

**OPINION NO. 66-026**

**Syllabus:**

1. Section 959.20, Revised Code, does not prohibit the use of spurs, whips, or bats on animals.
2. The prohibitions of Section 959.20, Revised Code, apply to trainers or riders.

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**To: John F. DeMuth, Paulding County Pros. Atty., Paulding, Ohio**  
**By: William B. Saxbe, Attorney General, February 1, 1966**

I have before me your request for my opinion which reads as follows:

"I have received a request from our Sheriff's Department as to an interpretation of Revised Code Section 959.20, which became effective October 8, 1965. Said section, in part provides as follows:

"'No person shall directly or indirectly, or by

aiding, abetting, or permitting the doing thereof, put, place, fasten, use, or fix upon or to any work animal used or readied for use for a work purpose, twisted wire snaffles, bucking straps, flank straps, electric or other prods, or similar devices.'

"Inasmuch as there are various horse clubs in the county and horse shows are fairly frequent, together with an occasional rodeo, the Sheriff is desirous of knowing if the above language would include spurs, whips, bats, and other forms of equipment used in the training of horses. We are particularly interested in whether or not this statute is meant to apply to various types of equipment used by placing on the animal, in the hands of trainers or riders or both.

"We also have within the county numerous horse training establishments which include runners and harness horses. Therefore, we would appreciate it if you would furnish us with your opinion in full regarding this matter."

Section 959.20, Revised Code, lists certain devices or instruments that shall not be used on work animals. You ask whether the statutory prohibitions include the use of spurs, whips, bats and other forms of equipment used in the training of horses. The implements which you mention, if at all, to be within the proviso of Section 959.20, supra, must be included within the language "electric or other prods, or similar devices."

I believe that if the use of such devices as you mention were prohibited, an unreasonable or absurd result would be produced. Including spurs, whips, bats, and other forms of equipment used in training and for that matter any "work purpose" would be completely incongruous with any reasonable legislative intent. Nor would such a result appear to fit in context with the remainder of the provisions of Section 959.20, supra.

The well established rule of statutory interpretation, ejusdem generis, provides that where in a statute, general words that follow a designation of particular subjects or classes of persons, the meaning of the general words are restricted to include only things or persons of the same kind, class or nature. See Glidden Co. v. Glander, 151 Ohio St., 344. Utilizing this rule regarding the instant problem, I find that the general term "other prods" is limited by the specific term "electric" and as a result "other prods" should be given a restricted meaning limited to articles of the same nature as the electric prod. The

words "similar devices" as used in the statute, are restricted such as enumerated in the statute, i.e., twisted wire snaffles, bucking straps, flank straps and electric prods. It is submitted that spurs, whips and bats are not nearly corresponding to or resembling in many respects a twisted wire snaffle, a bucking strap, a flank strap or an electric prod.

Furthermore, if the legislature had intended that spurs, whips, and bats were to be included; it could have readily done so. The absence of these items supports the conclusion that they were not intended to be covered by the statute. However, it must be kept in mind that no implement may be used in such a manner as to violate other provisions of Chapter 959, Revised Code.

As I understand your question whether the implements included within the restriction of Section 959.20, supra, are used in violation of the statute when in the hands of trainers or riders or both. Inherent in your question, I assume, is whether or not the prohibitions of the statute extend to persons engaged in the training of work animals.

Section 959.20, supra, states:

\* \* \* \* \*

"(B) 'Work purpose' means the performance by a work animal of some work or labor, including showing, performing, or being used in any exhibition, show, circus, rodeo, or similar use.

\* \* \* \* \*

"No person shall\*\* \*fix upon or to any work animal used or readied for use for a work purpose,\* \* \*

\* \* \* \* \*

Clearly, the prohibition is directed to "performance" by the animals. The legislative intent of the use of the words "readied for use for a work purpose" must be considered. It seems inescapable that training is within the meaning of the phrase "readied for use." Webster's Third International Dictionary at page 2424, defines the word "training" as follows:

"the teaching, drill, or discipline by which powers of mind or body are developed."

Apparently, the legislative purpose in the enactment of the statute was to protect animals from discomfort associated with the use of certain devices; therefore, it hardly seems reasonable that such devices would be allowed

for training and not the work purpose. It appears the use of such devices in either instance is equally disturbing to the animal.

Therefore, it is my opinion and you are advised:

1. Section 959.20, Revised Code, does not prohibit the use of spurs, whips, or bats on animals.
2. The prohibitions of Section 959.20, Revised Code, apply to trainers or riders.