

As Introduced

**125th General Assembly
Regular Session
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S. B. No. 202

Senator Mumper

A B I L L

To amend sections 901.22, 918.01, 918.02, 918.08, 1
918.11, 918.25, 918.28, 955.51 to 955.53, and 2
3715.65 of the Revised Code to revise the laws 3
governing the inspection of meat and poultry, 4
claims for injuries to certain animals by coyotes 5
or black vultures, agricultural easements, and 6
applications concerning new drugs. 7

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

Section 1. That sections 901.22, 918.01, 918.02, 918.08, 8
918.11, 918.25, 918.28, 955.51, 955.52, 955.53, and 3715.65 of the 9
Revised Code be amended to read as follows: 10

Sec. 901.22. (A) The director of agriculture, in accordance 11
with Chapter 119. of the Revised Code, shall adopt rules that do 12
all of the following: 13

(1) Establish procedures and eligibility criteria for making 14
matching grants to municipal corporations, counties, townships, 15
and charitable organizations described in division (B) of section 16
5301.69 of the Revised Code for the purchase of agricultural 17
easements. With respect to agricultural easements that are 18
purchased or proposed to be purchased with such matching grants 19
that consist in whole or in part of moneys from the clean Ohio 20

agricultural easement fund created in section 901.21 of the	21
Revised Code, the rules shall establish all of the following:	22
(a) Procedures for all of the following:	23
(i) Soliciting and accepting applications for matching	24
grants;	25
(ii) Participation by local governments and by the public in	26
the process of making matching grants to charitable organizations;	27
(iii) Notifying local governments, charitable organizations,	28
and organizations that represent the interests of farmers of the	29
ranking system established in rules adopted under division	30
(A)(1)(b) of this section.	31
(b) A ranking system for applications for the matching grants	32
that is based on the soil type, proximity of the land or other	33
land that is conducive to agriculture as defined by rules adopted	34
under this section and that is the subject of an application to	35
other agricultural land or other land that is conducive to	36
agriculture as defined by rules adopted under this section and	37
that is already or is in the process of becoming permanently	38
protected from development, farm stewardship, development	39
pressure, and, if applicable, a local comprehensive land use plan	40
involved with a proposed agricultural easement. The rules shall	41
require that preference be given to proposed agricultural	42
easements that involve the greatest proportion of all of the	43
following:	44
(i) Prime soils, unique or locally important soils,	45
microclimates, or similar features;	46
(ii) Land that is adjacent to or that is in close proximity	47
to other agricultural land or other land that is conducive to	48
agriculture as defined by rules adopted under this section and	49
that is already or is in the process of becoming permanently	50
protected from development, by agricultural easement or otherwise,	51

so that a buffer would exist between the land involving the 52
proposed agricultural easement and areas that have been developed 53
or likely will be developed for purposes other than agriculture; 54

(iii) The use of best management practices, including 55
federally or state approved conservation plans, and a history of 56
substantial compliance with applicable federal and state laws; 57

(iv) Development pressure that is imminent, but not a result 58
of current location in the direct path of urban development; 59

(v) Areas identified for agricultural protection in local 60
comprehensive land use plans. 61

(c) Any other criteria that the director determines are 62
necessary for selecting applications for matching grants; 63

(d) Requirements regarding the information that must be 64
included in the annual monitoring report that must be prepared for 65
an agricultural easement under division (D)(2) of section 5301.691 66
of the Revised Code, procedures for submitting a copy of the 67
report to the office of farmland preservation in the department of 68
agriculture, and requirements and procedures governing corrective 69
actions that may be necessary to enforce the terms of the 70
agricultural easement. 71

(2) Establish provisions that shall be included in the 72
instrument conveying to a municipal corporation, county, township, 73
or charitable organization any agricultural easement purchased 74
with matching grant funds provided by the director under this 75
section, including, without limitation, all of the following 76
provisions: 77

(a) A provision stating that an easement so purchased may be 78
extinguished only if an unexpected change in the conditions of or 79
surrounding the land that is subject to the easement makes 80
impossible or impractical the continued use of the land for the 81
purposes described in the easement, or if the requirements of the 82

easement are extinguished by judicial proceedings; 83

(b) A provision requiring that, upon the sale, exchange, or 84
involuntary conversion of the land subject to the easement, the 85
holder of the easement shall be paid an amount of money that is at 86
least equal to the proportionate value of the easement compared to 87
the total value of the land at the time the easement was acquired; 88

(c) A provision requiring that, upon receipt of the portion 89
of the proceeds of a sale, exchange, or involuntary conversion 90
described in division (A)(2)(b) of this section, the municipal 91
corporation, county, township, or charitable organization remit to 92
the director an amount of money equal to the percentage of the 93
cost of purchasing the easement it received as a matching grant 94
under this section. 95

Moneys received by the director pursuant to rules adopted 96
under division (A)(2)(c) of this section shall be credited to the 97
agricultural easement purchase fund created in section 901.21 of 98
the Revised Code. 99

(3) Establish a provision that provides a charitable 100
organization described in division (B) of section 5301.69 of the 101
Revised Code, municipal corporation, township, or county with the 102
option of purchasing agricultural easements either in installments 103
or with a lump sum payment. The rules shall include a requirement 104
that a charitable organization, municipal corporation, township, 105
or county negotiate with the seller of the agricultural easement 106
concerning any installment payment terms, including the dates and 107
amounts of payments and the interest rate on the outstanding 108
balance. The rules also shall require the director to approve any 109
method of payment that is undertaken in accordance with the rules 110
adopted under division (A)(3) of this section. 111

(4) Establish any other requirements that the director 112
considers to be necessary or appropriate to implement or 113

administer a program to make matching grants under this section 114
and monitor those grants. 115

(B) The director may develop guidelines regarding the 116
acquisition of agricultural easements by the department of 117
agriculture and the provisions of instruments conveying those 118
easements. The director may make the guidelines available to 119
public and private entities authorized to acquire and hold 120
agricultural easements. 121

(C) The director may provide technical assistance in 122
developing a program for the acquisition and monitoring of 123
agricultural easements to public and private entities authorized 124
to hold agricultural easements. The technical assistance may 125
include, without limitation, reviewing and providing advisory 126
recommendations regarding draft instruments conveying agricultural 127
easements. 128

(D)(1) The director may make matching grants from the 129
agricultural easement purchase fund and the clean Ohio 130
agricultural easement fund to municipal corporations, counties, 131
townships, and charitable organizations described in division (B) 132
of section 5301.69 of the Revised Code, to assist those political 133
subdivisions and charitable organizations in purchasing 134
agricultural easements. Application for a matching grant shall be 135
made on forms prescribed and provided by the director. The 136
matching grants shall be made in compliance with the criteria and 137
procedures established in rules adopted under this section. 138
Instruments conveying agricultural easements purchased with 139
matching grant funds provided under this section, at a minimum, 140
shall include the mandatory provisions set forth in those rules. 141

Matching grants made under this division using moneys from 142
the clean Ohio agricultural easement fund created in section 143
901.21 of the Revised Code may provide up to seventy-five per cent 144
of the value of an agricultural easement as determined by a 145

general real estate appraiser who is certified under Chapter 4763. 146
of the Revised Code or as determined through a points-based 147
appraisal system established under division (D)(2) of this 148
section. Not less than twenty-five per cent of the value of the 149
agricultural easement shall be provided by the recipient of the 150
matching grant or donated by the person who is transferring the 151
easement to the grant recipient. The amount of such a matching 152
grant used for the purchase of a single agricultural easement 153
shall not exceed one million dollars. 154

(2) The director shall establish a points-based appraisal 155
system for the purposes of division (D)(1) of this section. The 156
director may include any or all of the following factors in the 157
system: 158

(a) Whether the applicable county auditor has determined that 159
the land is land that is devoted exclusively to agriculture for 160
the purposes of sections 5713.30 to 5713.38 of the Revised Code; 161

(b) Changes in land values following the completion of the 162
applicable county auditor's reappraisal or triennial update; 163

(c) Soil types and productivity; 164

(d) Proximity of the land to land that is already subject to 165
an agricultural easement, conservation easement created under 166
sections 5301.67 to 5301.70 of the Revised Code, or similar 167
land-use limitation; 168

(e) Proximity of the land to water and sewer lines, road 169
interchanges, and nonagricultural development; 170

(f) Parcel size and roadway frontage of the land; 171

(g) Existence of an agreement entered into under division (D) 172
of section 1515.08 of the Revised Code or of an operation and 173
management plan developed under division (A) of section 1511.021 174
of the Revised Code; 175

(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code; 176
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(i) Any other factors that the director determines are necessary for inclusion in the system. 180
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(E) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, or charitable organization that receives the grant. 182
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(F)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness: 188
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(a) The number of agricultural easements purchased during the preceding year; 197
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(b) The location of those easements; 199

(c) The number of acres of land preserved for agricultural use; 200
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(d) The amount of money used by a municipal corporation, township, or county from its general fund or special fund to purchase the agricultural easements; 202
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(e) The number of state matching grants given to purchase the 205

agricultural easements;	206
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	207 208
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	209 210 211
(a) The total number of acres in the county;	212
(b) The total number of acres in current agricultural use;	213
(c) The total number of acres preserved for agricultural use in the preceding year;	214 215
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	216 217
Sec. 918.01. As used in sections 918.01 to 918.11 of the Revised Code:	218 219
(A) "Federal inspection" means an inspection pursuant to the "Federal Meat Inspection Act," 34 Stat. 1260 (1907), 21 U.S.C.A. 71, as amended by the "Wholesome Meat Act," 81 Stat. 584 (1967), 21 U.S.C.A. 601, and any subsequent amendments thereto.	220 221 222 223
(B) "State inspection" means the meat inspection service conducted by the department of agriculture.	224 225
(C) "Establishment" means all premises in the state where animals are slaughtered or otherwise prepared for food purposes, meat canneries, sausage factories, smoking or curing operations, and similar places.	226 227 228 229
(D) "Animals" means cattle, calves, sheep, swine, horses, mules, other equines, goats, and other animals specified under division (A) of section 918.12 of the Revised Code.	230 231 232
(E) "Carcass" means all parts, including viscera, of slaughtered animals that are capable of being used for human food.	233 234

(F) "Meat products" means any product capable of use as human food that is made wholly or in part from any meat or other portion of the carcass of any animal, excepting products ~~which~~ that are exempted from definition as a meat product by the director of agriculture under such conditions as ~~he~~ the director prescribes to ensure that the meat or other portions of such carcasses contained in ~~such~~ the product are not adulterated and that ~~such~~ the products are not represented as meat products.

(G) "Wholesome" means sound, healthful, clean, and otherwise fit for human food.

(H) "Adulterated," as applied to any carcass, part thereof, or meat product, has the same meaning as in sections 3715.59 and 3715.62 of the Revised Code or as otherwise prescribed by the director by rules.

(I) "Inspector" means any employee of the department authorized by the director to inspect animals, carcasses, or meat products.

(J) "Official mark" means the official inspection legend or any other symbol prescribed by rules of the director to identify the status of any article or animals under this chapter.

(K) "Labeling" means all labels and any other display of written, printed, or graphic matter:

(1) Upon any article or any of its containers or wrappers, not including package liners;

(2) Accompanying ~~such~~ an article.

(L) "Ohio retained" means that the animal or the meat product so identified is held for further examination by a veterinary inspector to determine its disposal.

(M) "Prepared" means slaughtered, canned, salted, rendered, boned, cut up, smoked, cooked, or otherwise manufactured or

processed. 265

(N) "Capable of use as human food" as applied to any animal 266
carcass, part thereof, or meat product means any animal carcass, 267
part thereof, or meat food product that is not denatured or 268
otherwise identified as required by state or federal law or rules 269
or regulations to deter its use as human food and that is 270
naturally edible by humans. 271

(O) "Misbranded," as applied to any carcass, part thereof, or 272
meat product has the same meaning as in section 3715.60 of the 273
Revised Code or as otherwise prescribed by the director by rules. 274

(P) "Retail dealer" or "retail butcher" means any place of 275
business where the sales of products are made to consumers only, 276
at least seventy-five per cent of the total dollar value of sales 277
of products represents sales to household consumers, and the sales 278
of products to consumers other than household consumers does not 279
exceed ~~twenty eight thousand eight hundred dollars per year~~ the 280
adjusted dollars limitation for annual retail sales published in 281
the Federal Register by the food safety and inspection service in 282
the United States department of agriculture. 283

On the first day of March in any year in which an adjustment 284
is made, and whenever the change exceeds five hundred dollars, the 285
director shall adjust the then current ceiling based upon the 286
change in the price of the volume of products whose total price is 287
equal to the then current ceiling. The adjustment shall be equal 288
to the total dollar change in price of the same volume of products 289
between the most recently completed calendar year and the next 290
preceding calendar year as measured by changes in the United 291
States department of labor's national consumer price index for 292
those periods of time. 293

Sec. 918.02. (A) The director of agriculture, or the 294
director's designee, shall provide ante-mortem inspections of all 295

animals slaughtered at establishments licensed under division (A) 296
of section 918.08 of the Revised Code where and to the extent the 297
director considers it necessary. If, upon inspection, symptoms of 298
disease or other abnormal conditions that would render the animals 299
unfit for human food are found, those animals shall be retained or 300
permanently and conspicuously identified with an official mark 301
indicating they have been condemned and shall be disposed of in a 302
manner prescribed by the director. 303

(B) The director shall provide post-mortem inspection to the 304
extent the director considers necessary of all animals for human 305
food in establishments licensed under division (A) of section 306
918.08 of the Revised Code. The head, tongue, tail, viscera, and 307
other parts, and blood used in the preparation of meat products or 308
medicinal products shall be retained in such a manner as to 309
preserve their identity until the post-mortem examination has been 310
completed. Wholesome carcasses shall be identified with an 311
official mark indicating they have been approved. Each unwholesome 312
carcass shall be marked conspicuously by the inspector at the time 313
of inspection with an official mark indicating the carcass has 314
been condemned, and all carcasses and parts thereof thus inspected 315
and condemned shall be destroyed for food purposes by the 316
establishment in the presence of an inspector. If any carcass or 317
any part thereof, upon examination and inspection subsequent to 318
the first examination and inspection, is found to be adulterated, 319
it shall be destroyed for food purposes by the establishment in 320
the presence of an inspector. All unborn or stillborn animals 321
shall be condemned. Carcasses of animals that have died by means 322
other than slaughter shall not be brought into any room in which 323
meat products are processed, handled, or stored. 324

(C) The director shall provide inspection of all processing 325
operations at establishments licensed under division (A) of 326
section 918.08 of the Revised Code where animal carcasses, parts 327

thereof, or meat products may be brought in and further treated 328
and prepared, and shall provide inspection and supervision in 329
processing departments to ensure that controls are effective at 330
all times. 331

(D) Establishments licensed under section 918.08 of the 332
Revised Code shall furnish satisfactory facilities and assistance 333
for ante-mortem and post-mortem inspections as required by the 334
director. The director may require operations at the 335
establishments to be conducted during reasonable hours. Licensees 336
shall inform the director in advance of intended hours of 337
operation. When one inspector is assigned to make inspections at 338
two or more establishments where few animals are slaughtered, or 339
where small quantities of meat products are prepared, the director 340
may designate the hours of the day and the days of the week during 341
which the establishment may be operated. No person shall deny 342
access to any authorized inspector upon the presentation of proper 343
identification at any reasonable time to such establishments and 344
to records pertaining to the source and sale of carcasses and meat 345
products. The director shall adopt rules in accordance with 346
Chapter 119. of the Revised Code establishing the rate at which an 347
establishment shall reimburse the division of meat inspection for 348
inspection services of more than eight hours in any given day, of 349
more than forty hours in any given week Sunday through Saturday, 350
or on any holiday as specified in division (A) of section 124.19 351
of the Revised Code. 352

(E) The director may limit the entry of animals, animal 353
carcasses, or parts thereof, meat food products, and other 354
materials into any establishment at which inspection is maintained 355
under this chapter to ensure that allowing the entry of such 356
articles into such inspected establishments will be consistent 357
with the purposes of this chapter. 358

(F) All carcasses, parts thereof, and meat products inspected 359

at any establishment under the authority of this chapter and found 360
to be not adulterated, at the time they leave the establishment, 361
shall bear, in distinctly legible forms directly ~~thereon~~ thereon or 362
on their containers, appropriate labeling as the director may 363
require in accordance with rules adopted under this chapter. No 364
article subject to this chapter shall be sold or offered for sale 365
by any person, under any names or labeling that is false or 366
misleading. 367

(G) The director shall adopt and enforce sanitation rules 368
pursuant to this chapter, under which establishments shall be 369
maintained. Where the sanitary conditions of any such 370
establishment are such that the meat product is rendered 371
adulterated, the product shall be retained and not allowed to be 372
labeled with an official mark. The rules pertaining to sanitary 373
conditions shall conform with the sanitation standard operating 374
procedures established in Title 9 of the Code of Federal 375
Regulations and shall require that an establishment be evaluated 376
by determining its compliance with those procedures. In addition, 377
the rules shall require that if an establishment does not have a 378
plan for a particular production process under its hazard analysis 379
critical control point ~~system~~ plan as required in rules, the meat 380
product of the process may be considered to be adulterated and 381
shall be retained pending a production process review and not 382
allowed to be labeled with an official mark. 383

Sec. 918.08. (A) Except as provided in division ~~(E)~~(F) of 384
this section, no person shall operate an establishment without 385
first licensing the establishment with the department of 386
agriculture. The owner of an establishment desiring a license with 387
the department may make application therefor on forms provided by 388
the department. If after inspection the director of agriculture 389
finds that an establishment is in compliance with this chapter and 390
rules adopted under it, the director shall notify the owner of the 391

establishment and, upon receipt of the required license fee, the 392
establishment shall be permitted to operate. However, if after 393
inspection the director finds that an establishment is not in 394
compliance with this chapter and rules adopted under it, the 395
director shall deny the license application. The applicant may 396
appeal the denial of the license application in accordance with 397
Chapter 119. of the Revised Code. The license shall expire 398
annually on the thirty-first day of March and, if the director 399
finds that the establishment is in compliance with this chapter 400
and rules adopted under it, shall be renewed according to the 401
standard renewal procedure of sections 4745.01 to 4745.03 of the 402
Revised Code. 403

(B) The annual license fee for each establishment, or a 404
renewal thereof, is fifty dollars. All fees collected under this 405
section shall be deposited into the poultry and meat products fund 406
created in section 918.15 of the Revised Code. 407

(C) If after inspection the director determines that an 408
establishment licensed under division (A) of this section is 409
operating in violation of this chapter or the rules adopted 410
thereunder, the director shall notify the licensee in writing of 411
the violation and give the licensee ten days from the date of 412
notice to cease or correct the conditions causing the violation. 413
If the conditions causing the violation ~~continues~~ continue after 414
the expiration of the ten-day period, the director may ~~withdraw~~ 415
~~inspection and order the establishment to cease those operations~~ 416
~~subject to this chapter. Any such order and the appeal therefrom~~ 417
~~shall be governed by~~ do either of the following: 418

(1) Impose progressive enforcement actions as provided in 419
division (D)(1) of this section in the same manner as inspectors; 420

(2) Suspend or revoke the establishment's license in 421
accordance with Chapter 119. of the Revised Code. 422

(D)(1) If an inspector determines that an establishment 423
licensed under division (A) of this section is operating in 424
violation of sections 918.01 to 918.12 of the Revised Code and 425
rules adopted under those sections, the inspector ~~shall~~ may notify 426
the licensee in writing of the violation. The inspector 427
immediately may impose progressive enforcement actions, including 428
withholding the mark of inspection, suspension of inspection, ~~and~~ 429
suspension of inspection held in abeyance, and withdrawal of 430
inspection. The progressive enforcement actions may be taken prior 431
to affording the licensee an opportunity for a hearing. As 432
authorized in division (C) of section 119.06 of the Revised Code, 433
a decision to impose ~~an~~ a progressive enforcement action is 434
immediately appealable to a higher authority within the department 435
who is classified by the director as a district supervisor and who 436
is designated by the director to hear the appeal. If the district 437
supervisor affirms the enforcement action of the inspector, the 438
licensee may appeal the enforcement action in accordance with 439
~~chapter~~ Chapter 119. of the Revised Code. 440

(2) As used in ~~this~~ division (D)(1) of this section, 441
"suspension of inspection held in abeyance" means a period of time 442
during which a suspension of inspection is lifted because an 443
establishment has presented the director with a corrective action 444
plan that, if implemented properly, would bring the establishment 445
into compliance with this chapter and rules adopted under it. 446

(E) If in the opinion of the director the establishment is 447
being operated under such insanitary conditions as to be a hazard 448
to public health, or if the director determines that an 449
establishment is not in compliance with its hazard analysis 450
critical control point ~~system~~ plan as required by rules, the 451
director may condemn or retain the product on hand and immediately 452
withdraw inspection from the establishment until the insanitary 453
conditions are corrected or until the establishment is in 454

compliance with its hazard analysis critical control point ~~system~~ 455
plan, as applicable. The director may take those actions prior to 456
an adjudication hearing as required under section 119.06 of the 457
Revised Code. The director subsequently shall afford a hearing 458
upon the request of the owner or operator of the establishment. 459

(F) Any person operating an establishment as defined in 460
section 918.01 of the Revised Code who also operates on the same 461
premises an establishment as defined in section 918.21 of the 462
Revised Code shall apply either for licensure under section 918.08 463
of the Revised Code or for licensure under section 918.28 of the 464
Revised Code, but not for both, as the director shall determine. 465

(G) If the director determines that the owner or operator of 466
or any person employed by an establishment licensed under division 467
(A) of this section forcibly assaulted, resisted, opposed, 468
impeded, intimidated, or interfered with any person while that 469
person was engaged in, or because of the person's performance of, 470
official duties under sections 918.01 to 918.12 of the Revised 471
Code or the rules adopted under those sections, the director 472
immediately may withdraw inspection from the establishment prior 473
to an adjudication hearing as required under section 119.06 of the 474
Revised Code. 475

(H) In addition to any remedies provided by law and 476
irrespective of whether or not there exists an adequate remedy at 477
law, the director may apply to the court of common pleas of the 478
county in which a violation of sections 918.01 to 918.12 of the 479
Revised Code or rules adopted under those sections occurs for a 480
temporary or permanent injunction or other appropriate relief 481
concerning the violation. 482

Sec. 918.11. (A) No carcass, parts thereof, or meat products 483
shall be stamped or otherwise identified with an official mark 484
unless the carcass, parts, or products have been so identified at 485

an establishment licensed under division (A) of section 918.08 of 486
the Revised Code. 487

(B) No person shall offer for sale or sell meat or meat 488
products that have not been inspected in compliance with sections 489
918.01 to 918.11 of the Revised Code. 490

(C) No person shall knowingly offer for sale or sell 491
adulterated meat or meat products that are detrimental to public 492
health and safety. 493

(D) All fines and penalties recovered for violating this 494
section shall be deposited into the poultry and meat products fund 495
created in section 918.15 of the Revised Code. 496

Sec. 918.25. The director of agriculture shall, in accordance 497
with Chapter 119. of the Revised Code, adopt and enforce rules as 498
necessary for the implementation, administration, and enforcement 499
of sections 918.21 to 918.31 of the Revised Code. The rules shall 500
meet or exceed the federal standards for meat inspection 501
established in Title 9 of the Code of Federal Regulations. The 502
rules adopted under this section shall provide for the protection 503
of the public health, safety, and welfare and for maximum 504
coordination and cooperation between state and federal programs 505
for regulation of poultry and poultry products, and may include 506
the following: 507

(A) Exemption of certain products as "poultry products" under 508
the definition in section 918.21 of the Revised Code; 509

(B) Provision for the retention, identification, and disposal 510
of condemned poultry and poultry products and for the 511
identification of approved products; 512

(C) Sanitary requirements for premises, facilities, and 513
equipment, for the operation thereof, and for the storage and 514
handling of poultry and poultry products in establishments 515

licensed under section 918.28 of the Revised Code. The rules 516
pertaining to sanitary conditions shall conform with the 517
sanitation standard operating procedures in Title 9 of the Code of 518
Federal Regulations and shall require that an establishment be 519
evaluated by determining its compliance with those procedures. 520

(D) Requirements for maintenance of records under section 521
918.24 of the Revised Code; 522

(E) Procedures for application and licensing, and the 523
revocation and suspension of licenses; 524

(F) Requirements for marking and attaching the information 525
required by section 918.31 of the Revised Code, including specific 526
styles, legibility and size of type, method of affixing, 527
variations, and exemptions; 528

(G) Such other rules as are necessary for the proper 529
administration, implementation, and enforcement of sections 918.21 530
to 918.31 of the Revised Code, including rules requiring that an 531
inspection of an establishment's slaughter and processing 532
operations be conducted in accordance with the establishment's 533
hazard analysis critical control point ~~system~~ plan. In addition, 534
the rules shall require that if an establishment does not have a 535
plan for a particular production process under its hazard analysis 536
critical control point ~~system~~ plan as required in rules, the 537
poultry product of the process may be considered to be adulterated 538
and shall be retained pending a production process review and not 539
allowed to be labeled with an official mark. 540

Sec. 918.28. (A) Except as provided in division (F) of 541
section 918.08 of the Revised Code, application for a license to 542
operate an establishment shall be made to the director of 543
agriculture on forms provided by the department of agriculture. 544
The director shall inspect the establishment and if, upon 545
inspection, the establishment is found to be in compliance with 546

~~sections 918.21 to 918.31 of the Revised Code, this chapter and~~ 547
rules adopted under it, the director shall so notify the owner of 548
the establishment and, upon receipt of the annual license fee of 549
fifty dollars, shall issue the owner a license. However, if after 550
inspection the director finds that an establishment is not in 551
compliance with this chapter and rules adopted under it, the 552
director shall deny the license application. The applicant may 553
appeal the denial of the license application in accordance with 554
Chapter 119. of the Revised Code. The license shall expire on the 555
thirty-first day of March of each year and, if the director finds 556
that the establishment is in compliance with this chapter and 557
rules adopted under it, shall be renewed according to the standard 558
renewal procedures of sections 4745.01 to 4745.03 of the Revised 559
Code. 560

(B) If after inspection the director determines that an 561
establishment licensed under this section is operating in 562
violation of ~~sections 918.21 to 918.31 of the Revised Code, this~~ 563
chapter or a rule or order adopted or ~~made~~ issued under authority 564
thereof, the director shall notify the licensee in writing of the 565
violation, giving the licensee ten days from the date of the 566
notice to correct the conditions causing the violation. If the 567
conditions are not corrected within the ten-day period, the 568
director may ~~revoke~~ do either of the following: 569

(1) Impose progressive enforcement actions as provided in 570
division (C)(1) of this section in the same manner as inspectors; 571

(2) Suspend or suspend revoke the license in accordance with 572
Chapter 119. of the Revised Code. 573

(C)(1) If an inspector determines that an establishment 574
licensed under division (A) of this section is operating in 575
violation of sections 918.21 to 918.31 of the Revised Code and 576
rules adopted under those sections, the inspector ~~shall~~ may notify 577

the licensee in writing of the violation. The inspector 578
immediately may impose progressive enforcement actions, including 579
withholding the mark of inspection, suspension of inspection, ~~and~~ 580
suspension of inspection held in abeyance, and withdrawal of 581
inspection. The progressive enforcement actions may be taken prior 582
to affording the licensee an opportunity for a hearing. As 583
authorized in division (C) of section 119.06 of the Revised Code, 584
a decision to impose ~~an~~ a progressive enforcement action is 585
immediately appealable to a higher authority within the department 586
who is classified by the director as a district supervisor and who 587
is designated by the director to hear the appeal. If the district 588
supervisor affirms the enforcement action of the inspector, the 589
licensee may appeal the enforcement action in accordance with 590
Chapter 119. of the Revised Code. 591

(2) As used in ~~this~~ division (C)(1) of this section, 592
"suspension of inspection held in abeyance" means a period of time 593
during which a suspension of inspection is lifted because an 594
establishment ~~as~~ has presented the director with a corrective 595
action plan that, if implemented properly, would bring the 596
establishment into compliance with this chapter and rules adopted 597
under it. 598

(D) If in the opinion of the director the establishment is 599
being operated under such insanitary conditions as to be a hazard 600
to public health, or if the director determines that an 601
establishment is not in compliance with its hazard analysis 602
critical control point ~~system~~ plan as required by rules, the 603
director may condemn or retain the product on hand and immediately 604
withdraw inspection from the ~~plant~~ establishment until such time 605
as the insanitary conditions are corrected or until the 606
establishment is in compliance with its hazard analysis critical 607
control point ~~system~~ plan, as applicable. 608

(E) If the director determines that the owner or operator of 609

or any person employed by an establishment licensed under division 610
(A) of this section forcibly assaulted, resisted, opposed, 611
impeded, intimidated, or interfered with any person while that 612
person was engaged in, or because of the person's performance of, 613
official duties under sections 918.21 to 918.31 of the Revised 614
Code or the rules adopted under those sections, the director 615
immediately may withdraw inspection from the establishment prior 616
to an adjudication hearing as required under section 119.06 of the 617
Revised Code. 618

(F) In addition to any remedies provided by law and 619
irrespective of whether or not there exists an adequate remedy at 620
law, the director may apply to the court of common pleas of the 621
county in which a violation of sections 918.21 to 918.31 of the 622
Revised Code or rules adopted under those sections occurs for a 623
temporary or permanent injunction or other appropriate relief 624
concerning the violation. 625

Sec. 955.51. (A) ~~Any owner of horses~~ As used in sections 626
955.51 to 955.53 of the Revised Code: 627

(1) "Animal" means a horse, mule, sheep, head of cattle, 628
swine, ~~mules, goats~~ goat, domestic ~~rabbits~~ rabbit, or domestic 629
fowl or poultry ~~that have an aggregate fair market value of ten~~ 630
~~dollars or more and.~~ 631

(2) "Fair market value" means the average price that is paid 632
for a healthy grade animal at a livestock auction selected by the 633
director of agriculture and licensed under Chapter 943. of the 634
Revised Code. 635

(3) "Grade animal" means an animal that is not eligible for 636
registration by a breed association or in a registry. 637

(4) "Predator" means a coyote or a black vulture. 638

(B) An owner of an animal that ~~have~~ has been injured or 639

killed by a coyote or a black vulture predator and that the owner 640
believes has a fair market value of more than twenty-five dollars 641
shall notify the dog warden do both of the following within three 642
days seventy-two hours after the loss or injury has been 643
discovered. The: 644

(1) Notify the dog warden by telephone; 645

(2) Document by photograph the wounds sustained by the 646
animal. 647

If the owner chooses to file a claim under sections 955.51 to 648
955.53 of the Revised Code, the owner shall complete a claim form 649
for indemnification in quadruplicate as prescribed by the director 650
in section 955.53 of the Revised Code and provided by the dog 651
warden. The owner may request, and the dog warden shall provide, 652
assistance in filling out the form. For the purposes of section 653
955.52 of the Revised Code, the owner shall send to the department 654
of agriculture, within thirty days after discovery of the animal, 655
the original copy of the claim form, all photographs documenting 656
the wounds of the animal, and any other pertinent facts in the 657
possession of the owner. 658

If the animal that is killed or injured is registered by any 659
accepted association or in an accepted registry, the owner shall 660
submit with the claim form that is filed with the department the 661
registration papers showing the animal's lines of breeding, age, 662
and other relevant information. If the animal is the offspring of 663
registered stock and is eligible for registration, the 664
registration papers showing the lines of breeding of the offspring 665
shall be submitted as well. 666

The owner shall retain a copy of the claim form and provide a 667
copy of the form to both the dog warden and the wildlife officer 668
that investigates the claim, if applicable. 669

(C) Following notification from the owner of an animal under 670

division (B) of this section, the dog warden promptly shall
investigate the loss or injury and shall determine whether or not
the loss or injury was made by a ~~coyote or a black vulture~~
predator. If the dog warden ~~finds~~ determines that the loss or
injury was not made by a ~~coyote or a black vulture~~ predator, the
owner has no claim under sections 955.51 to 955.53 of the Revised
Code. If the dog warden ~~finds~~ determines that the loss or injury
was made by a ~~coyote or a black vulture~~ predator, the dog warden
promptly shall notify by telephone the wildlife officer of that
finding determination. For the purposes of section 955.52 of the
Revised Code, the dog warden shall send to the department the dog
warden's determination of whether the animal was killed or injured
by a predator and any other documents, testimony, or information
that the dog warden has received relating to the loss or injury of
the animal. The

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(D) Following notification from the dog warden under division
(C) of this section, the wildlife officer ~~then~~ shall confirm the
finding determination of the dog warden on the claim, disaffirm
it, or state that the wildlife officer is uncertain about the
finding determination. If the wildlife officer disaffirms the
determination of the dog warden, the owner has no claim under
sections 955.51 to 955.53 of the Revised Code. If the wildlife
officer affirms the finding determination of the dog warden or
states that the wildlife officer is uncertain about that finding
determination, the owner may proceed with a claim under sections
955.51 to 955.53 of the Revised Code, and the dog warden shall
provide the owner with duplicate copies of the claim form provided
for in section 955.53 of the Revised Code and assist the owner in
filling it out. The owner shall set forth the kind, grade,
quality, and what the owner has determined is the fair market
value of the animals, fowl, or poultry, the nature and amount of
the loss or injury, the place where the loss or injury occurred,

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~~and all other pertinent facts in the possession of the claimant. 703
If the animals, fowl, or poultry die as a result of their 704
injuries, their fair market value is the market value of uninjured 705
animals, fowl, or poultry on the date of the death of the injured 706
animals, fowl, or poultry. If the animals, fowl, or poultry do not 707
die as a result of their injuries, their fair market value is 708
their market value on the date on which they received their 709
injuries. 710~~

~~(B) If the dog warden finds all the statements that the owner 711
made on the form to be correct and agrees with the owner as to the 712
fair market value of the animals, fowl, or poultry, the dog warden 713
promptly shall so certify and send both copies of the form, 714
together with whatever other documents, testimony, or information 715
the dog warden has received relating to the loss or injury, to the 716
department of agriculture. 717~~

~~(C) If the dog warden does not find all the statements to be 718
correct or does not agree with the owner as to the fair market 719
value, the owner may appeal to the department of agriculture for a 720
determination of the owner's claim. In that case the owner shall 721
secure statements as to the nature and amount of the loss or 722
injury from at least two witnesses who viewed the results of the 723
killing or injury and who can testify about the results and shall 724
submit both copies of the form to the department no later than 725
twenty days after the loss or injury was discovered. The dog 726
warden shall submit to the department whatever documents, 727
testimony, and other information the dog warden has received 728
relating to the loss or injury. The department shall receive any 729
other information or testimony that will enable it to determine 730
the fair market value of the animals, fowl, or poultry injured or 731
killed. 732~~

~~(D) If the animals, fowl, or poultry described in division 733
(A) of this section are registered in any accepted association or 734~~

~~registry, the owner or the owner's employee or tenant shall submit~~ 735
~~with the claim form the registration papers showing the lines of~~ 736
~~breeding, age, and other relevant matters. If the animals are the~~ 737
~~offspring of registered stock and eligible for registration, the~~ 738
~~registration papers showing the breeding of the offspring shall be~~ 739
~~submitted~~ wildlife officer shall so notify in writing the 740
department for the purposes of section 955.52 of the Revised Code. 741

Sec. 955.52. (A)(1) The department of agriculture shall hear 742
claims submitted to it that are approved by the dog warden and 743
supported by the wildlife officer pursuant to section 955.51 of 744
the Revised Code in the order of their filing and may allow the 745
claims in full or in part, or may disallow any claim, as the 746
testimony ~~shows~~ and information submitted under that section show 747
to be just. The department shall make the final determination of 748
the fair market value of any animal, ~~fowl, or poultry~~ that is the 749
subject of a claim. ~~The~~ 750

If the animal that is the subject of a claim dies as a result 751
of the injuries that it received from a predator, the amount of 752
indemnity is the fair market value of the animal on the date of 753
its death. If the animal that is the subject of a claim does not 754
die as a result of the injuries that it received from a predator, 755
the amount of indemnity is the fair market value of the animal on 756
the date that it received its injuries. If the animal that is the 757
subject of a claim is registered or eligible for registration as 758
described in division (B) of section 955.51 of the Revised Code, 759
the amount of indemnity is one hundred twenty-five per cent of the 760
fair market value of the animal on the date that the animal was 761
killed or injured. If the date of death or injury of an animal 762
cannot be determined, the amount of indemnity shall be based on 763
the fair market value of the animal on the date that the animal 764
was discovered by its owner. 765

(2) If the owner of an animal does not agree with the department's determination of the animal's fair market value, the owner may appeal the determination in accordance with Chapter 119. of the Revised Code. 766
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(3) The department shall certify any claim or part of a claim that has been found to be valid under division (A)(1) of this section. Claims certified in accordance with this section shall be paid out of ~~the agro Ohio fund provided for in section 901.04 of the Revised Code~~ money that has been appropriated from the general revenue fund for the purposes of sections 955.51 to 955.53 of the Revised Code, except that no claim shall be paid from ~~the fund~~ that money if ~~a~~ either of the following applies: 770
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(a) A claim for the same loss or injury has been paid or is payable under a policy or policies of insurance. However, a claim may be paid ~~from the fund~~ for the amount of any deductible paid or payable by the claimant under such insurance. 778
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(b) The owner of an animal who otherwise would receive indemnity under a claim has been paid more than five hundred dollars within the immediately preceding calendar year from money so appropriated. However, that owner may be paid if the owner has implemented a voluntary animal damage control plan that meets the requirements established in rules adopted under division (D) of this section. 782
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(B) If at any time the money that has been appropriated from the general revenue fund for the purposes of sections 955.51 to 955.53 of the Revised Code for a fiscal year is not sufficient to pay certified claims, the department shall disapprove those claims. Any claim that has been disapproved due to lack of money shall not be resubmitted. 789
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(C) The department either may assist owners in developing and implementing a voluntary animal damage control plan to prevent and 795
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minimize loss or injury to animals by predators or may enter into 797
an agreement with another state agency, a federal agency, or a 798
person to provide such assistance. The department may use no more 799
than fifty per cent or twenty-five thousand dollars, whichever is 800
less, of the money that is appropriated for the purposes of 801
sections 955.51 to 955.53 of the Revised Code to pay the costs 802
incurred by the department for either providing assistance under 803
this division or entering into an agreement under this division to 804
provide that assistance. 805

(D) The director of agriculture shall adopt rules in 806
accordance with Chapter 119. of the Revised Code that are 807
necessary to administer sections 955.51 to 955.53 of the Revised 808
Code, including rules that establish requirements governing 809
voluntary animal damage control plans. 810

Sec. 955.53. All claims against the ~~agro Ohio fund~~ pursuant 811
~~to~~ money appropriated from the general revenue fund for the 812
purposes of sections 955.51 and ~~955.52~~ to 955.53 of the Revised 813
Code and all accompanying statements and testimony shall be upon 814
claim forms prepared by the director of agriculture and furnished 815
by the dog warden. The forms shall not require an affidavit, but 816
shall contain lines for the signatures of the claimant and 817
witnesses and, immediately above those lines, the sentence, "This 818
statement is made subject to the criminal penalties for 819
falsification provided for in section 2921.13 of the Revised 820
Code." 821

Sec. 3715.65. (A) No person shall sell, deliver, offer for 822
sale, hold for sale, or give away any new drug unless+ 823

~~(1) An~~ an application with respect to the drug has become 824
effective under section 505 of the "Federal Food, Drug, and 825
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended. 826

~~(2) If the drug is not subject to the "Federal Food, Drug, and Cosmetic Act," the drug has been tested and found to be safe for use under the conditions prescribed, recommended, or suggested in its labeling, and, prior to selling the drug or offering it for sale, there has been filed with the director of agriculture an application setting forth all of the following:~~

~~(a) Full reports of investigations that have been made to show whether or not the drug is safe for use;~~

~~(b) A full list of the articles used as components of the drug;~~

~~(c) A full statement of the drug's composition;~~

~~(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug;~~

~~(e) Samples, as the director may require, of the drug and the articles used as components of the drug;~~

~~(f) Specimens of the labeling proposed to be used for the drug.~~

~~(B) An application provided for in division (A)(2) of this section shall become effective sixty days after it is filed, except that if the director finds after due notice to the applicant and after giving the applicant an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended, or suggested in the drug's proposed labeling, the director shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective. The order may be revoked by the director.~~

~~(C) This section does not apply to the following:~~

~~(1) A drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the~~

safety of drugs, provided that the drug is plainly labeled "For
investigational use only";

(2) A drug sold in this state at any time prior to the
enactment of sections 3715.01 and 3715.52 to 3715.72 of the
Revised Code, or introduced into interstate commerce at any time
prior to the enactment of the "Federal Food, Drug, and Cosmetic
Act";

(3) Any drug that is licensed under the "Public Health
Service Act," 58 Stat. 682 (1944), 42 U.S.C.A. 301, as amended, or
under the "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 21
U.S.C.A. 151, as amended.

Section 2. That existing sections 901.22, 918.01, 918.02,
918.08, 918.11, 918.25, 918.28, 955.51, 955.52, 955.53, and
3715.65 of the Revised Code are hereby repealed.