intercept program and pursuant to section 947.11 of the Revised Code, the Ohio department of agriculture has adopted a tentative program for the identification of farm machinery, equipment, livestock, grain and household goods.

(B) This program requires the use of a ten-digit identification code which is engraved or otherwise placed on the item. The code consists of the following:

- (1) The first two digits will be the letters OH indicating state of Ohio.
- (2) The second three digits shall be the number assigned to the owner's county by the FBI's national crime information center.
- (3) The next four numbers shall be assigned by the Ohio department of agriculture upon application by the owner.
- (4) The department shall also maintain a central registry of all codes assigned. These identification codes will be published by the department. The program will also be coordinated with similar programs in other states.

### **901:8-1-08 RECOMMENDATIONS TO THOSE UTILIZING THE PROGRAM**

(A) One of the essential points of the program is the uniformity of marking property. A guide prepared by the "National Rural Crime Prevention Center" shall be distributed to all those with assigned numbers.

(B) On all equipment with non-removable tongues, manure spreaders, grain drills, auger wagons, etc., the I.D. number should be placed on the right side and top of the tongue, and twelve inches to the rear of the hitch pin. On three-point equipment with tool bar, place the I.D. number on top of the tool bar adjacent to right hitch pin.

(C) It will also be recommended in addition to the one suggested location, that individuals mark equipment in another location known only to the owner. Thus, if I.D. numbers might be removed or destroyed, property can still be positively identified by the numbers on other locations.

(D) When transferring ownership, it is suggested the seller notify the new owner that the item has been marked. The new owner should then locate his number below the previous owner's number so that the equipment can be traced from one owner to another. Previous owner's registered number should not be altered or defaced.

### **901:8-1-09 USES OTHER THAN MACHINERY**

(A) Further use of the program can be made by applying the I.D. number to household goods, C.B. radios, tape players, TVs, guns, power tools, etc.

(B) The system can also be used for the identification of grain. Small tabs of paper/confetti, each bearing the individual's registered number, are mixed with the grain as it is being augered into a bin or wagon.

### **901:8-1-10 PERSONAL PROPERTY/OWNERSHIP OF I.D. NUMBER**

Once an I.D. number is assigned and registered to an individual, it assumes the status of personal property and cannot be legally used in Ohio by any other individual.

**Reviewed by AAHS in July 2001.**

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