

As Passed by the Senate

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Am. H. B. No. 352

Representative Patton

**Cosponsors: Representatives Schlichter, Gibbs, Aslanides, Sayre, Okey,
Luckie, Domenick, Batchelder, Chandler, Collier, Dyer, Evans, Fessler,
Flowers, Hagan, J., Hite, Hughes, Letson, Mallory, McGregor, J., Schindel,
Setzer, Stebelton, Webster, Widowfield, Yates**

**Senators Buehrer, Cafaro, Faber, Fedor, Harris, Kearney, Miller, R., Morano,
Mumper, Padgett, Schaffer, Seitz, Smith, Spada, Stivers, Wagoner, Wilson**

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A B I L L

To amend sections 901.41, 901.70, 903.01, 943.01, and 1
947.01 of the Revised Code to include alpacas and 2
llamas in certain statutory definitions of 3
"agricultural animal" and "livestock." 4

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

Section 1. That sections 901.41, 901.70, 903.01, 943.01, and 5
947.01 of the Revised Code be amended to read as follows: 6

Sec. 901.41. As used in this section and in section 901.42 of 7
the Revised Code: 8

(A) "Director" means the director of agriculture or the 9
designee of the director of agriculture. 10

(B) "Exhibition" means a display of animals that is open to 11
the public. 12

(C) "National exhibition" means an exhibition where species 13

from fifteen or more states or nations are exhibited. 14

(D) "Nonprofit association" means any corporation, society, 15
partnership, or other organization formed under the laws of this 16
state or another state or nation providing for the establishment 17
and governance of nonprofit entities. 18

(E) "Ohio expositions center" means the property that is held 19
by this state for the purpose of conducting fairs, expositions, 20
and exhibits and that is maintained and managed by the Ohio 21
expositions commission under section 991.03 of the Revised Code. 22

(F) "Premium awards" means money, ribbons, banners, medals, 23
achievement pins, trophies, or merchandise presented for animals 24
of superior quality. 25

(G) "Rental costs" means the costs associated with the rental 26
of the facilities, or a portion thereof, at the Ohio expositions 27
center, including, without limitation, grounds, buildings, pens, 28
animal feeding or watering equipment, and tieouts. "Rental costs" 29
also includes labor costs associated with set-up, tear-down, and 30
security. 31

(H) "Species" means dairy cattle, beef cattle, swine, 32
rabbits, poultry, alpacos, llamas, and sheep. 33

Sec. 901.70. As used in sections 901.70 to 901.76 of the 34
Revised Code: 35

(A) "Exhibition" means any of the following: 36

(1) A show or sale of livestock at a fair or elsewhere that 37
is sponsored by or under the control of a county or independent 38
agricultural society organized under section 1711.01 or 1711.02 of 39
the Revised Code; 40

(2) A show or sale of livestock at the Ohio state fair; 41

(3) A livestock show at a fair or elsewhere or a livestock 42

sale at or associated with a fair or livestock show that is 43
assembled for any length of time; 44

(4) A livestock show at a fair or elsewhere or a livestock 45
sale at or associated with a fair or livestock show that includes 46
livestock with origins outside ~~Ohio~~ this state; 47

(5) Any show or sale of livestock at a fair or elsewhere that 48
is specified by rule of the director of agriculture adopted under 49
section 901.72 of the Revised Code. 50

(B) "Livestock" means any animal generally used for food or 51
in the production of food, including cattle, sheep, goats, 52
rabbits, poultry, swine, and any other animal included by the 53
director by rules adopted under section 901.72 of the Revised 54
Code, alpacas, and llamas. 55

(C) "Sponsor" means any of the following: 56

(1) A county or independent agricultural society organized 57
under section 1711.01 or 1711.02 of the Revised Code; 58

(2) The Ohio state fair; 59

(3) Any other public or private entity sponsoring an 60
exhibition. 61

Sec. 903.01. As used in this chapter: 62

(A) "Agricultural animal" means any animal generally used for 63
food or in the production of food, including cattle, sheep, goats, 64
rabbits, poultry, and swine; horses; alpacas; llamas; and any 65
other animal included by the director of agriculture by rule. 66
"Agricultural animal" does not include fish or other aquatic 67
animals regardless of whether they are raised at fish hatcheries, 68
fish farms, or other facilities that raise aquatic animals. 69

(B) "Animal feeding facility" means a lot, building, or 70
structure where both of the following conditions are met: 71

(1) Agricultural animals have been, are, or will be stabled 72
or confined and fed or maintained there for a total of forty-five 73
days or more in any twelve-month period. 74

(2) Crops, vegetative forage growth, or post-harvest residues 75
are not sustained in the normal growing season over any portion of 76
the lot, building, or structure. 77

"Animal feeding facility" also includes land that is owned or 78
leased by or otherwise is under the control of the owner or 79
operator of the lot, building, or structure and on which manure 80
originating from agricultural animals in the lot, building, or 81
structure or a production area is or may be applied. 82

Two or more animal feeding facilities under common ownership 83
shall be considered to be a single animal feeding facility for the 84
purposes of this chapter if they adjoin each other or if they use 85
a common area or system for the disposal of manure. 86

(C) "Best management practices" means best management 87
practices established in rules. 88

(D) "Cattle" includes, but is not limited to, heifers, 89
steers, bulls, and cow and calf pairs. 90

(E) "Concentrated animal feeding facility" means an animal 91
feeding facility with a total design capacity equal to or more 92
than the number of animals specified in any of the categories in 93
division (M) of this section. 94

(F) "Concentrated animal feeding operation" means an animal 95
feeding facility that complies with one of the following: 96

(1) Has a total design capacity equal to or more than the 97
number of animals specified in any of the categories in division 98
(M) of this section; 99

(2) Satisfies the criteria in division (M), (Q), or (EE) of 100
this section; 101

(3) Is designated by the director of agriculture as a medium	102
or small concentrated animal feeding operation pursuant to rules.	103
(G) "Discharge" means to add from a point source to waters of	104
the state.	105
(H) "Federal Water Pollution Control Act" means the "Federal	106
Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33	107
U.S.C. 1251 et. seq., as amended, and regulations adopted under	108
it.	109
(I) "Finalized," with respect to the programs required under	110
division (A)(1) of section 903.02 and division (A)(1) of section	111
903.03 of the Revised Code, means that all rules that are	112
necessary for the administration of this chapter have been adopted	113
and all employees of the department of agriculture that are	114
necessary for the administration of this chapter have been	115
employed.	116
(J) "General permit" has the meaning that is established in	117
rules.	118
(K) "Individual permit" has the meaning that is established	119
in rules.	120
(L) "Installation permit" means a permit for the installation	121
or modification of a disposal system or any part of a disposal	122
system issued by the director of environmental protection under	123
division (J)(1) of section 6111.03 of the Revised Code.	124
(M) "Large concentrated animal feeding operation" means an	125
animal feeding facility that stables or confines at least the	126
number of animals specified in any of the following categories:	127
(1) Seven hundred mature dairy cattle whether milked or dry;	128
(2) One thousand veal calves;	129
(3) One thousand cattle other than mature dairy cattle or	130
veal calves;	131

(4) Two thousand five hundred swine that each weigh	132
fifty-five pounds or more;	133
(5) Ten thousand swine that each weigh less than fifty-five	134
pounds;	135
(6) Five hundred horses;	136
(7) Ten thousand sheep or lambs;	137
(8) Fifty-five thousand turkeys;	138
(9) Thirty thousand laying hens or broilers if the animal	139
feeding facility uses a liquid manure handling system;	140
(10) One hundred twenty-five thousand chickens, other than	141
laying hens, if the animal feeding facility uses a manure handling	142
system that is not a liquid manure handling system;	143
(11) Eighty-two thousand laying hens if the animal feeding	144
facility uses a manure handling system that is not a liquid manure	145
handling system;	146
(12) Thirty thousand ducks if the animal feeding facility	147
uses a manure handling system that is not a liquid manure handling	148
system;	149
(13) Five thousand ducks if the animal feeding facility uses	150
a liquid manure handling system.	151
(N) "Major concentrated animal feeding facility" means a	152
concentrated animal feeding facility with a total design capacity	153
of more than ten times the number of animals specified in any of	154
the categories in division (M) of this section.	155
(O) "Manure" means any of the following wastes used in or	156
resulting from the production of agricultural animals or direct	157
agricultural products such as milk or eggs: animal excreta,	158
discarded products, bedding, process waste water, process	159
generated waste water, waste feed, silage drainage, and compost	160
products resulting from mortality composting or the composting of	161

animal excreta.	162
(P) "Manure storage or treatment facility" means any	163
excavated, diked, or walled structure or combination of structures	164
designed for the biological stabilization, holding, or storage of	165
manure.	166
(Q) "Medium concentrated animal feeding operation" means an	167
animal feeding facility that satisfies both of the following:	168
(1) The facility stables or confines the number of animals	169
specified in any of the following categories:	170
(a) Two hundred to six hundred ninety-nine mature dairy	171
cattle whether milked or dry;	172
(b) Three hundred to nine hundred ninety-nine veal calves;	173
(c) Three hundred to nine hundred ninety-nine cattle other	174
than mature dairy cattle or veal calves;	175
(d) Seven hundred fifty to two thousand four hundred	176
ninety-nine swine that each weigh fifty-five pounds or more;	177
(e) Three thousand to nine thousand nine hundred ninety-nine	178
swine that each weigh less than fifty-five pounds;	179
(f) One hundred fifty to four hundred ninety-nine horses;	180
(g) Three thousand to nine thousand nine hundred ninety-nine	181
sheep or lambs;	182
(h) Sixteen thousand five hundred to fifty-four thousand nine	183
hundred ninety-nine turkeys;	184
(i) Nine thousand to twenty-nine thousand nine hundred	185
ninety-nine laying hens or broilers if the animal feeding facility	186
uses a liquid manure handling system;	187
(j) Thirty-seven thousand five hundred to one hundred	188
twenty-four thousand nine hundred ninety-nine chickens, other than	189
laying hens, if the animal feeding facility uses a manure handling	190

system that is not a liquid manure handling system;	191
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	192 193 194 195
(l) Ten thousand to twenty-nine thousand nine hundred ninety-nine ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	196 197 198
(m) One thousand five hundred to four thousand nine hundred ninety-nine ducks if the animal feeding facility uses a liquid manure handling system.	199 200 201
(2) The facility does one of the following:	202
(a) Discharges pollutants into waters of the United States through a ditch constructed by humans, a flushing system constructed by humans, or another similar device constructed by humans;	203 204 205 206
(b) Discharges pollutants directly into waters of the United States that originate outside of and that pass over, across, or through the facility or otherwise come into direct contact with the animals at the facility.	207 208 209 210
"Medium concentrated animal feeding operation" includes an animal feeding facility that is designated by the director as a medium concentrated animal feeding operation pursuant to rules.	211 212 213
(R) "Mortality composting" means the controlled decomposition of organic solid material consisting of dead animals that stabilizes the organic fraction of the material.	214 215 216
(S) "NPDES permit" means a permit issued under the national pollutant discharge elimination system established in section 402 of the Federal Water Pollution Control Act and includes the renewal of such a permit. "NPDES permit" includes the federally	217 218 219 220

enforceable provisions of a permit to operate into which NPDES 221
permit provisions have been incorporated. 222

(T) "Permit" includes an initial, renewed, or modified permit 223
to install, permit to operate, NPDES permit, and installation 224
permit unless expressly stated otherwise. 225

(U) "Permit to install" means a permit issued under section 226
903.02 of the Revised Code. 227

(V) "Permit to operate" means a permit issued or renewed 228
under section 903.03 of the Revised Code and includes incorporated 229
NPDES permit provisions, if applicable. 230

(W) "Person" means any legal entity defined as a person under 231
section 1.59 of the Revised Code, the state, any political 232
subdivision of the state, any interstate body created by compact, 233
the United States, or any department, agency, or instrumentality 234
of any of those entities. 235

(X) "Point source" has the same meaning as in the Federal 236
Water Pollution Control Act. 237

(Y) "Process generated waste water" means water that is 238
directly or indirectly used in the operation of an animal feeding 239
facility for any of the following: 240

(1) Spillage or overflow from animal watering systems; 241

(2) Washing, cleaning, or flushing pens, barns, manure pits, 242
or other areas of an animal feeding facility; 243

(3) Direct contact swimming, washing, or spray cooling of 244
animals; 245

(4) Dust control. 246

(Z) "Process waste water" means any process generated waste 247
water and any precipitation, including rain or snow, that comes 248
into contact with manure, litter, bedding, or any other raw 249
material or intermediate or final material or product used in or 250

resulting from the production of animals or direct products such 251
as milk or eggs. 252

(AA) "Production area" means any of the following components 253
of an animal feeding facility: 254

(1) Animal confinement areas, including, but not limited to, 255
open lots, housed lots, feedlots, confinement houses, stall barns, 256
free stall barns, milkrooms, milking centers, cowyards, barnyards, 257
medication pens, animal walkways, and stables; 258

(2) Manure storage areas, including, but not limited to, 259
manure storage or treatment facilities; 260

(3) Raw material storage areas, including, but not limited 261
to, feed silos, silage bunkers, commodity buildings, and bedding 262
materials; 263

(4) Waste containment areas, including, but not limited to, 264
any of the following: 265

(a) An egg washing or egg processing facility; 266

(b) An area used in the storage, handling, treatment, or 267
disposal of mortalities; 268

(c) Settling basins, runoff ponds, liquid impoundments, and 269
areas within berms and diversions that are designed and maintained 270
to separate uncontaminated storm water runoff from contaminated 271
water and to contain and treat contaminated storm water runoff. 272

(BB) "Public meeting" means a nonadversarial public hearing 273
at which a person may present written or oral statements for the 274
director of agriculture's consideration and includes public 275
hearings held under section 6111.12 of the Revised Code. 276

(CC) "Review compliance certificate" means a certificate 277
issued under section 903.04 of the Revised Code. 278

(DD) "Rule" means a rule adopted under section 903.10 of the 279
Revised Code. 280

(EE) "Small concentrated animal feeding operation" means an animal feeding facility that is not a large or medium concentrated animal feeding operation and that is designated by the director as a small concentrated animal feeding operation pursuant to rules.

(FF) "Waters of the state" has the same meaning as in section 6111.01 of the Revised Code.

Sec. 943.01. As used in sections 943.01 to 943.18 of the Revised Code:

(A) "Animals" or "livestock" means horses, mules, and other equidae, cattle, sheep, and goats and other bovidae, swine and other suidae, alpacas, and llamas.

(B) "Dealer" or "broker" means any person found by the department of agriculture buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of more than two hundred fifty head of cattle, horses, or other equidae or five hundred head of sheep, goats, or other bovidae or swine and other suidae or alpacas or llamas during any one year. "Dealer" or "broker" does not mean any of the following:

(1) Any railroad or other carrier transporting animals either interstate or intrastate;

(2) Any person who by dispersal sale is permanently discontinuing the business of farming, dairying, breeding, raising, or feeding animals;

(3) Any person who sells livestock that has been raised from birth on the premises of ~~such~~ the person;

(4) Any person who buys or receives animals for grazing or feeding purposes at a premises owned or controlled by ~~such~~ the

person and sells or disposes of the animals after the minimum 311
grazing or feeding period of thirty days; 312

(5) Any person who places livestock in facilities other than 313
~~his~~ the person's own pursuant to a written agreement for feeding 314
or finishing, provided that the person retains legal and equitable 315
title to the livestock during the term of the agreement. 316

The exemptions set forth in divisions (B)(1) ~~through~~ to (5) 317
of this section are exclusive of those activities requiring 318
licensure under this chapter, so that a person shall be deemed to 319
be a dealer or broker or subject to divisions (B)(1) ~~through~~ to 320
(5) of this section, but shall not be, or be subject to, both. No 321
person who is a licensed dealer or broker and whose license is 322
suspended, shall have livestock or animals exempted pursuant to 323
divisions (B)(1) to (5) of this section. 324

(C) "Employee" means any person employed by a dealer or 325
broker to act in ~~his~~ the dealer's or broker's behalf to buy, sell, 326
exchange, negotiate, or solicit sale or resale of animals in the 327
dealer's or broker's name. 328

Sec. 947.01. As used in this chapter: 329

(A) "Brand" means a distinctive design, mark of 330
identification, or number that is applied to the hide of livestock 331
by a hot iron or other humane method approved by the director of 332
agriculture and is currently registered under section 947.02 of 333
the Revised Code. 334

(B) "Livestock" means cattle, sheep, goats, and other animals 335
of the family bovidae, swine and other animals of the family 336
suidae, ~~and~~ horses, mules, burros, asses, and other animals of the 337
family equidae, alpacas, and llamas. 338

(C) "Person" includes an individual, firm, association, 339
partnership, corporation, or other legal entity, and the state and 340

any of its agencies, institutions, instrumentalities, or political 341
subdivisions. 342

Section 2. That existing sections 901.41, 901.70, 903.01, 343
943.01, and 947.01 of the Revised Code are hereby repealed. 344