

As Passed by the Senate

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

Senators Mumper, Austria, White, Roberts

A B I L L

To amend sections 317.32, 505.101, 901.21, 901.22, 1
917.01, 917.02, 917.031, 917.09, 917.091, 917.19, 2
917.22, 918.01, 918.02, 918.08, 918.11, 918.25, 3
918.28, 955.51 to 955.53, 3707.38, 3715.65, 4
5301.68, and 5301.691 of the Revised Code to 5
revise the laws governing the inspection of meat 6
and poultry, claims for injuries to certain 7
animals by coyotes or black vultures, dairies, 8
agricultural easements, and applications 9
concerning new drugs, to authorize soil and water 10
conservation districts to acquire agricultural 11
easements, and to authorize a board of township 12
trustees to enter into a contract with a soil and 13
water conservation district, without advertising 14
or bidding, for the purchase of services. 15

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

Section 1. That sections 317.32, 505.101, 901.21, 901.22, 16
917.01, 917.02, 917.031, 917.09, 917.091, 917.19, 917.22, 918.01, 17
918.02, 918.08, 918.11, 918.25, 918.28, 955.51, 955.52, 955.53, 18
3707.38, 3715.65, 5301.68, and 5301.691 of the Revised Code be 19
amended to read as follows: 20

Sec. 317.32. The county recorder shall charge and collect the 21
following fees, to include base fees for the recorder's services 22
and housing trust fund fees, collected pursuant to section 317.36 23
of the Revised Code: 24

(A) For recording and indexing an instrument when the 25
photocopy or any similar process is employed, a base fee of 26
fourteen dollars for the first two pages and a housing trust fund 27
fee of fourteen dollars, and a base fee of four dollars and a 28
housing trust fund fee of four dollars for each subsequent page, 29
size eight and one-half inches by fourteen inches, or fraction of 30
a page, including the caption page, of such instrument; 31

(B) For certifying a photocopy from the record previously 32
recorded, a base fee of one dollar and a housing trust fund fee of 33
one dollar per page, size eight and one-half inches by fourteen 34
inches, or fraction of a page; for each certification where the 35
recorder's seal is required, except as to instruments issued by 36
the armed forces of the United States, a base fee of fifty cents 37
and a housing trust fund fee of fifty cents; 38

(C) For manual or typewritten recording of assignment or 39
satisfaction of mortgage or lease or any other marginal entry, a 40
base fee of four dollars and a housing trust fund fee of four 41
dollars; 42

(D) For entering any marginal reference by separate recorded 43
instrument, a base fee of two dollars and a housing trust fund fee 44
of two dollars for each marginal reference set out in that 45
instrument, in addition to the fees set forth in division (A) of 46
this section; 47

(E) For indexing in the real estate mortgage records, 48
pursuant to section 1309.519 of the Revised Code, financing 49
statements covering crops growing or to be grown, timber to be 50

cut, minerals or the like, including oil and gas, accounts subject 51
to section 1309.301 of the Revised Code, or fixture filings made 52
pursuant to section 1309.334 of the Revised Code, a base fee of 53
two dollars and a housing trust fund fee of two dollars for each 54
name indexed; 55

(F) For recording manually any plat not exceeding six lines, 56
a base fee of two dollars and a housing trust fund fee of two 57
dollars, and for each additional line, a base fee of ten cents and 58
a housing trust fund fee of ten cents; 59

(G) For filing zoning resolutions, including text and maps, 60
in the office of the recorder as required under sections 303.11 61
and 519.11 of the Revised Code, a base fee of fifty dollars and a 62
housing trust fund fee of fifty dollars, regardless of the size or 63
length of the resolutions; 64

(H) For filing zoning amendments, including text and maps, in 65
the office of the recorder as required under sections 303.12 and 66
519.12 of the Revised Code, a base fee of ten dollars and a 67
housing trust fund fee of ten dollars for the first page and a 68
base fee of four dollars and a housing trust fund fee of four 69
dollars for each additional page; 70

(I) For photocopying a document, other than at the time of 71
recording and indexing as provided for in division (A) of this 72
section, a base fee of one dollar and a housing trust fund fee of 73
one dollar per page, size eight and one-half inches by fourteen 74
inches, or fraction thereof; 75

(J) For local facsimile transmission of a document, a base 76
fee of one dollar and a housing trust fund fee of one dollar per 77
page, size eight and one-half inches by fourteen inches, or 78
fraction thereof; for long distance facsimile transmission of a 79
document, a base fee of two dollars and a housing trust fund fee 80
of two dollars per page, size eight and one-half inches by 81

fourteen inches, or fraction thereof; 82

(K) For recording a declaration executed pursuant to section 83
2133.02 of the Revised Code or a durable power of attorney for 84
health care executed pursuant to section 1337.12 of the Revised 85
Code, or both a declaration and a durable power of attorney for 86
health care, a base fee of at least fourteen dollars but not more 87
than twenty dollars and a housing trust fund fee of at least 88
fourteen dollars but not more than twenty dollars. 89

In any county in which the recorder employs the photostatic 90
or any similar process for recording maps, plats, or prints the 91
recorder shall determine, charge, and collect for the recording or 92
rerecording of any map, plat, or print, a base fee of five cents 93
and a housing trust fund fee of five cents per square inch, for 94
each square inch of the map, plat, or print filed for that 95
recording or rerecording, with a minimum base fee of twenty 96
dollars and a minimum housing trust fund fee of twenty dollars; 97
for certifying a copy from the record, a base fee of two cents and 98
a housing trust fund fee of two cents per square inch of the 99
record, with a minimum base fee of two dollars and a minimum 100
housing trust fund fee of two dollars. 101

The fees provided in this section shall be paid upon the 102
presentation of the instruments for record or upon the application 103
for any certified copy of the record, except that the payment of 104
fees associated with the filing and recording of, or the copying 105
of, notices of internal revenue tax liens and notices of other 106
liens in favor of the United States as described in division (A) 107
of section 317.09 of the Revised Code and certificates of 108
discharge or release of those liens, shall be governed by section 109
317.09 of the Revised Code, and the payment of fees for providing 110
copies of instruments conveying or extinguishing agricultural 111
easements to the office of farmland preservation in the department 112
of agriculture under division ~~(G)~~(H) of section 5301.691 of the 113

Revised Code shall be governed by that division. 114

Sec. 505.101. The board of township trustees of any township 115
may, by resolution, enter into a contract, without advertising or 116
bidding, for the purchase or sale of materials, equipment, or 117
supplies from or to any department, agency, or political 118
subdivision of the state, for the purchase of services with a soil 119
and water conservation district established under Chapter 1515. of 120
the Revised Code, or for the purchase of supplies, services, 121
materials, and equipment with a regional planning commission 122
pursuant to division (D) of section 713.23 of the Revised Code. 123
The resolution shall: 124

(A) Set forth the maximum amount to be paid as the purchase 125
price for the materials, equipment, ~~or~~ supplies, or services; 126

(B) Describe the type of materials, equipment, ~~or~~ supplies, 127
or services that are to be purchased; 128

(C) Appropriate sufficient funds to pay the purchase price 129
for the materials, equipment, ~~or~~ supplies, or services, except 130
that no such appropriation is necessary if funds have been 131
previously appropriated for the purpose and remain unencumbered at 132
the time the resolution is adopted. 133

Sec. 901.21. (A) As used in this section and section 901.22 134
of the Revised Code: 135

(1) "Agricultural easement" has the same meaning as in 136
section 5301.67 of the Revised Code. 137

(2) "Agriculture" means those activities occurring on land 138
devoted exclusively to agricultural use, as defined in section 139
5713.30 of the Revised Code, or on land that constitutes a 140
homestead. 141

(3) "Homestead" means the portion of a farm on which is 142

located a dwelling house, yard, or outbuildings such as a barn or 143
garage. 144

(B) The director of agriculture may acquire real property 145
used predominantly in agriculture and agricultural easements by 146
gift, devise, or bequest if, at the time an easement is granted, 147
such an easement is on land that is valued for purposes of real 148
property taxation at its current value for agricultural use under 149
section 5713.31 of the Revised Code or that constitutes a 150
homestead. Any terms may be included in an agricultural easement 151
so acquired that are necessary or appropriate to preserve on 152
behalf of the grantor of the easement the favorable tax 153
consequences of the gift, devise, or bequest under the "Internal 154
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 155
The director, by any such means or by purchase or lease, may 156
acquire, or acquire the use of, stationary personal property or 157
equipment that is located on land acquired in fee by the director 158
under this section and that is necessary or appropriate for the 159
use of the land predominantly in agriculture. 160

(C) The director may do all things necessary or appropriate 161
to retain the use of real property acquired in fee under division 162
(B) of this section predominantly in agriculture, including, 163
without limitation, performing any of the activities described in 164
division (A)(1) or (2) of section 5713.30 of the Revised Code or 165
entering into contracts to lease or rent the real property so 166
acquired to persons or governmental entities that will use the 167
land predominantly in agriculture. 168

(D)(1) When the director considers it to be necessary or 169
appropriate, the director may sell real property acquired in fee, 170
and stationary personal property or equipment acquired by gift, 171
devise, bequest, or purchase, under division (B) of this section 172
on such terms as the director considers to be advantageous to this 173
state. 174

(2) An agricultural easement acquired under division (B) of 175
this section may be extinguished under the circumstances 176
prescribed, and in accordance with the terms and conditions set 177
forth, in the instrument conveying the agricultural easement. 178

(E) There is hereby created in the state treasury the 179
agricultural easement purchase fund. The fund shall consist of the 180
proceeds received from the sale of real and personal property 181
under division (D) of this section; moneys received due to the 182
extinguishment of agricultural easements acquired by the director 183
under division (B) of this section or section 5301.691 of the 184
Revised Code; moneys received due to the extinguishment of 185
agricultural easements purchased with the assistance of matching 186
grants made under section 901.22 of the Revised Code; gifts, 187
bequests, devises, and contributions received by the director for 188
the purpose of acquiring agricultural easements; and grants 189
received from public or private sources for the purpose of 190
purchasing agricultural easements. The fund shall be administered 191
by the director, and moneys in the fund shall be used by the 192
director exclusively to purchase agricultural easements under 193
division (A) of section 5301.691 of the Revised Code and provide 194
matching grants under section 901.22 of the Revised Code to 195
municipal corporations, counties, townships, soil and water 196
conservation districts established under Chapter 1515. of the 197
Revised Code, and charitable organizations described in division 198
(B) of section 5301.69 of the Revised Code for the purchase of 199
agricultural easements. Money in the fund shall be used only to 200
purchase agricultural easements on land that is valued for 201
purposes of real property taxation at its current value for 202
agricultural use under section 5713.31 of the Revised Code or that 203
constitutes a homestead when the easement is purchased. 204

(F) There is hereby created in the state treasury the clean 205
Ohio agricultural easement fund. Twelve and one-half per cent of 206

net proceeds of obligations issued and sold pursuant to sections 207
151.01 and 151.09 of the Revised Code shall be deposited into the 208
fund. The fund shall be used by the director for the purposes of 209
~~sections 901.21 and~~ this section, section 901.22 of the Revised 210
Code, and the provisions of sections 5301.67 to 5301.70 of the 211
Revised Code governing agricultural easements. Investment earnings 212
of the fund shall be credited to the fund and may be used to pay 213
costs incurred by the director in administering those sections and 214
provisions. 215

(G) The term of an agricultural easement purchased wholly or 216
in part with money from the clean Ohio agricultural easement fund 217
or the agricultural easement purchase fund shall be perpetual and 218
shall run with the land. 219

Sec. 901.22. (A) The director of agriculture, in accordance 220
with Chapter 119. of the Revised Code, shall adopt rules that do 221
all of the following: 222

(1) Establish procedures and eligibility criteria for making 223
matching grants to municipal corporations, counties, townships, 224
soil and water conservation districts established under Chapter 225
1515. of the Revised Code, and charitable organizations described 226
in division (B) of section 5301.69 of the Revised Code for the 227
purchase of agricultural easements. With respect to agricultural 228
easements that are purchased or proposed to be purchased with such 229
matching grants that consist in whole or in part of moneys from 230
the clean Ohio agricultural easement fund created in section 231
901.21 of the Revised Code, the rules shall establish all of the 232
following: 233

(a) Procedures for all of the following: 234

(i) Soliciting and accepting applications for matching 235
grants; 236

(ii) Participation by local governments and by the public in	237
the process of making matching grants to charitable organizations;	238
(iii) Notifying local governments, charitable organizations,	239
and organizations that represent the interests of farmers of the	240
ranking system established in rules adopted under division	241
(A)(1)(b) of this section.	242
(b) A ranking system for applications for the matching grants	243
that is based on the soil type, proximity of the land or other	244
land that is conducive to agriculture as defined by rules adopted	245
under this section and that is the subject of an application to	246
other agricultural land or other land that is conducive to	247
agriculture as defined by rules adopted under this section and	248
that is already or is in the process of becoming permanently	249
protected from development, farm stewardship, development	250
pressure, and, if applicable, a local comprehensive land use plan	251
involved with a proposed agricultural easement. The rules shall	252
require that preference be given to proposed agricultural	253
easements that involve the greatest proportion of all of the	254
following:	255
(i) Prime soils, unique or locally important soils,	256
microclimates, or similar features;	257
(ii) Land that is adjacent to or that is in close proximity	258
to other agricultural land or other land that is conducive to	259
agriculture as defined by rules adopted under this section and	260
that is already or is in the process of becoming permanently	261
protected from development, by agricultural easement or otherwise,	262
so that a buffer would exist between the land involving the	263
proposed agricultural easement and areas that have been developed	264
or likely will be developed for purposes other than agriculture;	265
(iii) The use of best management practices, including	266
federally or state approved conservation plans, and a history of	267

substantial compliance with applicable federal and state laws;	268
(iv) Development pressure that is imminent, but not a result of current location in the direct path of urban development;	269 270
(v) Areas identified for agricultural protection in local comprehensive land use plans.	271 272
(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	273 274
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (D) (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	275 276 277 278 279 280 281 282
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, <u>soil and water conservation district</u> , or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	283 284 285 286 287 288
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	289 290 291 292 293 294
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to	295 296 297 298

the total value of the land at the time the easement was acquired; 299

(c) A provision requiring that, upon receipt of the portion 300
of the proceeds of a sale, exchange, or involuntary conversion 301
described in division (A)(2)(b) of this section, the municipal 302
corporation, county, township, soil and water conservation 303
district, or charitable organization remit to the director an 304
amount of money equal to the percentage of the cost of purchasing 305
the easement it received as a matching grant under this section. 306

Moneys received by the director pursuant to rules adopted 307
under division (A)(2)(c) of this section shall be credited to the 308
agricultural easement purchase fund created in section 901.21 of 309
the Revised Code. 310

(3) Establish a provision that provides a charitable 311
organization ~~described in division (B) of section 5301.69 of the~~ 312
~~Revised Code~~, municipal corporation, township, ~~or~~ county, or soil 313
and water conservation district with the option of purchasing 314
agricultural easements either in installments or with a lump sum 315
payment. The rules shall include a requirement that a charitable 316
organization, municipal corporation, township, ~~or~~ county, or soil 317
and water conservation district negotiate with the seller of the 318
agricultural easement concerning any installment payment terms, 319
including the dates and amounts of payments and the interest rate 320
on the outstanding balance. The rules also shall require the 321
director to approve any method of payment that is undertaken in 322
accordance with the rules adopted under division (A)(3) of this 323
section. 324

(4) Establish any other requirements that the director 325
considers to be necessary or appropriate to implement or 326
administer a program to make matching grants under this section 327
and monitor those grants. 328

(B) The director may develop guidelines regarding the 329

acquisition of agricultural easements by the department of 330
agriculture and the provisions of instruments conveying those 331
easements. The director may make the guidelines available to 332
public and private entities authorized to acquire and hold 333
agricultural easements. 334

(C) The director may provide technical assistance in 335
developing a program for the acquisition and monitoring of 336
agricultural easements to public and private entities authorized 337
to hold agricultural easements. The technical assistance may 338
include, without limitation, reviewing and providing advisory 339
recommendations regarding draft instruments conveying agricultural 340
easements. 341

(D)(1) The director may make matching grants from the 342
agricultural easement purchase fund and the clean Ohio 343
agricultural easement fund to municipal corporations, counties, 344
townships, soil and water conservation districts, and charitable 345
organizations ~~described in division (B) of section 5301.69 of the~~ 346
~~Revised Code~~, to assist those political subdivisions and 347
charitable organizations in purchasing agricultural easements. 348
Application for a matching grant shall be made on forms prescribed 349
and provided by the director. The matching grants shall be made in 350
compliance with the criteria and procedures established in rules 351
adopted under this section. Instruments conveying agricultural 352
easements purchased with matching grant funds provided under this 353
section, at a minimum, shall include the mandatory provisions set 354
forth in those rules. 355

Matching grants made under this division using moneys from 356
the clean Ohio agricultural easement fund created in section 357
901.21 of the Revised Code may provide up to seventy-five per cent 358
of the value of an agricultural easement as determined by a 359
general real estate appraiser who is certified under Chapter 4763. 360
of the Revised Code or as determined through a points-based 361

appraisal system established under division (D)(2) of this 362
section. Not less than twenty-five per cent of the value of the 363
agricultural easement shall be provided by the recipient of the 364
matching grant or donated by the person who is transferring the 365
easement to the grant recipient. The amount of such a matching 366
grant used for the purchase of a single agricultural easement 367
shall not exceed one million dollars. 368

(2) The director shall establish a points-based appraisal 369
system for the purposes of division (D)(1) of this section. The 370
director may include any or all of the following factors in the 371
system: 372

(a) Whether the applicable county auditor has determined that 373
the land is land that is devoted exclusively to agriculture for 374
the purposes of sections 5713.30 to 5713.38 of the Revised Code; 375

(b) Changes in land values following the completion of the 376
applicable county auditor's reappraisal or triennial update; 377

(c) Soil types and productivity; 378

(d) Proximity of the land to land that is already subject to 379
an agricultural easement, conservation easement created under 380
sections 5301.67 to 5301.70 of the Revised Code, or similar 381
land-use limitation; 382

(e) Proximity of the land to water and sewer lines, road 383
interchanges, and nonagricultural development; 384

(f) Parcel size and roadway frontage of the land; 385

(g) Existence of an agreement entered into under division (D) 386
of section 1515.08 of the Revised Code or of an operation and 387
management plan developed under division (A) of section 1511.021 388
of the Revised Code; 389

(h) Existence of a comprehensive plan that is adopted under 390
section 303.02 or 519.02 of the Revised Code or that is adopted by 391

<u>the planning commission of a municipal corporation under section</u>	392
<u>713.06 of the Revised Code;</u>	393
<u>(i) Any other factors that the director determines are</u>	394
<u>necessary for inclusion in the system.</u>	395
(E) For any agricultural easement purchased with a matching	396
grant that consists in whole or in part of moneys from the clean	397
Ohio agricultural easement fund, the director shall be named as a	398
grantee on the instrument conveying the easement, as shall the	399
municipal corporation, county, township, <u>soil and water</u>	400
<u>conservation district</u> , or charitable organization that receives	401
the grant.	402
(F)(1) The director shall monitor and evaluate the	403
effectiveness and efficiency of the agricultural easement program	404
as a farmland preservation tool. On or before July 1, 1999, and	405
the first day of July of each year thereafter, the director shall	406
prepare and submit a report to the chairpersons of the standing	407
committees of the senate and the house of representatives that	408
consider legislation regarding agriculture. The report shall	409
consider and address the following criteria to determine the	410
program's effectiveness:	411
(a) The number of agricultural easements purchased during the	412
preceding year;	413
(b) The location of those easements;	414
(c) The number of acres of land preserved for agricultural	415
use;	416
(d) The amount of money used by a municipal corporation,	417
township, or county , <u>or soil and water conservation district</u> from	418
its general fund or special <u>any</u> fund to purchase the agricultural	419
easements;	420
(e) The number of state matching grants given to purchase the	421

agricultural easements;	422
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	423 424
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	425 426 427
(a) The total number of acres in the county;	428
(b) The total number of acres in current agricultural use;	429
(c) The total number of acres preserved for agricultural use in the preceding year;	430 431
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	432 433
Sec. 917.01. As used in this chapter:	434
(A) "Person" means any individual, government agency, political subdivision, partnership, corporation, association, co-operative association, or other business unit.	435 436 437
(B) "Co-operative association" or "agricultural cooperative association" means any agricultural cooperative organized under Chapter 1729. of the Revised Code and qualified to do business in Ohio , <u>this state</u> if the director of agriculture finds the association has, in good faith, its entire activities under the control of its members and has been and is exercising full authority in the sale of milk or cream for its members.	438 439 440 441 442 443 444
(C) "Market area" means any area that the director finds is a natural marketing area and designates as such.	445 446
(D) "Dealer" or "milk dealer" means a person who purchases or receives milk from a producer for the purpose of bottling, packaging, selling, processing, jobbing, brokering, or distributing the milk except where the milk is disposed of in the	447 448 449 450

same container in which it is received, without removal from the 451
container and without processing in any way except by necessary 452
refrigeration. Any person who buys and distributes milk in 453
containers under the person's own label is a dealer. 454

(E) "Imitation" means imitation as described in 21 C.F.R. 455
101.3, as amended. 456

(F) "Milk" means the lacteal secretion, substantially free 457
from colostrum, obtained by the complete milking of one or more 458
healthy cows, goats, sheep, or other animals and intended for 459
either of the following purposes: 460

(1) To be sold for human consumption or for use in dairy 461
products; 462

(2) To be used for human consumption or for use in dairy 463
products on the premises of a governmental agency or institution. 464

"Milk" does not include a blend of the lacteal secretions of 465
different species. 466

(G) "Grade A milk" means milk produced by a person holding a 467
valid producer license of the grade A milk category issued 468
pursuant to section 917.09 of the Revised Code. 469

(H) "Manufacture milk" means milk produced by a person 470
holding a valid producer license of the manufacture milk category 471
issued pursuant to section 917.09 of the Revised Code. 472

(I) "Producer" or "milk producer" means a grade A milk 473
producer or a manufacture milk producer. 474

(J) "Grade A milk producer" means a person located in this 475
state who sells or offers for sale grade A milk obtained from a 476
cow, goat, sheep, or other animal that the person owns or 477
controls. 478

(K) "Manufacture milk producer" means a person located in 479
this state who sells or offers for sale manufacture milk obtained 480

from a cow, goat, sheep, or other animal that the person owns or 481
controls. 482

(L) "Grade A milk products" means products derived from grade 483
A milk and having the standard of identity, quality, strength, 484
purity, grade, and, if added, permitted optional ingredients found 485
in the standards of identity established for the products in rules 486
adopted by the director under section 917.02 or 3715.02 of the 487
Revised Code, and includes: 488

(1) Cottage cheese; 489

(2) Raw, pasteurized, or aseptically processed products 490
derived from milk and described in either of the following: 491

(a) The most recent published recommendations of the food and 492
drug administration, public health service, United States 493
department of health and human services; 494

(b) Rules adopted by the director. 495

(M) "Manufactured milk products" means all products, other 496
than raw milk for sale to the ultimate consumer and grade A milk 497
products, that are derived from milk and are for human 498
consumption, including: 499

(1) Butter; 500

(2) Natural or processed cheese; 501

(3) Evaporated, condensed, and dry products; 502

(4) Frozen desserts; 503

(5) Such other products derived from milk as the director may 504
specify by rule that have the standard of identity, quality, 505
strength, purity, grade, and, if added, permitted optional 506
ingredients found in the standards of identity established for the 507
product in rules adopted by the director under section 917.02 or 508
3715.02 of the Revised Code. 509

(N) "Dairy products" means milk, raw milk for sale to the ultimate consumer, grade A milk products, and manufactured milk products.

(O) "Frozen desserts" means frozen desserts, including the mixes, described in 21 C.F.R. 135, as amended, unless otherwise specified by the director by rule.

(P) "Milk plant" means a grade A milk plant or manufacture milk plant.

(Q) "Grade A milk plant" means a place, including a governmental operation, where grade A milk or a grade A milk product is collected, handled, controlled, processed, stored, pasteurized, ultra-pasteurized, repasteurized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a grade A milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate consumer.

(R) "Manufacture milk plant" means a place, including a governmental operation, where manufacture milk or a manufactured milk product is collected, handled, controlled, manufactured, processed, stored, pasteurized, ultra-pasteurized, repasteurized, commercially sterilized, aseptically processed, bottled, or prepared for distribution, but does not include a place where a manufactured milk product is purchased in packaged form and is stored and handled for the sole purpose of sale to the ultimate consumer.

(S) "Raw milk for sale to the ultimate consumer" means the raw milk sold or offered for sale by a raw milk retailer.

(T) "Raw milk retailer" means a person who, prior to October 31, 1965, was engaged continuously in the business of selling or offering for sale raw milk directly to ultimate consumers.

(U) "Processor" or "milk processor" means a grade A milk processor or a manufacture milk processor.

(V) "Grade A milk processor" means a person who operates or controls a milk plant, transfer station, receiving station, or milk transport cleaning facility that is located in this state or from which grade A milk or grade A milk products are sold or offered for sale for human consumption, as applicable.

(W) "Manufacture milk processor" means any person who operates or controls a manufacture milk plant, transfer station, receiving station, or milk transport cleaning facility that is located in this state or from which manufacture milk or manufactured milk products are sold or offered for sale for human consumption, as applicable.

(X) "Weigher, sampler, or tester" means a person who, in order to determine volume, weight, or composition for the purpose of determining price, weighs, tests, or samples either of the following:

(1) Milk at a dairy farm;

(2) Milk or cream purchased by a dealer from a milk producer or co-operative association.

(Y) "Hauler" or "milk hauler" means a person who owns or leases a vehicle or conveyance used to transport raw milk, but does not include a producer transporting raw milk that the producer has produced.

(Z) "License" means a license issued under section 917.09 of the Revised Code and includes a registration issued under division ~~(I)~~(J) of that section.

Sec. 917.02. (A) The director of agriculture may do any of the following:

(A) (1) Adopt rules in accordance with Chapter 119. of the Revised Code regulating all of the following:	569 570
(1) (a) The sanitary production, storage, transportation, manufacturing, handling, processing, sampling, testing, examination, and sale of dairy products;	571 572 573
(2) (b) The suspension and revocation of licenses issued under section 917.09 of the Revised Code, provided that the rules are in accordance with and do not conflict with section 917.22 of the Revised Code;	574 575 576 577
(3) (c) Terms and renewal periods, registration requirements, categories, and fees for licenses issued under section 917.09 of the Revised Code, except that the fee for a producer's license shall not exceed fifteen dollars;	578 579 580 581
(4) (d) Examinations that must be passed prior to issuance of a weigher, sampler, or tester license and inspections that must be passed prior to issuance of any other type of license issued under section 917.09 of the Revised Code;	582 583 584 585
(5) (e) Procedures for issuing and renewing licenses under section 917.09 of the Revised Code;	586 587
(6) (f) Information that an applicant for a license issued under section 917.09 of the Revised Code is required to provide on the application for licensure;	588 589 590
(7) (g) Standards for equipment or materials used for the production, processing, and handling of dairy products;	591 592
(8) (h) Records to be kept by persons holding a license issued under this chapter and the inspection and auditing of books and records of those persons, <u>and any other records that are required to be kept by other rules adopted under this section;</u>	593 594 595 596
(9) (i) Security arrangements and evidence of financial responsibility for milk dealers, to ensure prompt payment to milk	597 598

producers; 599

~~(10)~~(j) Standards of identity, quality, strength, purity, 600
grading, and labeling of dairy products; 601

~~(11)~~(k) The production, processing, and handling of dairy 602
products and the prompt and accurate payment for milk and cream by 603
milk dealers, but not the establishment or control of the price of 604
milk and cream; 605

~~(12)~~(l) Criteria for the equipment, methods, or materials to 606
be used in performing weighing, volumetric measuring, sampling, 607
and testing of milk and its components when such an operation is 608
used as the basis for determining payment for milk delivered to or 609
purchased by dealers; 610

~~(13)~~(m) The size and placement of labels and of words on 611
labels required by section 917.04 of the Revised Code to be placed 612
on final delivery containers used for the sale of raw milk to 613
ultimate consumers. 614

The director shall have exclusive authority to administer and 615
enforce rules adopted under division (A)(1) of this section. 616

~~(B)~~(2) Enter into, with the approval of the milk sanitation 617
board created in section 917.03 of the Revised Code, an agreement 618
with a public or private entity that the director determines is 619
properly qualified for the performance of any of the inspections 620
and analyses required by this chapter; 621

~~(C)~~(3) Adopt rules by reference to all or any part of the 622
following recommendations: 623

~~(1)~~(a) The grade A pasteurized milk ordinance, as amended, 624
and the "grade A condensed and dry milk products and condensed and 625
dry whey" supplement I to the grade A pasteurized milk ordinance 626
of the food and drug administration, public health service, of the 627
United States department of health and human services, to the 628

extent those provisions do not conflict with the laws of this 629
state; 630

~~(2)~~(b) The most recent recommendations for milk for 631
manufacturing purposes and its production and processing published 632
in final form in the Federal Register by the United States 633
department of agriculture, to the extent those recommendations do 634
not conflict with the laws of this state. 635

~~(D)~~(4) Administer and enforce this chapter and rules adopted 636
under it and appoint inspectors and other personnel necessary to 637
carry out ~~the provisions of~~ this chapter and those rules; 638

~~(E)~~(5) Embargo a dairy product that the director reasonably 639
suspects, believes, or determines is adulterated as described in 640
section 3715.59 of the Revised Code or is misbranded as described 641
in section 3715.60 of the Revised Code; 642

~~(F)~~(6) Adopt by reference all or any part of the rules 643
governing the dairy industry adopted by the United States food and 644
drug administration and the United States department of 645
agriculture; 646

~~(G)~~(7) Annually, not later than ninety days after the end of 647
the state fiscal year, determine the expense of administering and 648
enforcing this chapter and rules adopted under it during the 649
preceding state fiscal year and report the determinations to the 650
milk sanitation board ~~created in section 917.03 of the Revised~~ 651
Code. 652

(B) The director shall do both of the following: 653

(1) Adopt rules in accordance with Chapter 119. of the 654
Revised Code establishing requirements for continuing education 655
courses for weighers, samplers, and testers licensed under section 656
917.09 of the Revised Code; 657

(2) Review continuing education courses for weighers, 658

samplers, and testers licensed under section 917.09 of the Revised 659
Code and grant approval to those that meet the requirements 660
established in rules adopted under division (B)(1) of this 661
section. 662

Sec. 917.031. The milk sanitation board may do all of the 663
following: 664

(A) Advise and consult with the director of agriculture in 665
the administration and enforcement of this chapter and rules 666
adopted under it; 667

(B) Make recommendations to the director regarding proposed 668
rules; 669

(C) Approve or disapprove agreements between the director and 670
any public or private entity desiring to perform or performing any 671
of the inspections or analyses required under this chapter and 672
rules adopted under it. 673

The milk sanitation board, after reviewing the director's 674
annual report required under division ~~(G)~~(A)(7) of section 917.02 675
of the Revised Code, shall prescribe inspection fees for ~~milk~~ 676
~~producers and~~ milk processors, and may prescribe inspection fees 677
for milk producers and milk haulers, ~~except that no inspection~~ 678
~~fees shall be prescribed for manufacture milk producers,~~ 679
~~processors, or haulers until on or after July 1, 1998.~~ The board 680
may modify any fees it has prescribed. The fees prescribed or 681
modified by the board together with the license fees collected 682
pursuant to this chapter shall not exceed sixty-three per cent of 683
the estimated cost of administering and enforcing this chapter, as 684
determined by the board's review of the director's annual report. 685

Sec. 917.09. (A) The director of agriculture may issue the 686
following types of licenses: 687

(1) Producer;	688
(2) Processor;	689
(3) Milk dealer;	690
(4) Raw milk retailer;	691
(5) Weigher, sampler, or tester;	692
(6) Milk hauler.	693
(B) The director may adopt rules establishing categories for each type of license that are based on the grade or type of dairy product with which the licensee is involved.	694 695 696
(C) Except as provided in section 917.091 of the Revised Code and division (I) (J) of this section, no person shall act as or hold the person's self out as a producer; processor; milk dealer; raw milk retailer; weigher, sampler, or tester; or milk hauler unless the person holds a valid license issued by the director under this section.	697 698 699 700 701 702
(D) Each person desiring a license shall submit to the director a license application on a form prescribed by the director, accompanied by a license fee in an amount specified in rules adopted under section 917.02 of the Revised Code. The applicant shall specify on the application the type of license and category requested and shall include any other information required by rules adopted under section 917.02 of the Revised Code.	703 704 705 706 707 708 709 710
(E) Each applicant for a weigher, sampler, or tester license or registration, prior to issuance of the license or registration, shall pass an examination that is given in accordance with section 917.08 of the Revised Code and rules adopted under section 917.02 of the Revised Code.	711 712 713 714 715
Each applicant for any other type of license issued under this section, prior to issuance of the license, shall pass an	716 717

inspection that is made in accordance with rules adopted under 718
section 917.02 of the Revised Code. 719

(F) The director shall not issue a license to an applicant 720
unless the director determines, through an inspection or 721
otherwise, that the applicant is in compliance with the 722
requirements set forth in this chapter and the rules adopted under 723
it. 724

(G) Examinations that must be passed prior to issuance of a 725
weigher, sampler, or tester license, inspections that must be 726
passed prior to issuance of any other type of license issued under 727
this section, procedures for issuing and renewing licenses, and 728
license terms and renewal periods shall comply with rules adopted 729
under section 917.02 of the Revised Code. 730

(H) Suspension and revocation of licenses shall comply with 731
section 917.22 of the Revised Code and rules adopted under section 732
917.02 of the Revised Code. 733

(I) Each licensed weigher, sampler, and tester annually shall 734
meet the continuing education requirements established in rules 735
adopted under division (B) of section 917.02 of the Revised Code. 736

(J) A person whose religion prohibits the person from 737
obtaining a license under this section, in place of a license, 738
shall register with the director as a producer; processor; milk 739
dealer; raw milk retailer; weigher, sampler, or tester; or milk 740
hauler. 741

The person claiming the exemption from licensure shall 742
register on a form prescribed by the director and shall meet any 743
other registration requirements contained in rules adopted under 744
section 917.02 of the Revised Code. Upon receiving the person's 745
registration form and determining that the person has satisfied 746
all requirements for registration, the director shall notify the 747
person that the person is registered to lawfully operate as a 748

producer; processor; milk dealer; raw milk retailer; weigher, 749
sampler, or tester; or milk hauler. 750

A registrant is subject to all provisions governing 751
licensees, such as provisions concerning testing, sampling, and 752
inspection of dairy products. A registrant is subject to 753
provisions governing issuance of a temporary weigher, sampler, or 754
tester license under section 917.091 of the Revised Code. A 755
registration shall be renewed, suspended, and revoked under the 756
same terms as a license. 757

Sec. 917.091. The director of agriculture may issue a 758
temporary weigher, sampler, or tester license to an applicant upon 759
determining that the applicant has met all qualifications for 760
licensure under section 917.09 of the Revised Code except 761
successful completion of an examination. A temporary weigher, 762
sampler, or tester license is effective ~~only until~~ for ninety days 763
from the date of ~~the next examination issuance~~. An applicant who 764
has not taken an examination for licensure may receive no more 765
than three temporary weigher, sampler, or tester licenses. An 766
applicant who takes and fails an examination for licensure may 767
receive no more than two temporary weigher, sampler, or tester 768
licenses. 769

~~If an applicant for a temporary weigher, sampler, or tester~~ 770
~~license previously held a weigher, sampler, or tester license~~ 771
~~issued under section 917.09 of the Revised Code, the following~~ 772
~~shall apply, as appropriate:~~ 773

~~(A) In the case of a license that expired not more than~~ 774
~~twelve months previously, the applicant shall submit an~~ 775
~~application and the appropriate fee but is not required to take~~ 776
~~and pass the examination.~~ 777

~~(B) In the case of a license that expired more than twelve~~ 778
~~months previously, the applicant shall submit an application and~~ 779

~~the appropriate fee and shall take and pass the examination. The
applicant may apply for and receive licenses, both temporary and
permanent, to the same extent as a new applicant.~~

Sec. 917.19. The following items shall be subject to
inspection by a person designated by the director of agriculture:

(A) Milk plant facilities and equipment;

(B) ~~Vehicles and containers used by milk haulers~~ Milk
transport vehicles;

(C) Dairy farms, including dairy animals, stables, milk
parlors, milk houses, and milk vessels of milk producers.

The inspector, while in the normal, lawful, and peaceful
pursuit of inspection duties, may enter upon, cross over, and
remain upon privately owned lands for those purposes and shall not
be subject to arrest for trespass.

Sec. 917.22. (A)(1) The director of agriculture may deny,
suspend, or revoke a license issued under this chapter for a
violation of this chapter or the rules adopted under it. Except as
provided in division (A)(2) of this section, the denial,
suspension, or revocation of a license is not effective until the
licensee is given written notice of the violation, a reasonable
amount of time to correct the violation, and an opportunity for a
hearing.

(2) If the director determines that a dairy product
constitutes adulterated food as described in section 3715.59 of
the Revised Code or exceeds bacterial or chemical standards
established by rules adopted under this chapter, or that an
emergency exists that presents a clear and present danger to the
public health, the director may deny, suspend, or revoke a
license, effective immediately without a hearing, provided that an

opportunity for a hearing shall be afforded thereafter without 809
delay. 810

(B) All proceedings under this chapter shall comply with 811
Chapter 119. of the Revised Code, except that: 812

(1) The location of any adjudicatory hearing that the 813
licensee requests shall be the ~~county seat of the county in which~~ 814
~~is located the licensee's facility that is involved in the alleged~~ 815
~~violation~~ central office of the department of agriculture. 816

(2) The director shall notify a licensee by certified mail or 817
personal delivery that the licensee is conditionally entitled to a 818
hearing. The director shall specify in the notice that, in order 819
to obtain a hearing, the licensee must request the hearing not 820
later than ten days after the date of receipt of the notice. 821

(3) If the licensee requests a hearing, the date set for the 822
hearing shall be no later than ten days after the date on which 823
the director receives the request, unless the director and the 824
licensee agree otherwise. 825

(4) The director shall not postpone or continue an 826
adjudication hearing without the consent of the licensee. If the 827
licensee requests a postponement or continuation of an 828
adjudication hearing, the director shall not grant it unless the 829
licensee demonstrates that an extreme hardship will be incurred in 830
holding the adjudication hearing on that hearing date. If the 831
director grants a postponement or continuation on the grounds of 832
extreme hardship to the licensee, the record shall document the 833
nature and cause of the extreme hardship. 834

(5) In lieu of having a hearing and upon the licensee's 835
written request to the director, the licensee may submit to the 836
director, not later than the date of the hearing set pursuant to 837
division (B)(3) of this section, documents, papers, and other 838
written evidence to support the licensee's claim. 839

(6) If the director appoints a referee or examiner to conduct the hearing, the following apply:

(a) A copy of the written adjudication report and recommendations of the referee or examiner shall be served by certified mail upon the director and the licensee or the licensee's attorney or other representative of record not later than three business days following the conclusion of the hearing.

(b) Not later than three business days after receipt of the report and recommendations, the licensee may file with the director written objections to the report and recommendations.

(c) The director shall consider the objections submitted by the licensee before approving, modifying, or disapproving the report and recommendations. The director shall serve the director's order upon the licensee or the licensee's attorney or other representative of record by certified mail not later than six business days after receiving the report.

(7) If the director conducts the hearing, the director shall serve the director's decision by certified mail upon the licensee or the licensee's attorney or other representative of record not later than three business days following the close of the hearing.

(8) If no hearing is held, the director shall issue an order by certified mail to the licensee or the licensee's attorney or other representative of record not later than three business days following the last date possible for a hearing, based on the record that is available.

Sec. 918.01. As used in sections 918.01 to 918.11 of the Revised Code:

(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.	870
(B) "State inspection" means the meat inspection service conducted by the department of agriculture.	871 872
(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.	873 874 875 876
(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.	877 878 879
(E) "Carcass" means all parts, including viscera, of slaughtered animals that are capable of being used for human food.	880 881
(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 <u>the director</u> 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.	882 883 884 885 886 887 888 889
(G) "Wholesome" means sound, healthful, clean, and otherwise fit for human food.	890 891
(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.	892 893 894 895
(I) "Inspector" means any employee of the department authorized by the director to inspect animals, carcasses, or meat products.	896 897 898
(J) "Official mark" means the official inspection legend or	899

any other symbol prescribed by rules of the director to identify 900
the status of any article or animals under this chapter. 901

(K) "Labeling" means all labels and any other display of 902
written, printed, or graphic matter: 903

(1) Upon any article or any of its containers or wrappers, 904
not including package liners; 905

(2) Accompanying ~~such~~ an article. 906

(L) "Ohio retained" means that the animal or the meat product 907
so identified is held for further examination by a veterinary 908
inspector to determine its disposal. 909

(M) "Prepared" means slaughtered, canned, salted, rendered, 910
boned, cut up, smoked, cooked, or otherwise manufactured or 911
processed. 912

(N) "Capable of use as human food" as applied to any animal 913
carcass, part thereof, or meat product means any animal carcass, 914
part thereof, or meat food product that is not denatured or 915
otherwise identified as required by state or federal law or rules 916
or regulations to deter its use as human food and that is 917
naturally edible by humans. 918

(O) "Misbranded~~7~~" as applied to any carcass, part thereof, or 919
meat product has the same meaning as in section 3715.60 of the 920
Revised Code~~7~~ or as otherwise prescribed by the director by rules. 921

(P) "Retail dealer" or "retail butcher" means any place of 922
business where the sales of products are made to consumers only, 923
at least seventy-five per cent of the total dollar value of sales 924
of products represents sales to household consumers, and the sales 925
of products to consumers other than household consumers ~~does~~ do 926
not exceed ~~twenty-eight thousand eight hundred dollars per year~~ 927
the adjusted dollars limitation for annual retail sales published 928
in the Federal Register by the food safety and inspection service 929

in the United States department of agriculture. 930

On the first day of March in any year in which an adjustment 931
is made, and whenever the change exceeds five hundred dollars, the 932
director shall adjust the then current ceiling based upon the 933
change in the price of the volume of products whose total price is 934
equal to the then current ceiling. The adjustment shall be equal 935
to the total dollar change in price of the same volume of products 936
between the most recently completed calendar year and the next 937
preceding calendar year as measured by changes in the United 938
States department of labor's national consumer price index for 939
those periods of time. 940

Sec. 918.02. (A) The director of agriculture, or the 941
director's designee, shall provide ante-mortem inspections of all 942
animals slaughtered at establishments licensed under division (A) 943
of section 918.08 of the Revised Code where and to the extent the 944
director considers it necessary. If, upon inspection, symptoms of 945
disease or other abnormal conditions that would render the animals 946
unfit for human food are found, those animals shall be retained or 947
permanently and conspicuously identified with an official mark 948
indicating they have been condemned and shall be disposed of in a 949
manner prescribed by the director. 950

(B) The director shall provide post-mortem inspection to the 951
extent the director considers necessary of all animals for human 952
food in establishments licensed under division (A) of section 953
918.08 of the Revised Code. The head, tongue, tail, viscera, and 954
other parts, and blood used in the preparation of meat products or 955
medicinal products shall be retained in such a manner as to 956
preserve their identity until the post-mortem examination has been 957
completed. Wholesome carcasses shall be identified with an 958
official mark indicating they have been approved. Each unwholesome 959
carcass shall be marked conspicuously by the inspector at the time 960

of inspection with an official mark indicating the carcass has 961
been condemned, and all carcasses and parts thereof thus inspected 962
and condemned shall be destroyed for food purposes by the 963
establishment in the presence of an inspector. If any carcass or 964
any part thereof, upon examination and inspection subsequent to 965
the first examination and inspection, is found to be adulterated, 966
it shall be destroyed for food purposes by the establishment in 967
the presence of an inspector. All unborn or stillborn animals 968
shall be condemned. Carcasses of animals that have died by means 969
other than slaughter shall not be brought into any room in which 970
meat products are processed, handled, or stored. 971

(C) The director shall provide inspection of all processing 972
operations at establishments licensed under division (A) of 973
section 918.08 of the Revised Code where animal carcasses, parts 974
thereof, or meat products may be brought in and further treated 975
and prepared, and shall provide inspection and supervision in 976
processing departments to ensure that controls are effective at 977
all times. 978

(D) Establishments licensed under section 918.08 of the 979
Revised Code shall furnish satisfactory facilities and assistance 980
for ante-mortem and post-mortem inspections as required by the 981
director. The director may require operations at the 982
establishments to be conducted during reasonable hours. Licensees 983
shall inform the director in advance of intended hours of 984
operation. When one inspector is assigned to make inspections at 985
two or more establishments where few animals are slaughtered, or 986
where small quantities of meat products are prepared, the director 987
may designate the hours of the day and the days of the week during 988
which the establishment may be operated. No person shall deny 989
access to any authorized inspector upon the presentation of proper 990
identification at any reasonable time to such establishments and 991
to records pertaining to the source and sale of carcasses and meat 992

products. The director shall adopt rules in accordance with 993
Chapter 119. of the Revised Code establishing the rate at which an 994
establishment shall reimburse the division of meat inspection for 995
inspection services of more than eight hours in any given day, of 996
more than forty hours in any given week Sunday through Saturday, 997
or on any holiday as specified in division (A) of section 124.19 998
of the Revised Code. 999

(E) The director may limit the entry of animals, animal 1000
carcasses, or parts thereof, meat food products, and other 1001
materials into any establishment at which inspection is maintained 1002
under this chapter to ensure that allowing the entry of such 1003
articles into such inspected establishments will be consistent 1004
with the purposes of this chapter. 1005

(F) All carcasses, parts thereof, and meat products inspected 1006
at any establishment under the authority of this chapter and found 1007
to be not adulterated, at the time they leave the establishment, 1008
shall bear, in distinctly legible forms directly ~~thereon~~ thereon or 1009
on their containers, appropriate labeling as the director may 1010
require in accordance with rules adopted under this chapter. No 1011
article subject to this chapter shall be sold or offered for sale 1012
by any person, under any names or labeling that is false or 1013
misleading. 1014

(G) The director shall adopt and enforce sanitation rules 1015
pursuant to this chapter, under which establishments shall be 1016
maintained. Where the sanitary conditions of any such 1017
establishment are such that the meat product is rendered 1018
adulterated, the product shall be retained and not allowed to be 1019
labeled with an official mark. The rules pertaining to sanitary 1020
conditions shall conform with the sanitation standard operating 1021
procedures established in Title 9 of the Code of Federal 1022
Regulations and shall require that an establishment be evaluated 1023
by determining its compliance with those procedures. In addition, 1024

the rules shall require that if an establishment does not have a 1025
plan for a particular production process under its hazard analysis 1026
critical control point ~~system~~ plan as required in rules, the meat 1027
product of the process may be considered to be adulterated and 1028
shall be retained pending a production process review and not 1029
allowed to be labeled with an official mark. 1030

Sec. 918.08. (A) Except as provided in division ~~(E)~~(F) of 1031
this section, no person shall operate an establishment without 1032
first licensing the establishment with the department of 1033
agriculture. The owner of an establishment desiring a license with 1034
the department may make application therefor on forms provided by 1035
the department. If after inspection the director of agriculture 1036
finds that an establishment is in compliance with this chapter and 1037
rules adopted under it, the director shall notify the owner of the 1038
establishment and, upon receipt of the required license fee, the 1039
establishment shall be permitted to operate. However, if after 1040
inspection the director finds that an establishment is not in 1041
compliance with this chapter and rules adopted under it, the 1042
director shall deny the license application. The applicant may 1043
appeal the denial of the license application in accordance with 1044
Chapter 119. of the Revised Code. The license shall expire 1045
annually on the thirty-first day of March and, if the director 1046
finds that the establishment is in compliance with this chapter 1047
and rules adopted under it, shall be renewed according to the 1048
standard renewal procedure of sections 4745.01 to 4745.03 of the 1049
Revised Code. 1050

(B) The annual license fee for each establishment, or a 1051
renewal thereof, is fifty dollars. All fees collected under this 1052
section shall be deposited into the poultry and meat products fund 1053
created in section 918.15 of the Revised Code. 1054

(C) If after inspection the director determines that an 1055

establishment licensed under division (A) of this section is 1056
operating in violation of this chapter or the rules adopted 1057
thereunder, the director shall notify the licensee in writing of 1058
the violation and give the licensee ten days from the date of 1059
notice to cease or correct the conditions causing the violation. 1060
If the conditions causing the violation ~~continues~~ continue after 1061
the expiration of the ten-day period, the director may ~~withdraw~~ 1062
~~inspection and order the establishment to cease those operations~~ 1063
~~subject to this chapter. Any such order and the appeal therefrom~~ 1064
~~shall be governed by~~ do either of the following: 1065

(1) Impose progressive enforcement actions as provided in 1066
division (D)(1) of this section in the same manner as inspectors; 1067

(2) Suspend or revoke the establishment's license in 1068
accordance with Chapter 119. of the Revised Code. 1069

(D)(1) If an inspector determines that an establishment 1070
licensed under division (A) of this section is operating in 1071
violation of sections 918.01 to 918.12 of the Revised Code and 1072
rules adopted under those sections, the inspector ~~shall~~ may notify 1073
the licensee in writing of the violation. The inspector 1074
immediately may impose progressive enforcement actions, including 1075
withholding the mark of inspection, suspension of inspection, ~~and~~ 1076
suspension of inspection held in abeyance, and withdrawal of 1077
inspection. The progressive enforcement actions may be taken prior 1078
to affording the licensee an opportunity for a hearing. As 1079
authorized in division (C) of section 119.06 of the Revised Code, 1080
a decision to impose ~~an~~ a progressive enforcement action is 1081
immediately appealable to a higher authority within the department 1082
who is classified by the director as a district supervisor and who 1083
is designated by the director to hear the appeal. If the district 1084
supervisor affirms the enforcement action of the inspector, the 1085
licensee may appeal the enforcement action in accordance with 1086
~~chapter~~ Chapter 119. of the Revised Code. 1087

(2) As used in ~~this~~ division (D)(1) of this section, 1088
"suspension of inspection held in abeyance" means a period of time 1089
during which a suspension of inspection is lifted because an 1090
establishment has presented the director with a corrective action 1091
plan that, if implemented properly, would bring the establishment 1092
into compliance with this chapter and rules adopted under it. 1093

(E) If in the opinion of the director the establishment is 1094
being operated under such insanitary conditions as to be a hazard 1095
to public health, or if the director determines that an 1096
establishment is not in compliance with its hazard analysis 1097
critical control point ~~system~~ plan as required by rules, the 1098
director may condemn or retain the product on hand and immediately 1099
withdraw inspection from the establishment until the insanitary 1100
conditions are corrected or until the establishment is in 1101
compliance with its hazard analysis critical control point ~~system~~ 1102
plan, as applicable. The director may take those actions prior to 1103
an adjudication hearing as required under section 119.06 of the 1104
Revised Code. The director subsequently shall afford a hearing 1105
upon the request of the owner or operator of the establishment. 1106

(F) Any person operating an establishment as defined in 1107
section 918.01 of the Revised Code who also operates on the same 1108
premises an establishment as defined in section 918.21 of the 1109
Revised Code shall apply either for licensure under section 918.08 1110
of the Revised Code or for licensure under section 918.28 of the 1111
Revised Code, but not for both, as the director shall determine. 1112

(G) If the director determines that the owner or operator of 1113
or any person employed by an establishment licensed under division 1114
(A) of this section forcibly assaulted, resisted, opposed, 1115
impeded, intimidated, or interfered with any person while that 1116
person was engaged in, or because of the person's performance of, 1117
official duties under sections 918.01 to 918.12 of the Revised 1118
Code or the rules adopted under those sections, the director 1119

immediately may withdraw inspection from the establishment prior 1120
to an adjudication hearing as required under section 119.06 of the 1121
Revised Code. 1122

(H) In addition to any remedies provided by law and 1123
irrespective of whether or not there exists an adequate remedy at 1124
law, the director may apply to the court of common pleas of the 1125
county in which a violation of sections 918.01 to 918.12 of the 1126
Revised Code or rules adopted under those sections occurs for a 1127
temporary or permanent injunction or other appropriate relief 1128
concerning the violation. 1129

Sec. 918.11. (A) No carcass, parts thereof, or meat products 1130
shall be stamped or otherwise identified with an official mark 1131
unless the carcass, parts, or products have been so identified at 1132
an establishment licensed under division (A) of section 918.08 of 1133
the Revised Code. 1134

(B) No person shall offer for sale or sell meat or meat 1135
products that have not been inspected in compliance with sections 1136
918.01 to 918.11 of the Revised Code. 1137

(C) No person shall knowingly offer for sale or sell 1138
adulterated meat or meat products that are detrimental to public 1139
health and safety. 1140

(D) All fines and penalties recovered for violating this 1141
section shall be deposited into the poultry and meat products fund 1142
created in section 918.15 of the Revised Code. 1143

Sec. 918.25. The director of agriculture shall, in accordance 1144
with Chapter 119. of the Revised Code, adopt and enforce rules as 1145
necessary for the implementation, administration, and enforcement 1146
of sections 918.21 to 918.31 of the Revised Code. The rules shall 1147
meet or exceed the federal standards for meat inspection 1148
established in Title 9 of the Code of Federal Regulations. The 1149

rules adopted under this section shall provide for the protection 1150
of the public health, safety, and welfare and for maximum 1151
coordination and cooperation between state and federal programs 1152
for regulation of poultry and poultry products, and may include 1153
the following: 1154

(A) Exemption of certain products as "poultry products" under 1155
the definition in section 918.21 of the Revised Code; 1156

(B) Provision for the retention, identification, and disposal 1157
of condemned poultry and poultry products and for the 1158
identification of approved products; 1159

(C) Sanitary requirements for premises, facilities, and 1160
equipment, for the operation thereof, and for the storage and 1161
handling of poultry and poultry products in establishments 1162
licensed under section 918.28 of the Revised Code. The rules 1163
pertaining to sanitary conditions shall conform with the 1164
sanitation standard operating procedures in Title 9 of the Code of 1165
Federal Regulations and shall require that an establishment be 1166
evaluated by determining its compliance with those procedures. 1167

(D) Requirements for maintenance of records under section 1168
918.24 of the Revised Code; 1169

(E) Procedures for application and licensing, and the 1170
revocation and suspension of licenses; 1171

(F) Requirements for marking and attaching the information 1172
required by section 918.31 of the Revised Code, including specific 1173
styles, legibility and size of type, method of affixing, 1174
variations, and exemptions; 1175

(G) Such other rules as are necessary for the proper 1176
administration, implementation, and enforcement of sections 918.21 1177
to 918.31 of the Revised Code, including rules requiring that an 1178
inspection of an establishment's slaughter and processing 1179

operations be conducted in accordance with the establishment's 1180
hazard analysis critical control point ~~system~~ plan. In addition, 1181
the rules shall require that if an establishment does not have a 1182
plan for a particular production process under its hazard analysis 1183
critical control point ~~system~~ plan as required in rules, the 1184
poultry product of the process may be considered to be adulterated 1185
and shall be retained pending a production process review and not 1186
allowed to be labeled with an official mark. 1187

Sec. 918.28. (A) Except as provided in division (F) of 1188
section 918.08 of the Revised Code, application for a license to 1189
operate an establishment shall be made to the director of 1190
agriculture on forms provided by the department of agriculture. 1191
The director shall inspect the establishment and if, upon 1192
inspection, the establishment is found to be in compliance with 1193
~~sections 918.21 to 918.31 of the Revised Code, this chapter~~ and 1194
rules adopted under it, the director shall so notify the owner of 1195
the establishment and, upon receipt of the annual license fee of 1196
fifty dollars, shall issue the owner a license. However, if after 1197
inspection the director finds that an establishment is not in 1198
compliance with this chapter and rules adopted under it, the 1199
director shall deny the license application. The applicant may 1200
appeal the denial of the license application in accordance with 1201
Chapter 119. of the Revised Code. The license shall expire on the 1202
thirty-first day of March of each year and, if the director finds 1203
that the establishment is in compliance with this chapter and 1204
rules adopted under it, shall be renewed according to the standard 1205
renewal procedures of sections 4745.01 to 4745.03 of the Revised 1206
Code. 1207

(B) If after inspection the director determines that an 1208
establishment licensed under this section is operating in 1209
violation of ~~sections 918.21 to 918.31 of the Revised Code, this~~ 1210
chapter or a rule or order adopted or ~~made~~ issued under authority 1211

thereof, the director shall notify the licensee in writing of the 1212
violation, giving the licensee ten days from the date of the 1213
notice to correct the conditions causing the violation. If the 1214
conditions are not corrected within the ten-day period, the 1215
director may ~~revoke~~ do either of the following: 1216

(1) Impose progressive enforcement actions as provided in 1217
division (C)(1) of this section in the same manner as inspectors; 1218

(2) Suspend or ~~suspend~~ revoke the license in accordance with 1219
Chapter 119. of the Revised Code. 1220

(C)(1) If an inspector determines that an establishment 1221
licensed under division (A) of this section is operating in 1222
violation of sections 918.21 to 918.31 of the Revised Code and 1223
rules adopted under those sections, the inspector ~~shall~~ may notify 1224
the licensee in writing of the violation. The inspector 1225
immediately may impose progressive enforcement actions, including 1226
withholding the mark of inspection, suspension of inspection, ~~and~~ 1227
suspension of inspection held in abeyance, and withdrawal of 1228
inspection. The progressive enforcement actions may be taken prior 1229
to affording the licensee an opportunity for a hearing. As 1230
authorized in division (C) of section 119.06 of the Revised Code, 1231
a decision to impose ~~an~~ a progressive enforcement action is 1232
immediately appealable to a higher authority within the department 1233
who is classified by the director as a district supervisor and who 1234
is designated by the director to hear the appeal. If the district 1235
supervisor affirms the enforcement action of the inspector, the 1236
licensee may appeal the enforcement action in accordance with 1237
Chapter 119. of the Revised Code. 1238

(2) As used in ~~this~~ division (C)(1) of this section, 1239
"suspension of inspection held in abeyance" means a period of time 1240
during which a suspension of inspection is lifted because an 1241
establishment ~~as~~ has presented the director with a corrective 1242
action plan that, if implemented properly, would bring the 1243

establishment into compliance with this chapter and rules adopted 1244
under it. 1245

(D) If in the opinion of the director the establishment is 1246
being operated under such insanitary conditions as to be a hazard 1247
to public health, or if the director determines that an 1248
establishment is not in compliance with its hazard analysis 1249
critical control point ~~system~~ plan as required by rules, the 1250
director may condemn or retain the product on hand and immediately 1251
withdraw inspection from the ~~plant~~ establishment until such time 1252
as the insanitary conditions are corrected or until the 1253
establishment is in compliance with its hazard analysis critical 1254
control point ~~system~~ plan, as applicable. 1255

(E) If the director determines that the owner or operator of 1256
or any person employed by an establishment licensed under division 1257
(A) of this section forcibly assaulted, resisted, opposed, 1258
impeded, intimidated, or interfered with any person while that 1259
person was engaged in, or because of the person's performance of, 1260
official duties under sections 918.21 to 918.31 of the Revised 1261
Code or the rules adopted under those sections, the director 1262
immediately may withdraw inspection from the establishment prior 1263
to an adjudication hearing as required under section 119.06 of the 1264
Revised Code. 1265

(F) In addition to any remedies provided by law and 1266
irrespective of whether or not there exists an adequate remedy at 1267
law, the director may apply to the court of common pleas of the 1268
county in which a violation of sections 918.21 to 918.31 of the 1269
Revised Code or rules adopted under those sections occurs for a 1270
temporary or permanent injunction or other appropriate relief 1271
concerning the violation. 1272

Sec. 955.51. (A) Any owner of horses As used in sections 1273
955.51 to 955.53 of the Revised Code: 1274

(1) "Animal" means a horse, mule, sheep, head of cattle, 1275
swine, mules, goats goat, domestic rabbits rabbit, or domestic 1276
fowl or poultry that have an aggregate fair market value of ten 1277
dollars or more and. 1278

(2) "Fair market value" means the average price that is paid 1279
for a healthy grade animal at a livestock auction selected by the 1280
director of agriculture and licensed under Chapter 943. of the 1281
Revised Code. 1282

(3) "Grade animal" means an animal that is not eligible for 1283
registration by a breed association or in a registry. 1284

(4) "Predator" means a coyote or a black vulture. 1285

(B) An owner of an animal that have has been injured or 1286
killed by a coyote or a black vulture predator and that the owner 1287
believes has a fair market value of more than twenty-five dollars 1288
shall notify the dog warden do both of the following within three 1289
days seventy-two hours after the loss or injury has been 1290
discovered. The: 1291

(1) Notify the dog warden by telephone; 1292

(2) Document by photograph the wounds sustained by the 1293
animal. 1294

If the owner chooses to file a claim under sections 955.51 to 1295
955.53 of the Revised Code, the owner shall complete a claim form 1296
for indemnification in quadruplicate as prescribed by the director 1297
in section 955.53 of the Revised Code and provided by the dog 1298
warden. The owner may request, and the dog warden shall provide, 1299
assistance in filling out the form. For the purposes of section 1300
955.52 of the Revised Code, the owner shall send to the department 1301
of agriculture, within thirty days after discovery of the animal, 1302
the original copy of the claim form, all photographs documenting 1303
the wounds of the animal, and any other pertinent facts in the 1304

possession of the owner.

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

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

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

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it, or state that the wildlife officer is uncertain about the 1336
~~finding determination. If the wildlife officer disaffirms the~~ 1337
~~determination of the dog warden, the owner has no claim under~~ 1338
~~sections 955.51 to 955.53 of the Revised Code.~~ If the wildlife 1339
officer affirms the finding determination of the dog warden or 1340
states that the wildlife officer is uncertain about that finding 1341
determination, the owner may proceed with a claim under sections 1342
955.51 to 955.53 of the Revised Code, and the dog warden shall 1343
provide the owner with duplicate copies of the claim form provided 1344
for in section 955.53 of the Revised Code and assist the owner in 1345
filling it out. The owner shall set forth the kind, grade, 1346
quality, and what the owner has determined is the fair market 1347
value of the animals, fowl, or poultry, the nature and amount of 1348
the loss or injury, the place where the loss or injury occurred, 1349
and all other pertinent facts in the possession of the claimant. 1350
If the animals, fowl, or poultry die as a result of their 1351
injuries, their fair market value is the market value of uninjured 1352
animals, fowl, or poultry on the date of the death of the injured 1353
animals, fowl, or poultry. If the animals, fowl, or poultry do not 1354
die as a result of their injuries, their fair market value is 1355
their market value on the date on which they received their 1356
injuries. 1357

(B) If the dog warden finds all the statements that the owner 1358
made on the form to be correct and agrees with the owner as to the 1359
fair market value of the animals, fowl, or poultry, the dog warden 1360
promptly shall so certify and send both copies of the form, 1361
together with whatever other documents, testimony, or information 1362
the dog warden has received relating to the loss or injury, to the 1363
department of agriculture. 1364

(C) If the dog warden does not find all the statements to be 1365
correct or does not agree with the owner as to the fair market 1366
value, the owner may appeal to the department of agriculture for a 1367

determination of the owner's claim. In that case the owner shall
secure statements as to the nature and amount of the loss or
injury from at least two witnesses who viewed the results of the
killing or injury and who can testify about the results and shall
submit both copies of the form to the department no later than
twenty days after the loss or injury was discovered. The dog
warden shall submit to the department whatever documents,
testimony, and other information the dog warden has received
relating to the loss or injury. The department shall receive any
other information or testimony that will enable it to determine
the fair market value of the animals, fowl, or poultry injured or
killed.

~~(D) If the animals, fowl, or poultry described in division
(A) of this section are registered in any accepted association or
registry, the owner or the owner's employee or tenant shall submit
with the claim form the registration papers showing the lines of
breeding, age, and other relevant matters. If the animals are the
offspring of registered stock and eligible for registration, the
registration papers showing the breeding of the offspring shall be
submitted wildlife officer shall so notify in writing the
department for the purposes of section 955.52 of the Revised Code.~~

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

If the animal that is the subject of a claim dies as a result

of the injuries that it received from a predator, the amount of 1399
indemnity is the fair market value of the animal on the date of 1400
its death. If the animal that is the subject of a claim does not 1401
die as a result of the injuries that it received from a predator, 1402
the amount of indemnity is the fair market value of the animal on 1403
the date that it received its injuries. If the animal that is the 1404
subject of a claim is registered or eligible for registration as 1405
described in division (B) of section 955.51 of the Revised Code, 1406
the amount of indemnity is one hundred twenty-five per cent of the 1407
fair market value of the animal on the date that the animal was 1408
killed or injured. If the date of death or injury of an animal 1409
cannot be determined, the amount of indemnity shall be based on 1410
the fair market value of the animal on the date that the animal 1411
was discovered by its owner. 1412

(2) If the owner of an animal does not agree with the 1413
department's determination of the animal's fair market value, the 1414
owner may appeal the determination in accordance with Chapter 119. 1415
of the Revised Code. 1416

(3) The department shall certify any claim or part of a claim 1417
that has been found to be valid under division (A)(1) of this 1418
section. Claims certified in accordance with this section shall be 1419
paid out of the ~~agro Ohio fund provided for in section 901.04 of~~ 1420
the Revised Code money that has been appropriated from the general 1421
revenue fund for the purposes of sections 955.51 to 955.53 of the 1422
Revised Code, except that no claim shall be paid from ~~the fund~~ 1423
that money if ~~a~~ either of the following applies: 1424

(a) A claim for the same loss or injury has been paid or is 1425
payable under a policy or policies of insurance. However, a claim 1426
may be paid ~~from the fund~~ for the amount of any deductible paid or 1427
payable by the claimant under such insurance. 1428

(b) The owner of an animal who otherwise would receive 1429

indemnity under a claim has been paid more than five hundred 1430
dollars within the immediately preceding calendar year from money 1431
so appropriated. However, that owner may be paid if the owner has 1432
implemented a voluntary animal damage control plan that meets the 1433
requirements established in rules adopted under division (D) of 1434
this section. 1435

(B) If at any time the money that has been appropriated from 1436
the general revenue fund for the purposes of sections 955.51 to 1437
955.53 of the Revised Code for a fiscal year is not sufficient to 1438
pay certified claims, the department shall disapprove those 1439
claims. Any claim that has been disapproved due to lack of money 1440
shall not be resubmitted. 1441

(C) The department either may assist owners in developing and 1442
implementing a voluntary animal damage control plan to prevent and 1443
minimize loss or injury to animals by predators or may enter into 1444
an agreement with another state agency, a federal agency, or a 1445
person to provide such assistance. The department may use no more 1446
than fifty per cent or twenty-five thousand dollars, whichever is 1447
less, of the money that is appropriated for the purposes of 1448
sections 955.51 to 955.53 of the Revised Code to pay the costs 1449
incurred by the department for either providing assistance under 1450
this division or entering into an agreement under this division to 1451
provide that assistance. 1452

(D) The director of agriculture shall adopt rules in 1453
accordance with Chapter 119. of the Revised Code that are 1454
necessary to administer sections 955.51 to 955.53 of the Revised 1455
Code, including rules that establish requirements governing 1456
voluntary animal damage control plans. 1457

Sec. 955.53. All claims against the ~~agro Ohio fund~~ pursuant 1458
to money appropriated from the general revenue fund for the 1459
purposes of sections 955.51 and ~~955.52~~ to 955.53 of the Revised 1460

Code and all accompanying statements and testimony shall be upon 1461
claim forms prepared by the director of agriculture and furnished 1462
by the dog warden. The forms shall not require an affidavit, but 1463
shall contain lines for the signatures of the claimant and 1464
witnesses and, immediately above those lines, the sentence, "This 1465
statement is made subject to the criminal penalties for 1466
falsification provided for in section 2921.13 of the Revised Code. 1467

Sec. 3707.38. The board of health of a city or general health 1468
district may appoint, define the duties of, and fix the 1469
compensation of the number of inspectors of shops, wagons, 1470
appliances, and food, and the number of other persons necessary to 1471
carry out this chapter and Chapter 3717. of the Revised Code and, 1472
if applicable, to carry out any duties assumed by the board under 1473
an agreement entered into under division ~~(B)~~(A)(2) of section 1474
917.02 of the Revised Code. Inspectors for those purposes may 1475
enter any house, vehicle, or yard. The board may authorize the 1476
health commissioner to perform the duties of the inspectors. 1477

Sec. 3715.65. (A) No person shall sell, deliver, offer for 1478
sale, hold for sale, or give away any new drug unless+ 1479

~~(1) An~~ an application with respect to the drug has become 1480
effective under section 505 of the "Federal Food, Drug, and 1481
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended. 1482

~~(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+ 1483
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~~(a) Full reports of investigations that have been made to 1489
show whether or not the drug is safe for use; 1490~~

(b) A full list of the articles used as components of the drug;	1491
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(c) A full statement of the drug's composition;	1493
(d) A full description of the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the drug;	1494
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(e) Samples, as the director may require, of the drug and the articles used as components of the drug;	1497
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(f) Specimens of the labeling proposed to be used for the drug.	1499
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(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.	1501
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(C) This section does not apply to the following:	1510
(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";	1511
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(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";	1515
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(3) Any drug that is licensed under the "Public Health	1520

Service Act," 58 Stat. 682 (1944), 42 U.S.C.A. 301, as amended, or 1521
under the "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 21 1522
U.S.C.A. 151, as amended. 1523

Sec. 5301.68. An owner of land may grant a conservation 1524
easement to the department of natural resources, a park district 1525
created under Chapter 1545. of the Revised Code, a township park 1526
district created under section 511.18 of the Revised Code, a 1527
conservancy district created under Chapter 6101. of the Revised 1528
Code, a soil and water conservation district created under Chapter 1529
1515. of the Revised Code, a county, a township, a municipal 1530
corporation, or a charitable organization that is authorized to 1531
hold conservation easements by division (B) of section 5301.69 of 1532
the Revised Code, in the form of articles of dedication, easement, 1533
covenant, restriction, or condition. An owner of land also may 1534
grant an agricultural easement to the director of agriculture; to 1535
a municipal corporation, county, ~~or township,~~ or soil and water 1536
conservation district; or to a charitable organization described 1537
in division (B) of section 5301.69 of the Revised Code. An owner 1538
of land may grant an agricultural easement only on land that is 1539
valued for purposes of real property taxation at its current value 1540
for agricultural use under section 5713.31 of the Revised Code or 1541
that constitutes a homestead when the easement is granted. 1542

All conservation easements and agricultural easements shall 1543
be executed and recorded in the same manner as other instruments 1544
conveying interests in land. 1545

Sec. 5301.691. (A)(1) Subject to divisions (A)(2) and ~~(E)~~(F) 1546
of this section, the director of agriculture, with moneys credited 1547
to the agricultural easement purchase fund created in section 1548
901.21 of the Revised Code, may purchase agricultural easements in 1549
the name of the state. 1550

(2) Not less than thirty days prior to the acquisition of an agricultural easement under division (A)(1) of this section or the extinguishment of such an easement purchased under that division, the director shall provide written notice of the intention to do so to the board of county commissioners of the county in which the land that is or is proposed to be subject to the easement or extinguishment is located, and either to the legislative authority of the municipal corporation in which the land is located, if it is located in an incorporated area, or to the board of township trustees of the township in which the land is located, if it is located in an unincorporated area. If, within thirty days after the director provides the notice, the board of county commissioners, legislative authority, or board of township trustees requests an informational meeting with the director regarding the proposed acquisition or extinguishment, the director shall meet with the legislative authority or board to respond to the board's or authority's questions and concerns. If a meeting is timely requested under division (A)(2) of this section, the director shall not undertake the proposed acquisition or extinguishment until after the meeting has been concluded.

The director, upon the director's own initiative and prior to the purchase of an agricultural easement under division (A)(1) of this section or the extinguishment of such an easement, may hold an informational meeting with the board of county commissioners and the legislative authority of the municipal corporation or board of township trustees in which land that would be affected by the proposed acquisition or extinguishment is located, to respond to any questions and concerns of the board or authority regarding the proposed acquisition or extinguishment.

(B)(1) Subject to division ~~(E)~~(F) of this section, the legislative authority of a municipal corporation, board of county commissioners of a county, or board of trustees of a township,

with moneys in the political subdivision's general fund not 1583
required by law or charter to be used for other specified purposes 1584
or with moneys in a special fund of the political subdivision to 1585
be used for the purchase of agricultural easements, may purchase 1586
agricultural easements in the name of the municipal corporation, 1587
county, or township. 1588

(2) Subject to division ~~(E)~~(F) of this section, the 1589
legislative authority of a municipal corporation, board of county 1590
commissioners of a county, or board of township trustees of a 1591
township may acquire agricultural easements by gift, devise, or 1592
bequest. Any terms may be included in an agricultural easement so 1593
acquired that are necessary or appropriate to preserve on behalf 1594
of the grantor of the easement the favorable tax consequences of 1595
the gift, devise, or bequest under the "Internal Revenue Act of 1596
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 1597

(C)(1) Subject to division (F) of this section, the board of 1598
supervisors of a soil and water conservation district, with moneys 1599
in any fund not required by law to be used for other specified 1600
purposes or with moneys provided to the board through matching 1601
grants made under section 901.22 of the Revised Code for the 1602
purchase of agricultural easements, may purchase agricultural 1603
easements in the name of the board. 1604

(2) Subject to division (F) of this section, the board of 1605
supervisors of a soil and water conservation district may acquire 1606
agricultural easements by gift, devise, or bequest. Any terms may 1607
be included in an agricultural easement so acquired that are 1608
necessary or appropriate to preserve on behalf of the grantor of 1609
the easement the favorable tax consequences of the gift, devise, 1610
or bequest under the "Internal Revenue Act of 1986," 100 Stat. 1611
2085, 26 U.S.C.A. 1, as amended. 1612

(D)(1) The term of an agricultural easement purchased wholly 1613
or in part with money from the agricultural easement purchase fund 1614

shall be perpetual and shall run with the land. 1615

(2) The term of an agricultural easement purchased by ~~such a~~ 1616
the legislative authority of a municipal corporation, board of 1617
county commissioners of a county, board of township trustees of a 1618
township, or board of supervisors of a soil and water conservation 1619
district without the use of any money from the agricultural 1620
easement purchase fund may be perpetual or for a specified period. 1621
The agricultural easement shall run with the land. The instrument 1622
conveying an agricultural easement for a specified period shall 1623
include provisions specifying, at a minimum, all of the following: 1624

(a) The consideration to be paid for the easement and manner 1625
of payment; 1626

(b) Whether the easement is renewable and, if so, procedures 1627
for its renewal; 1628

(c) The circumstances under which the easement may be 1629
extinguished; 1630

(d) The method for determining the amount of money, if any, 1631
due the holder of the easement upon extinguishment and for payment 1632
of that amount to the holder. 1633

~~(D)~~(E)(1) The director and each legislative authority of a 1634
municipal corporation, board of county commissioners, ~~or~~ board of 1635
township trustees, or board of supervisors of a soil and water 1636
conservation district, upon acquiring an agricultural easement by 1637
purchase, gift, devise, or bequest under this section or section 1638
901.21 of the Revised Code, shall name an appropriate 1639
administrative officer, department, or division to supervise and 1640
enforce the easement. A legislative authority ~~or~~ of a municipal 1641
corporation, board of county commissioners, or board of township 1642
trustees may enter into a contract with the board of park 1643
commissioners of a park district established under Chapter 1545. 1644
of the Revised Code, the board of park commissioners of a township 1645

park district established under section 511.18 of the Revised Code, or the board of supervisors of a soil and water conservation district ~~established under Chapter 1515. of the Revised Code~~ having territorial jurisdiction within the municipal corporation, county, or township, or with a charitable organization described in division (B) of section 5301.69 of the Revised Code, to supervise on behalf of the legislative authority or board an agricultural easement so acquired. A board of supervisors of a soil and water conservation district may enter into a contract with the board of park commissioners of a park district established under Chapter 1545. of the Revised Code or the board of park commissioners of a township park district established under section 511.18 of the Revised Code having territorial jurisdiction within the soil and water conservation district, or with a charitable organization described in division (B) of section 5301.69 of the Revised Code, to supervise on behalf of the board an agricultural easement so acquired. The contract may be entered into on such terms as are agreeable to the parties and shall specify or prescribe a method for determining the amounts of any payments to be made by the legislative authority ~~or~~, board of county commissioners ~~or~~, board of township trustees, or board of supervisors for the performance of the contract.

(2) With respect to an agricultural easement purchased with a matching grant that is made under division (D) of section 901.22 of the Revised Code and that consists in whole or in part of moneys from the clean Ohio agricultural easement fund created in section 901.21 of the Revised Code, the recipient of the matching grant shall make an annual monitoring visit to the land that is the subject of the easement. The purpose of the visit is to ensure that no development that is prohibited by the terms of the easement has occurred or is occurring. In accordance with rules adopted under division (A)(1)(d) of section 901.22 of the Revised Code, the grant recipient shall prepare a written annual

monitoring report and submit it to the office of farmland 1679
preservation in the department of agriculture. If necessary to 1680
enforce the terms of the easement, the grant recipient shall take 1681
corrective action in accordance with those rules. The director may 1682
agree to share these monitoring and enforcement responsibilities 1683
with the grant recipient. 1684

~~(E)~~(F) The director; a municipal corporation, county, ~~or~~ 1685
township, or soil and water conservation district; or a charitable 1686
organization ~~described in division (B) of section 5301.69 of the~~ 1687
~~Revised Code,~~ may acquire agricultural easements by purchase, 1688
gift, devise, or bequest only on land that is valued for purposes 1689
of real property taxation at its current value for agricultural 1690
use under section 5713.31 of the Revised Code or that constitutes 1691
a homestead when the easement is granted. 1692

~~(F)~~(G) An agricultural easement acquired by the director 1693
under division (A) of this section may be extinguished if an 1694
unexpected change in the conditions of or surrounding the land 1695
that is subject to the easement makes impossible or impractical 1696
the continued use of the land for the purposes described in the 1697
agricultural easement, or if the requirements of the easement are 1698
extinguished by judicial proceedings. Upon the sale, exchange, or 1699
involuntary conversion of the land subject to the easement, the 1700
director shall be paid an amount of money that is at least equal 1701
to the proportionate value of the easement compared to the total 1702
value of the land at the time the easement was acquired. Moneys so 1703
received shall be credited to the agricultural easement purchase 1704
fund. 1705

An agricultural easement acquired by a municipal corporation, 1706
county, or township under division (B) of this section or by a 1707
soil and water conservation district under division (C) of this 1708
section may be extinguished under the circumstances prescribed, 1709
and in accordance with the terms and conditions set forth, in the 1710

instrument conveying the agricultural easement. An agricultural 1711
easement acquired by a charitable organization described in 1712
division (B) of section 5301.69 of the Revised Code may be 1713
extinguished under the circumstances prescribed, and in accordance 1714
with the terms and conditions set forth, in the instrument 1715
conveying the agricultural easement. 1716

Any instrument extinguishing an agricultural easement shall 1717
be executed and recorded in the same manner as other instruments 1718
conveying or terminating interests in real property. 1719

~~(G)~~(H) Promptly after the recording and indexing of an 1720
instrument conveying an agricultural easement to any person or to 1721
a municipal corporation, county, ~~or~~ township, or soil and water 1722
conservation district or of an instrument extinguishing an 1723
agricultural easement held by any person or such a political 1724
subdivision, the county recorder shall mail, by regular mail, a 1725
photocopy of the instrument to the office of farmland preservation 1726
in the department of agriculture. The photocopy shall be 1727
accompanied by an invoice for the applicable fee established in 1728
section 317.32 of the Revised Code. Promptly after receiving the 1729
photocopy and invoice, the office of farmland preservation shall 1730
remit the fee to the county recorder. 1731

~~(H)~~(I) The director, the legislative authority of a municipal 1732
corporation, a board of county commissioners, ~~or~~ a board of 1733
township trustees, or a board of supervisors of a soil and water 1734
conservation district may receive and expend grants from any 1735
public or private source for the purpose of purchasing 1736
agricultural easements and supervising and enforcing them. 1737

Section 2. That existing sections 317.32, 505.101, 901.21, 1738
901.22, 917.01, 917.02, 917.031, 917.09, 917.091, 917.19, 917.22, 1739
918.01, 918.02, 918.08, 918.11, 918.25, 918.28, 955.51, 955.52, 1740
955.53, 3707.38, 3715.65, 5301.68, and 5301.691 of the Revised 1741
Code are hereby repealed. 1742