

**As Reported by the Senate Agriculture, Environment and Natural
Resources Committee**

129th General Assembly

Regular Session

2011-2012

Sub. H. B. No. 229

Representative Buchy

**Cosponsors: Representatives Hall, Derickson, Thompson, Maag, Boose,
Adams, R., Hayes, Ruhl, Balderson, Amstutz, Baker, Barnes, Beck, Blair,
Blessing, Bubp, Combs, Duffey, Garland, Hackett, Hagan, C., Henne,
Johnson, Kozlowski, Lundy, Mallory, McClain, McGregor, Murray, Newbold,
O'Brien, Peterson, Rosenberger, Schuring, Sears, Slaby, Stebelton,
Weddington, Young Speaker Batchelder**

—

A B I L L

To amend sections 121.04, 121.09, 307.204, 505.266, 1
901.08, 901.43, 903.02, 907.11, 923.41, 923.52, 2
924.52, 941.02, 941.041, 941.14, 942.02, 943.03, 3
943.031, 943.04, 943.05, 943.16, 953.23, 955.35, 4
959.14, 1711.50, 1711.51, 1711.57, 3717.22, and 5
4707.11 and to enact sections 923.411 and 6
3769.0811 of the Revised Code to revise the laws 7
governing agriculture. 8

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

Section 1. That sections 121.04, 121.09, 307.204, 505.266, 9
901.08, 901.43, 903.02, 907.11, 923.41, 923.52, 924.52, 941.02, 10
941.041, 941.14, 942.02, 943.03, 943.031, 943.04, 943.05, 943.16, 11
953.23, 955.35, 959.14, 1711.50, 1711.51, 1711.57, 3717.22, and 12
4707.11 be amended and sections 923.411 and 3769.0811 of the 13
Revised Code be enacted to read as follows: 14

Sec. 121.04. Offices are created within the several	15
departments as follows:	16
In the department of commerce:	17
Commissioner of securities;	18
Superintendent of real estate and professional	19
licensing;	
Superintendent of financial institutions;	20
State fire marshal;	21
Superintendent of labor;	22
Superintendent of liquor control;	23
Superintendent of unclaimed funds.	24
In the department of administrative services:	25
State architect and engineer;	26
Equal employment opportunity coordinator.	27
In the department of agriculture:	28
Chiefs of divisions as follows:	29
Administration;	30
Animal industry <u>health</u> ;	31
<u>Livestock environmental permitting</u> ;	32
Dairy;	33
Food safety;	34
Plant industry <u>health</u> ;	35
Markets;	36
Meat inspection;	37
Consumer analytical <u>protection</u> laboratory;	38
Amusement ride safety;	39
Enforcement;	40
Weights and measures.	41
In the department of natural resources:	42
Chiefs of divisions as follows:	43

	44
Mineral resources management;	45
Forestry;	46
Natural areas and preserves;	47
Wildlife;	48
Geological survey;	49
Parks and recreation;	50
Watercraft;	51
Recycling and litter prevention;	52
Soil and water resources;	53
Engineering.	54
In the department of insurance:	55
Deputy superintendent of insurance;	56
Assistant superintendent of insurance, technical;	57
Assistant superintendent of insurance, administrative;	58
Assistant superintendent of insurance, research.	59
Sec. 121.09. The director of agriculture shall be a person	60
actively identified with agriculture.	61
The chief of the division of animal industry <u>health</u> shall be	62
a graduate of a recognized college of veterinary medicine and	63
licensed to practice veterinary medicine and surgery in this	64
state.	65
Sec. 307.204. (A) As used in this section:	66
(1) "Concentrated animal feeding facility" and "major	67
concentrated animal feeding facility" have the same meanings as in	68
section 903.01 of the Revised Code.	69
(2) "Facility" means a proposed new or expanded major	70
concentrated animal feeding facility.	71
(3) "Improvement" means the construction, modification, or	72
both of county infrastructure.	73

(B) A person who proposes to do any of the following shall 74
provide written notification as required under division (C) of 75
this section to the board of county commissioners of the county in 76
which a facility is or is to be located: 77

(1) Establish a new major concentrated animal feeding 78
facility; 79

(2) Increase the design capacity of an existing major 80
concentrated animal feeding facility by ten per cent or more in 81
excess of the design capacity set forth in the current permit for 82
construction or modification of the facility or for installation 83
or modification of the disposal system for manure at the facility 84
issued under section 903.02 or division (J) of section 6111.03 of 85
the Revised Code, as applicable; 86

(3) Increase the design capacity of an existing concentrated 87
animal feeding facility by ten per cent or more in excess of the 88
design capacity set forth in the current permit for construction 89
or modification of the facility or for installation or 90
modification of the disposal system for manure at the facility 91
issued under section 903.02 or division (J) of section 6111.03 of 92
the Revised Code, as applicable, and to a design capacity of more 93
than ten times the number of animals specified in any of the 94
categories in division (H) of section 903.01 of the Revised Code. 95

(C) The person shall notify the board in writing by certified 96
mail of the proposed construction or expansion of the facility and 97
include the following information: 98

(1) The anticipated travel routes of motor vehicles to and 99
from the facility; 100

(2) The anticipated number and weights of motor vehicles 101
traveling to and from the facility. 102

(D) At the request of the board, the county engineer may 103
review the written notification and advise the board on both of 104

the following:	105
(1) Improvements and maintenance of improvements that are reasonably needed in order to accommodate the impact on county infrastructure that is anticipated as a result of the facility, including increased travel or the types of vehicles on county roads;	106 107 108 109 110
(2) The projected costs of the improvements and maintenance.	111
Not later than ten days after receiving the written notification, the board may request the person to provide additional reasonable and relevant information regarding the impact of the facility on county infrastructure. The person shall provide the information not later than ten days after the request is made.	112 113 114 115 116 117
(E)(1) Not later than thirty days after the initial written notification is received by the board, the board shall submit to the person its recommendations, if any, concerning the improvements that will be needed as a result of the facility and the cost of those improvements.	118 119 120 121 122
(2) Not later than fifteen days after receipt of the board's recommendations, the person shall notify the board either that the person agrees with the recommendations and will implement them or that the person is submitting reasonable alternative recommendations or modifications to the board. If the person agrees with the recommendations, they shall be considered to be the board's final recommendations.	123 124 125 126 127 128 129
(3) If the board receives alternative recommendations or modifications under division (E)(2) of this section, the board shall select final recommendations and submit them to the person not later than thirty days after the receipt of the alternative recommendations or modifications.	130 131 132 133 134
(F)(1) The board shall prepare a written, dated statement	135

certifying that the written notification required under this 136
section was submitted and that final recommendations were selected 137
regarding needed improvements and the costs of those improvements. 138
The board shall provide the person with the original of the 139
statement so that the person can include it with the application 140
for a permit to install for the facility as required under 141
division (C)(4) of section 903.02 of the Revised Code. The board 142
shall retain a copy of the statement for its records. 143

(2) If the board fails to prepare a written, dated statement 144
in accordance with division (F)(1) of this section within 145
seventy-five days of receiving the initial written notification by 146
certified mail from the person, the person instead shall file with 147
the application for a permit to install for the facility a 148
notarized affidavit declaring that the person has met the criteria 149
established in this section and that a written, dated statement 150
was not received by the person from the board. 151

(G) The If the person receives a written, dated statement 152
from the board as provided in division (F)(1) of this section, the 153
person shall construct, modify, and maintain or finance the 154
construction, modification, and maintenance of improvements as 155
provided in the board's final recommendations and with the 156
approval and oversight of the county engineer. If the person fails 157
to do so, the board shall notify the person by certified mail that 158
the board intends to initiate mediation with the person if the 159
person remains out of compliance with the final recommendations. 160

The board shall allow sufficient time for the person to apply 161
for and proceed to obtain, for the purpose of financing the 162
construction, modification, or maintenance of the improvements, 163
exemptions from taxation under sections 5709.63, 5709.632, 164
5709.73, and 5709.78 of the Revised Code or state or federal 165
grants that may be available. 166

If the person remains out of compliance with the final 167

recommendations, the board may initiate mediation with the person 168
in order to resolve the differences between them. If mediation 169
fails to resolve the differences, the board and the person first 170
shall attempt to resolve the differences through any legal 171
remedies before seeking redress through a court of common pleas. 172

(H) If the person subsequently submits an application under 173
section 903.02 of the Revised Code for a permit to modify the 174
facility, or if the routes of travel to or from the facility 175
change for any reason other than road construction conducted by 176
the county, the board or the person may request that additional 177
information be provided in writing and shall proceed as provided 178
in this section for the notification and recommendation 179
proceedings. 180

Sec. 505.266. (A) As used in this section: 181

(1) "Concentrated animal feeding facility" and "major 182
concentrated animal feeding facility" have the same meanings as in 183
section 903.01 of the Revised Code. 184

(2) "Facility" means a proposed new or expanded major 185
concentrated animal feeding facility. 186

(3) "Improvement" means the construction, modification, or 187
both of township infrastructure. 188

(B) A person who proposes to do any of the following shall 189
provide written notification as required under division (C) of 190
this section to the board of township trustees of the township in 191
which a facility is or is to be located: 192

(1) Establish a new major concentrated animal feeding 193
facility; 194

(2) Increase the design capacity of an existing major 195
concentrated animal feeding facility by ten per cent or more in 196
excess of the design capacity set forth in the current permit for 197

construction or modification of the facility or for installation 198
or modification of the disposal system for manure at the facility 199
issued under section 903.02 or division (J) of section 6111.03 of 200
the Revised Code, as applicable; 201

(3) Increase the design capacity of an existing concentrated 202
animal feeding facility by ten per cent or more in excess of the 203
design capacity set forth in the current permit for construction 204
or modification of the facility or for installation or 205
modification of the disposal system for manure at the facility 206
issued under section 903.02 or division (J) of section 6111.03 of 207
the Revised Code, as applicable, and to a design capacity of more 208
than ten times the number of animals specified in any of the 209
categories in division (M) of section 903.01 of the Revised Code. 210

(C) The person shall notify the board in writing by certified 211
mail of the proposed construction or expansion of the facility and 212
include the following information: 213

(1) The anticipated travel routes of motor vehicles to and 214
from the facility; 215

(2) The anticipated number and weights of motor vehicles 216
traveling to and from the facility. 217

(D) At the request of the board, the county engineer may 218
review the written notification and advise the board on both of 219
the following: 220

(1) Improvements and maintenance of improvements that are 221
reasonably needed in order to accommodate the impact on township 222
infrastructure that is anticipated as a result of the facility, 223
including increased travel or the types of vehicles on township 224
roads; 225

(2) The projected costs of the improvements and maintenance. 226

Not later than ten days after receiving the written 227

notification, the board may request the person to provide 228
additional reasonable and relevant information regarding the 229
impact of the facility on township infrastructure. The person 230
shall provide the information not later than ten days after the 231
request is made. 232

(E)(1) Not later than thirty days after the initial written 233
notification is received by the board, the board shall submit to 234
the person its recommendations, if any, concerning the 235
improvements that will be needed as a result of the facility and 236
the cost of those improvements. 237

(2) Not later than fifteen days after receipt of the board's 238
recommendations, the person shall notify the board either that the 239
person agrees with the recommendations and will implement them or 240
that the person is submitting reasonable alternative 241
recommendations or modifications to the board. If the person 242
agrees with the recommendations, they shall be considered to be 243
the board's final recommendations. 244

(3) If the board receives alternative recommendations or 245
modifications under division (E)(2) of this section, the board 246
shall select final recommendations and submit them to the person 247
not later than thirty days after the receipt of the alternative 248
recommendations or modifications. 249

(F)(1) The board shall prepare a written, dated statement 250
certifying that the written notification required under this 251
section was submitted and that final recommendations were selected 252
regarding needed improvements and the costs of those improvements. 253
The board shall provide the person with the original of the 254
statement so that the person can include it with the application 255
for a permit to install for the facility as required under 256
division (C)~~(4)~~(5) of section 903.02 of the Revised Code. The 257
board shall retain a copy of the statement for its records. 258

(2) If the board fails to prepare a written, dated statement 259
in accordance with division (F)(1) of this section within 260
seventy-five days of receiving the initial written notification by 261
certified mail from the person, the person instead shall file with 262
the application for a permit to install for the facility a 263
notarized affidavit declaring that the person has met the criteria 264
established in this section and that a written, dated statement 265
was not received by the person from the board. 266

(G) The If the person receives a written, dated statement 267
from the board as provided in division (F)(1) of this section, the 268
person shall construct, modify, and maintain or finance the 269
construction, modification, and maintenance of improvements as 270
provided in the board's final recommendations and with the 271
approval and oversight of the county engineer. If the person fails 272
to do so, the board shall notify the person by certified mail that 273
the board intends to initiate mediation with the person if the 274
person remains out of compliance with the final recommendations. 275

The board shall allow sufficient time for the person to apply 276
for and proceed to obtain, for the purpose of financing the 277
construction, modification, or maintenance of the improvements, 278
exemptions from taxation under sections 5709.63, 5709.632, 279
5709.73, and 5709.78 of the Revised Code or state or federal 280
grants that may be available. 281

If the person remains out of compliance with the final 282
recommendations, the board may initiate mediation with the person 283
in order to resolve the differences between them. If mediation 284
fails to resolve the differences, the board and the person first 285
shall attempt to resolve the differences through any legal 286
remedies before seeking redress through a court of common pleas. 287

(H) If the person subsequently submits an application under 288
section 903.02 of the Revised Code for a permit to modify the 289
facility, or if the routes of travel to or from the facility 290

change for any reason other than road construction conducted by 291
the township, the board or the person may request that additional 292
information be provided in writing and shall proceed as provided 293
in this section for the notification and recommendation 294
proceedings. 295

Sec. 901.08. The director of agriculture shall appoint a 296
chief of the division of administration, a chief of the division 297
of animal ~~industry~~ health, a chief of the division of livestock 298
environmental permitting, a chief of the division of dairy, a 299
chief of the division of food safety, a chief of the division of 300
markets, a chief of the division of plant ~~industry~~ health, a chief 301
of the division of weights and measures, a chief of the division 302
of meat inspection, a chief of the division of consumer ~~analytical~~ 303
protection laboratory, a chief of the division of enforcement, and 304
a chief of the division of amusement ride safety. 305

Sec. 901.43. (A) The director of agriculture may authorize 306
any department of agriculture laboratory to perform a laboratory 307
service for any person, organization, political subdivision, state 308
agency, federal agency, or other entity, whether public or 309
private. The director shall adopt and enforce rules to provide for 310
the rendering of a laboratory service. 311

(B) The director may charge a reasonable fee for the 312
performance of a laboratory service, except when the service is 313
performed on an official sample taken by the director acting 314
pursuant to Title IX, Chapter 3715., or Chapter 3717. of the 315
Revised Code; by a board of health acting as the licensor of 316
retail food establishments or food service operations under 317
Chapter 3717. of the Revised Code; or by the director of health 318
acting as the licensor of food service operations under Chapter 319
3717. of the Revised Code. The director of agriculture shall adopt 320
rules specifying what constitutes an official sample. 321

The director shall publish a list of laboratory services 322
offered, together with the fee for each service. 323

(C) The director may enter into a contract with any person, 324
organization, political subdivision, state agency, federal agency, 325
or other entity for the provision of a laboratory service. 326

(D)(1) The director may adopt rules establishing standards 327
for accreditation of laboratories and laboratory services and in 328
doing so may adopt by reference existing or recognized standards 329
or practices. 330

(2) The director may inspect and accredit laboratories and 331
laboratory services, and may charge a reasonable fee for the 332
inspections and accreditation. 333

(E)(1) There is hereby created in the state treasury the 334
animal and consumer ~~analytical~~ protection laboratory fund. Moneys 335
from the following sources shall be deposited into the state 336
treasury to the credit of the fund: all moneys collected by the 337
director under this section that are from fees generated by a 338
laboratory service performed by the department and related to the 339
diseases of animals, all moneys so collected that are from fees 340
generated for the inspection and accreditation of laboratories and 341
laboratory services related to the diseases of animals, all moneys 342
collected by the director under this section that are from fees 343
generated by a laboratory service performed by the consumer 344
~~analytical~~ protection laboratory, all moneys so collected that are 345
from fees generated for the inspection and accreditation of 346
laboratories and laboratory services not related to weights and 347
measures, and all moneys collected under Chapters 942., 943., and 348
953. of the Revised Code. The director may use the moneys held in 349
the fund to pay the expenses necessary to operate the animal 350
industry laboratory and the consumer ~~analytical~~ protection 351
laboratory, including the purchase of supplies and equipment. 352

(2) All moneys collected by the director under this section 353
that are from fees generated by a laboratory service performed by 354
the weights and measures laboratory, and all moneys so collected 355
that are from fees generated for the inspection and accreditation 356
of laboratories and laboratory services related to weights and 357
measures, shall be deposited in the state treasury to the credit 358
of the weights and measures laboratory fund, which is hereby 359
created in the state treasury. The moneys held in the fund may be 360
used to pay the expenses necessary to operate the division of 361
weights and measures, including the purchase of supplies and 362
equipment. 363

Sec. 903.02. (A)(1) Not later than one hundred eighty days 364
after March 15, 2001, the director of agriculture shall prepare a 365
program for the issuance of permits to install under this section. 366

(2) On and after the date on which the director has finalized 367
the program required under division (A)(1) of this section, no 368
person shall modify an existing or construct a new concentrated 369
animal feeding facility without first obtaining a permit to 370
install issued by the director under this section. 371

(B) The director or the director's authorized representative 372
may help an applicant for a permit to install during the 373
permitting process by providing guidance and technical assistance. 374

(C) An applicant for a permit to install shall submit an 375
application to the director on a form that the director prescribes 376
and provides together with a fee in an amount established by rule. 377
The applicant shall include with the application all of the 378
following information: 379

(1) The name and address of the applicant, of all partners if 380
the applicant is a partnership, of all members if the applicant is 381
a limited liability company, or of all officers and directors if 382
the applicant is a corporation, and of any other person who has a 383

right to control or in fact controls management of the applicant 384
or the selection of officers, directors, or managers of the 385
applicant. As used in division (C)(1) of this section, "control" 386
means the power, directly or indirectly, to direct the management 387
and policies of the applicant through the ownership of voting 388
securities, by contract, through a right of approval or 389
disapproval, or otherwise unless the power is held by a chartered 390
lending institution as a result of debt liability. 391

(2) The type of livestock and the number of animals that the 392
concentrated animal feeding facility would have the design 393
capacity to raise or maintain; 394

(3) Designs and plans for the proposed construction of the 395
concentrated animal feeding facility that include the proposed 396
location of the construction, design and construction plans and 397
specifications, anticipated beginning and ending dates for work 398
performed, and any other information that the director requires by 399
rule; 400

(4) In the case of an application for a concentrated animal 401
feeding facility that meets the criteria established in ~~sections~~ 402
section 307.204 ~~and 505.266~~ of the Revised Code, one of the 403
following, as applicable: 404

(a) A written ~~statements~~ statement from the board of county 405
commissioners of the county ~~and the board of township trustees of~~ 406
~~the township~~ in which the concentrated animal feeding facility 407
would be located certifying that, in accordance with ~~these~~ 408
~~sections~~ that section, the applicant has provided the ~~boards~~ board 409
with the required written notification and that final 410
recommendations were selected regarding improvements, if any, to 411
county ~~or township~~ infrastructure that are needed as a result of 412
the new or expanded concentrated animal feeding facility and the 413
costs of those improvements; 414

~~(5)~~(b) A notarized affidavit declaring that the applicant has met the criteria established in section 307.204 of the Revised Code and that a written, dated statement from the board of county commissioners was not received by the applicant under that section. 415
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(5) In the case of an application for a concentrated animal feeding facility that meets the criteria established in section 505.266 of the Revised Code, one of the following, as applicable: 420
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(a) A written statement from the board of township trustees of the township in which the concentrated animal feeding facility would be located certifying that, in accordance with that section, the applicant has provided the board with the required written notification and that final recommendations were selected regarding improvements, if any, to township infrastructure that are needed as a result of the new or expanded concentrated animal feeding facility and the costs of those improvements; 423
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(b) A notarized affidavit declaring that the applicant has met the criteria established in section 505.266 of the Revised Code and that a written, dated statement from the board of township trustees was not received by the applicant under that section. 431
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(6) A statement of the quantity of water that the concentrated animal feeding facility will utilize on an average daily and annual basis, a detailed description of the basis for the calculation utilized in determining the quantity of water utilized, and a statement identifying the source for the water; 436
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~~(6)~~(7) Information concerning the applicant's past compliance with laws pertaining to environmental protection that is required to be provided under section 903.05 of the Revised Code, if applicable; 441
442
443
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~~(7)~~(8) Any other information required by rule. 445

Information required to be included in an application for the 446
modification of a permit to install, together with the applicable 447
fee amount, shall be established in rules. 448

(D) The director shall issue permits to install in accordance 449
with section 903.09 of the Revised Code. The director shall deny a 450
permit to install if either of the following applies: 451

(1) The permit application contains misleading or false 452
information. 453

(2) The designs and plans fail to conform to best management 454
practices. 455

Additional grounds for the denial of a permit to install 456
shall be those established in this chapter and rules. 457

(E) A permit to install shall expire after a period specified 458
by the director unless the applicant has undertaken a continuing 459
program of construction or has entered into a binding contractual 460
obligation to undertake and complete a continuing program of 461
construction within a reasonable time. The director may extend the 462
expiration date of a permit to install upon request of the 463
applicant. 464

(F) The director may modify, suspend, or revoke a permit to 465
install in accordance with rules. 466

(G) Nothing in this chapter affects section 1521.16 of the 467
Revised Code. 468

(H) The owner or operator of a concentrated animal feeding 469
facility who proposes to make a major operational change at the 470
facility shall submit an application for approval of the change to 471
the director in accordance with rules. 472

Sec. 907.11. The director of agriculture or ~~his~~ the 473
director's authorized agent may: 474

(A) Enter any public or private place of business during 475
regular business hours in order to gain access to any seed or 476
records subject to sections 907.01 to 907.17 of the Revised Code 477
or the rules and regulations adopted thereunder; 478

(B) In conformity with sections 907.01 to 907.17 of the 479
Revised Code and the rules and regulations adopted thereunder, 480
take samples of the seed or make copies of the records of anyone 481
who sells seed; 482

(C) Issue a written or printed stop-sale order to the owner 483
or custodian of any lot of seed, requiring it to be held at a 484
designated place if found to be in violation of sections 907.01 to 485
907.17 of the Revised Code or any rules adopted thereunder. The 486
seed shall be held until a release is issued in writing by the 487
director or ~~his~~ the director's authorized agent. A release shall 488
not be issued until sections 907.01 to 907.17 of the Revised Code 489
and the rules and regulations adopted thereunder have been 490
complied with. The owner or custodian may appeal the stop-sale 491
order in accordance with Chapter 119. of the Revised Code. 492

Sec. 923.41. As used in sections 923.41 to 923.55 of the 493
Revised Code: 494

(A) ~~"Director" means the director of agriculture.~~ 495

~~(B)~~ "Animal" means any animate being, other than ~~man~~ a human. 496

~~(C)~~(B) "Commercial feed" or "feed" means all materials, 497
except unmixed whole seeds or physically altered entire unmixed 498
seeds, that are not adulterated and that are distributed for use 499
as feed or for mixing in feed for animals. ~~The director, by rule,~~ 500
~~may exempt from these definitions or from specific provisions of~~ 501
~~sections 923.42 to 923.55 of the Revised Code agricultural~~ 502
~~commodities including, but not limited to, hay, straw, stover,~~ 503
~~silage, cobs, husks, and hulls when such commodities are not mixed~~ 504

~~with other materials, and individual chemical compounds or~~ 505
~~substances, when these commodities, compounds, or substances are~~ 506
~~not intermixed or mixed with other materials. "Commercial feed" or~~ 507
~~"feed" does not include drugs that are not incorporated into feed~~ 508
~~and that are not distributed to be mixed in feed. "Commercial~~ 509
~~feed" and "feed" also does not include negligible amounts of feed~~ 510
~~ingredients added to a drug solely for the purpose of facilitating~~ 511
~~administration of the drug to an animal.~~ 512

~~(D)~~(C) "Feed ingredient" means each of the constituent 513
materials used to make a commercial feed. 514

~~(E)~~(D) "Customer-formula feed" means a commercial feed that 515
consists of a mixture of commercial feeds, feed ingredients, or 516
both, each batch of which is manufactured according to the 517
specific instructions of the final purchaser. 518

~~(F)~~(E) "Mineral feed" means a commercial feed intended to 519
supply primarily mineral elements or inorganic nutrients. 520

~~(G)~~(F) "Drug" means any article intended for use in the 521
diagnosis, cure, mitigation, treatment, or prevention of 522
infectious disease in animals or any article other than feed 523
intended to affect the structure or any function of the animal's 524
body. 525

~~(H)~~(G) "Brand name" means any word, name, symbol, or device, 526
or any combination thereof identifying the commercial feed of a 527
distributor and distinguishing it from that of others. 528

~~(I)~~(H) "Product name" means the name of the commercial feed 529
which identifies it as to kind, class, or specific use. 530

~~(J)~~(I) "Federal act" means the "Federal Food, Drug and 531
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as amended. 532

~~(K)~~(J) "Official sample" means a sample of commercial feed 533
taken by the director of agriculture or ~~his~~ the director's agent 534

in accordance with ~~the provisions of~~ section 923.47 of the Revised Code and rules adopted under that section.

~~(L)~~(K) "Ton" means a net weight of two thousand pounds avoirdupois.

~~(M)~~(L) "Per cent" or "percentage" means the percentage by weight.

~~(N)~~(M) "Manufacture" means to grind, mix, blend, or further process a commercial feed for distribution. A ~~"manufacturer~~ Manufacturer" means any person who manufactures.

~~(O)~~(N) "Person" includes an individual, partnership, association, firm, or corporation.

~~(P)~~(O) "Distribute" means to offer for sale, sell, exchange, or barter commercial feed or to supply, furnish, or otherwise provide commercial feed for animals.

~~(Q)~~(P) "Distributor" means any person who distributes.

~~(R)~~(O) "Label" means a display of written, printed, or graphic matter on or affixed to the container in which a commercial feed is distributed or on the invoice, delivery slip, or other shipping document with which a commercial feed is distributed.

~~(S)~~(R) "Labeling" means all labels or any other written, printed, or graphic matter that accompanies commercial feed.

~~(T)~~(S) "Exempt buyer" means a person to whom commercial feed is distributed who is required by rule under division (A)(2) of section 923.44 of the Revised Code to pay the semiannual inspection fee required under that section.

~~(U)~~(T) "Misbranded" has the same meaning as in section 923.49 of the Revised Code.

~~(V)~~(U) "Adulterated" has the same meaning as in section 923.48 of the Revised Code.

Sec. 923.411. The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code to exempt both of the following from sections 923.41 to 923.55 of the Revised Code:

(A) Agricultural commodities, including hay, straw, stover, silage, cobs, husks, and hulls, when those commodities are not mixed with other materials;

(B) Individual chemical compounds or substances when those compounds or substances are not mixed with other materials.

Sec. 923.52. The director of agriculture may issue and enforce a written withdrawal from distribution order to the manufacturer or distributor of any lot of commercial feed requiring it to be held at a designated place when the director has reasonable cause to believe that the commercial feed is offered or exposed for distribution or distributed in violation of any of the provisions of sections 923.41 to 923.55 of the Revised Code or any rule adopted under those sections. The commercial feed shall be held until a release in writing is issued by the director. A release shall not be issued until sections 923.41 to 923.55 of the Revised Code and the rules adopted under those sections are complied with and until all costs and expenses incurred in connection with the violation have been paid by the manufacturer or distributor. If compliance is not obtained within thirty days of receipt of the withdrawal from distribution order, the director may begin, and shall begin upon request by the manufacturer or distributor, proceedings for condemnation under section 923.53 of the Revised Code.

The manufacturer or distributor may appeal the withdrawal from distribution order in accordance with Chapter 119. of the Revised Code.

Sec. 924.52. (A) The Ohio grape industries committee may:

(1) Conduct, and contract with others to conduct, research, 595
including the study, analysis, dissemination, and accumulation of 596
information obtained from the research or elsewhere, concerning 597
the marketing and distribution of grapes and grape products, the 598
storage, refrigeration, processing, and transportation of them, 599
and the production and product development of grapes and grape 600
products. The committee shall expend for these activities ~~no less~~ 601
~~than thirty per cent~~ and no more than seventy per cent of all 602
money it receives from the Ohio grape industries fund created 603
under section 924.54 of the Revised Code. 604

(2) Provide the wholesale and retail trade with information 605
relative to proper methods of handling and selling grapes and 606
grape products; 607

(3) Make or contract for market surveys and analyses, 608
undertake any other similar activities that it determines are 609
appropriate for the maintenance and expansion of present markets 610
and the creation of new and larger markets for grapes and grape 611
products, and make, in the name of the committee, contracts to 612
render service in formulating and conducting plans and programs 613
and such other contracts or agreements as the committee considers 614
necessary for the promotion of the sale of grapes and grape 615
products. The committee shall expend for these activities ~~no less~~ 616
~~than thirty per cent~~ and no more than seventy per cent of all 617
money it receives from the fund. 618

(4) Publish and distribute to producers and others 619
information relating to the grape and grape product industries; 620

(5) Propose to the director of agriculture for adoption, 621
rescission, or amendment, pursuant to Chapter 119. of the Revised 622
Code, rules necessary for the exercise of its powers and the 623
performance of its duties; 624

(6) Advertise for, post notices seeking, or otherwise solicit 625

applicants to serve in administrative positions in the department 626
of agriculture as employees who support the administrative 627
functions of the committee. Applications shall be submitted to the 628
committee. The committee shall select applicants that it wishes to 629
recommend for employment and shall submit a list of the 630
recommended applicants to the director. 631

(7) For the purpose of promoting the grape industry, provide 632
to producers and persons that grow grapes in this state grape 633
plants, grape vines, equipment, and material to assist in the 634
production of grapes and grape products. 635

(B) The committee shall: 636

(1) Promote the sale of grapes and grape products for the 637
purpose of maintaining and expanding present markets and creating 638
new and larger intrastate, interstate, and foreign markets for 639
grapes and grape products, and inform the public of the uses and 640
benefits of grapes and grape products; 641

(2) Perform all acts and exercise all powers incidental to, 642
in connection with, or considered reasonably necessary, proper, or 643
advisable to effectuate the purposes of this section. 644

Sec. 941.02. (A) The chief of the division of animal ~~industry~~ 645
health, appointed by the director of agriculture under sections 646
121.04 and 121.05 of the Revised Code, shall be a veterinarian 647
accredited and licensed to practice in this state. 648

(B) The chief shall promote and protect the livestock, 649
poultry, and other animal interests of the state, prevent the 650
spread of dangerously contagious or infectious disease, provide 651
for the control and eradication of such disease, and cooperate 652
with the United States department of agriculture in such work. 653

Sec. 941.041. No person shall do any of the following: 654

(A) Fail to stop ~~his~~ the person's vehicle or conveyance when 655
directed to do so in accordance with section 941.04 of the Revised 656
Code; 657

(B) Import, carry, transport, or bring an animal into this 658
state unaccompanied by a certificate of veterinary inspection, 659
animal health certificate, waybill, yarding receipt, sale ticket, 660
or other document required by this chapter and rules adopted under 661
it; 662

(C) Fail to present any document identified in division (B) 663
of this section when requested to do so by the director of 664
agriculture or ~~his~~ the director's authorized representative; 665

(D) Fail to permit the director or ~~his~~ the director's 666
authorized representative to inspect any vehicle or means of 667
conveyance in accordance with section 941.04 of the Revised Code; 668

(E) Violate the seal placed on the vehicle or means of 669
conveyance by the director or ~~his~~ the director's authorized 670
representative; 671

(F) Violate or fail to comply with the terms of the permit 672
issued under division (C) of section ~~941.04~~ 941.07 of the Revised 673
Code. 674

Sec. 941.14. (A) The owner shall burn the body of an animal 675
that has died of, or been destroyed because of, a dangerously 676
infectious or contagious disease, bury it not less than four feet 677
under the surface of the ground, dissolve it by alkaline 678
hydrolysis, remove it in a watertight tank to a rendering 679
establishment, or otherwise dispose of it in accordance with 680
section 953.26 or 1511.022 of the Revised Code within twenty-four 681
hours after knowledge thereof or after notice in writing from the 682
department of agriculture. 683

(B) The owner of premises that contain a dead animal shall 684

burn the body of the animal, bury it not less than four feet 685
beneath the surface of the ground, dissolve it by alkaline 686
hydrolysis, remove it in a watertight tank to a rendering 687
establishment, or otherwise dispose of it in accordance with 688
section 953.26 or 1511.022 of the Revised Code within a reasonable 689
time after knowledge thereof or after notice in writing from the 690
department or from the township trustees of the township in which 691
~~his~~ the owner's premises are located. 692

(C) Notwithstanding division (A) or (B) of this section, the 693
director of agriculture, in written notice sent to the owner of a 694
dead animal, may require the owner to employ a specific method of 695
disposition of the body, including burning, burying, rendering, ~~or~~ 696
composting, or alkaline hydrolysis, when that method does not 697
conflict with any law or rule governing the disposal of infectious 698
wastes and, in the director's judgment, is necessary for purposes 699
of animal disease control. No person shall fail to employ the 700
method of disposition required under this division. 701

(D) The director, in written notice sent to the owner of a 702
dead animal, may prohibit the owner from transporting the body of 703
the dead animal on any street or highway if that prohibition does 704
not conflict with any law or rule governing the transportation of 705
infectious wastes and, in the director's judgment, is necessary 706
for purposes of animal disease control. No person shall fail to 707
comply with a prohibition issued under this division. 708

(E) As used in this section, "infectious wastes" has the same 709
meaning as in section 3734.01 of the Revised Code, and "street" or 710
"highway" has the same meaning as in section 4511.01 of the 711
Revised Code. 712

Sec. 942.02. (A) No person shall feed on the person's 713
premises, or permit the feeding of, treated garbage to swine 714
without a license to do so issued by the department of 715

agriculture. 716

(B) An application for a license to feed treated garbage 717
shall be made in writing on a form prescribed by the director of 718
agriculture. 719

(C) A license shall be renewed before the thirty-first day of 720
December of each year, and an application for renewal shall be 721
filed before the thirtieth day of November of each year. 722

(D) The fee for the license shall be one hundred dollars per 723
annum. A late fee of fifty dollars shall be paid for each 724
application that is received after the thirtieth day of November 725
each year. 726

(E) All money collected under this section shall be credited 727
to the animal and consumer ~~analytical~~ protection laboratory fund 728
created in section 901.43 of the Revised Code. 729

Sec. 943.03. (A)(1) Application for a license as a dealer or 730
broker shall be made in writing to the department of agriculture. 731
The application shall state the nature of the business, the 732
municipal corporation, township, and county, and the post-office 733
address of the location where the business is to be conducted, the 734
name of any employee authorized to act in ~~his~~ the dealer's or 735
broker's behalf, and such additional information as the department 736
prescribes. 737

The applicant shall satisfy the department of ~~his~~ the 738
applicant's character and good faith in seeking to engage in such 739
business. The department shall issue to the applicant a license to 740
conduct the business of a dealer or broker at the place named in 741
the application. Licenses, unless revoked, shall expire annually 742
on the thirty-first day of March and shall be renewed according to 743
the standard renewal procedure of sections 4745.01 to 4745.03 of 744
the Revised Code. 745

(2) No license shall be issued by the department to a dealer 746
or broker having weighing facilities until the applicant has filed 747
with the department a copy of a scale test certificate showing the 748
weighing facilities to be in satisfactory condition, a copy of the 749
license of each weigher employed by the applicant, and a 750
certificate of inspection by the department showing livestock 751
market facilities to be in satisfactory sanitary condition. 752

~~No~~ (3) Except as provided in division (A)(4) of this section, 753
no license shall be issued by the department until the applicant 754
has furnished proof of financial responsibility. Except as 755
provided in division (C) of this section, such proof may be in the 756
following forms: 757

~~(1)~~(a) A bond of a surety company authorized to do business 758
in this state in the form prescribed by and to the satisfaction of 759
the department, conditioned for the payment of a judgment against 760
the applicant furnishing the bond and arising out of the failure 761
of such dealer or broker to pay for the livestock purchased for 762
~~his~~ the dealer's or broker's own or for the accounts of others or 763
to pay when due to the person entitled thereto the gross amount, 764
less lawful charges, for which all of the livestock is sold. The 765
amount of bond required, the termination of the bond, and the 766
limitation on filing claims against the dealer or broker or their 767
surety shall be the same as prescribed in division (B) of this 768
section. 769

~~(2)~~(b) A deposit with a trustee acceptable to the department 770
of the required amount in money or negotiable bonds of the United 771
States or of this state or of a political subdivision of this 772
state of that par or face value, or any combination thereof, for 773
the purpose of securing the payment of a judgment against the 774
dealer or broker furnishing the deposit and arising out of the 775
failure of the dealer or broker to pay for the livestock purchased 776
for ~~his~~ the dealer's or broker's own or for the accounts of 777

others, or to pay when due to the person entitled thereto the 778
gross amount, less lawful charges, for which all of the livestock 779
is sold. The deposit shall be made under a deposit agreement 780
acceptable to the department. The deposit is not subject to 781
attachment for any other claim or levy of execution upon a 782
judgment based on any other claims. 783

(4) An applicant for a license as a dealer or broker of 784
poultry is not required to maintain financial responsibility or 785
furnish proof of financial responsibility. 786

(B) Any person damaged by failure of a dealer or broker to 787
pay for the livestock purchased for ~~his~~ the dealer's or broker's 788
or for the accounts of others or to pay when due to the person 789
entitled thereto the gross amount, less lawful charges, for which 790
all of the livestock is sold may maintain an action against the 791
broker or dealer and the sureties on the bonds, or the trustee, 792
provided for in this section. The aggregate liability of the 793
sureties or trustee for all such damage shall not exceed the 794
amount of the bond or deposit. 795

Unless the person damaged files ~~his~~ a claim with the dealer 796
or broker and the sureties or trustee within sixty days from the 797
date of the transaction on which the claim is based, ~~he~~ the person 798
shall be barred from maintaining an action on the bond or for the 799
application of the deposit. Upon the filing of a claim, the 800
claimant shall notify the department of ~~his~~ that action. 801

The amount of the bond or deposit shall not be less than the 802
nearest multiple of one thousand dollars above the average daily 803
value of livestock sold by the dealer or broker for the accounts 804
of others and livestock purchased by the dealer or broker for ~~his~~ 805
the dealer's or broker's or for the accounts of others on ~~his~~ the 806
dealer's or broker's ten largest business days during the 807
preceding twelve months or such part thereof as the dealer or 808
broker was purchasing, selling, or exchanging livestock. In no 809

case shall the amount of the bond or deposit total less than ten 810
thousand dollars. 811

Whenever the amount of bond or deposit calculated as above 812
specified exceeds fifty thousand dollars, the amount of the bond 813
shall be fifty thousand dollars plus ten per cent of the valuation 814
in excess of fifty thousand dollars. 815

In no case shall the bond or deposit covering the business of 816
the dealer or broker be less than the amount specified above or 817
such higher amount as may be specified by the "Packer and 818
Stockyards Act of 1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended. 819

Whenever in the judgment of the department the business 820
volume of the licensee is such as to render the bond or deposit 821
inadequate, the amount of the bond or deposit shall be adjusted, 822
upon thirty days' notice, to meet sections 943.01 to 943.18 of the 823
Revised Code and rules adopted under them. All of the bonds or 824
deposit agreements shall contain a provision requiring that at 825
least thirty days' prior notice in writing be given to the 826
department and the packers and stockyards administration of the 827
United States department of agriculture by the party terminating 828
the bonds or deposit agreements in order to effect termination, 829
except that a bond may be terminated as of the effective date of a 830
replacement bond. 831

The termination of a bond shall not release the parties from 832
any liability arising out of facts or transactions occurring prior 833
to the termination date. 834

The termination of a deposit agreement shall neither release 835
the party furnishing the deposit from any liability arising out of 836
acts or transactions occurring prior to the termination date, nor 837
shall the trustee permit the withdrawal of the deposit until after 838
sixty days after the termination date, and then only if no claims 839
under the agreement have been filed with the trustee. If any 840

claims have been filed with the trustee, the withdrawal of the 841
deposit shall not be permitted until the claims have been 842
satisfied or released and evidence of the satisfaction or release 843
filed with the trustee. 844

(C) If approved by the director of agriculture, in lieu of 845
the bond or deposit required in division (A)(3) of this section, a 846
broker or dealer subject to the "Packers and Stockyards Act of 847
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended, may furnish proof 848
in a manner and form acceptable to the director that ~~he~~ the broker 849
or dealer has an irrevocable letter of credit on file with the 850
packers and stockyards administration under regulations adopted by 851
the packers and stockyards administration in 9 C.F.R. 201.35, as 852
amended. 853

(D) No licensed livestock dealer or broker shall employ as an 854
employee a person who, as a dealer or broker, previously defaulted 855
on contracts pertaining to the purchase, exchange, or sale of 856
livestock until the licensee does ~~all~~ both of the following: 857

(1) ~~Appears at a hearing before the director or his designee~~ 858
~~conducted in accordance with Chapter 119. of the Revised Code~~ 859
~~pertaining to that person;~~ 860

~~(2)~~ Increases the value of ~~his~~ the dealer's or broker's bond, 861
deposit, or letter of credit, in addition to the amount of any 862
other bond, deposit, or letter of credit required by this section, 863
by an amount equal to that owed by such person for the purchase, 864
exchange, or sale of livestock prior to being employed by the 865
licensee; 866

~~(3)~~(2) Signs and files with the director an agreement that 867
guarantees, without condition, all contracts pertaining to the 868
purchase, exchange, or sale of livestock made by such person while 869
in the employ of the licensee. The agreement shall be in addition 870
to any other proof of financial responsibility required by this 871

section. The director shall prescribe the form and content of the 872
agreement. 873

(E) No licensed livestock dealer or broker shall employ a 874
person whose dealer's or broker's license was revoked or is 875
suspended. 876

Sec. 943.031. (A) Application for a license as a small dealer 877
shall be made in writing to the department of agriculture. The 878
application shall state the nature of the business, the municipal 879
corporation or township, county, and post-office address of the 880
location where the business is to be conducted, the name of any 881
employee who is authorized to act in the small dealer's behalf, 882
and any additional information that the department prescribes. 883
884

(B) The applicant shall satisfy the department of the 885
applicant's character and good faith in seeking to engage in the 886
business of a small dealer. The department then shall issue to the 887
applicant a license to conduct the business of a small dealer at 888
the place named in the application. Licenses, unless revoked, 889
shall expire annually on the thirty-first day of March and shall 890
be renewed according to the standard renewal procedure established 891
in sections 4745.01 to 4745.03 of the Revised Code. 892

(C) No license shall be issued by the department to a small 893
dealer having weighing facilities until the applicant has filed 894
with the department a copy of a scale test certificate showing the 895
weighing facilities to be in satisfactory condition, a copy of the 896
license of each weigher employed by the applicant, and a 897
certificate of inspection by the department showing livestock 898
market facilities to be in satisfactory sanitary condition. 899

(D) No licensed small dealer shall employ as an employee a 900
person who, as a small dealer, dealer, or broker, previously 901
defaulted on contracts pertaining to the purchase, exchange, or 902

sale of livestock until the licensee ~~does both of the following:~~ 903

~~(1) Appears at a hearing before the director of agriculture 904~~
~~or the director's designee conducted in accordance with Chapter 905~~
~~119. of the Revised Code pertaining to that person;~~ 906

~~(2) Signs signs~~ and files with the director an agreement that 907
guarantees, without condition, all contracts pertaining to the 908
purchase, exchange, or sale of livestock made by the person while 909
in the employ of the licensee. The director shall prescribe the 910
form and content of the agreement. 911

(E) A licensed small dealer is not required to maintain 912
financial responsibility or furnish proof of financial 913
responsibility. 914

Sec. 943.04. (A) Fees for the initial issuance of any license 915
issued pursuant to sections 943.02, 943.03, and 943.031 of the 916
Revised Code, shall be paid to the department of agriculture. 917

(B) All annual renewal fees for the licenses shall be paid by 918
the applicant for the renewal of a license on or before the 919
thirty-first day of March of each year to the treasurer of state. 920
Except for license fees for small dealers, the fees shall be based 921
on the number of head of livestock purchased, sold, or exchanged, 922
in this state, whichever is the greatest, during the preceding 923
calendar year. Those fees for dealers or brokers shall be as 924
follows: 925

Less than 1,000 head \$50.00 per annum; 926

For 1,001 to 10,000 head \$125.00 per annum; 927

For more than 10,000 head \$250.00 per annum. 928

In the event a dealer or broker operates more than one place 929
where livestock is purchased, sold, or exchanged, a fee shall be 930
paid for each place, but only the original purchase, sale, or 931
exchange shall be counted in computing the amount of the fee to be 932

paid for each place operated by the dealer or broker. Shipment 933
between yards owned or operated by the dealer or broker shall be 934
exempt. 935

A late fee of one hundred dollars shall be paid for each 936
dealer or broker license renewal application that is received 937
after the thirty-first day of March each year. 938

(C)(1) A fee of twenty-five dollars shall be paid by each 939
small dealer. 940

If a small dealer operates more than one place where 941
livestock is purchased, sold, or exchanged, a fee shall be paid 942
for each place, but only the original purchase, sale, or exchange 943
shall be counted in computing the amount of fee to be paid for 944
each place operated by the small dealer. Shipment between yards 945
owned or operated by the small dealer shall be exempt. 946

(2) A late fee of twenty-five dollars shall be paid for each 947
small dealer license renewal application that is received after 948
the thirty-first day of March each year. 949

(D) A fee of twenty dollars shall be paid by each employee 950
that is appointed by a small dealer, dealer, or broker as provided 951
in section 943.02 of the Revised Code. 952

(E) A fee of ten dollars shall be paid by each licensed 953
weigher. 954

(F) All money collected under section 943.03 of the Revised 955
Code and under this section shall be credited to the animal and 956
consumer ~~analytical~~ protection laboratory fund created in section 957
901.43 of the Revised Code. 958

Sec. 943.05. (A) The director of agriculture may refuse to 959
grant or may suspend a small dealer's, dealer's, or broker's 960
license, without prior hearing, after determining from evidence 961
presented to the director that there is reasonable cause to 962

believe any of the following situations exist: 963

(1) Where the applicant or licensee or an employee has 964
violated the laws of the state or official regulations governing 965
the interstate or intrastate movement, shipment, or transportation 966
of animals, or has been convicted of a crime involving moral 967
turpitude or convicted of a felony; 968

(2) Where there have been false or misleading statements as 969
to the health or physical condition of the animals with regard to 970
official tests or quantity of animals, or the practice of fraud or 971
misrepresentation in connection therewith or in the buying or 972
receiving of animals or receiving, selling, exchanging, 973
soliciting, or negotiating the sale, resale, exchange, weighing, 974
or shipment of animals; 975

(3) Where the applicant or licensee acts as a small dealer, 976
dealer, or broker for a person attempting to conduct business in 977
violation of section 943.02 of the Revised Code, after the notice 978
of the violation has been given to the licensee by the department 979
of agriculture; 980

(4) Where the applicant or licensee or employee fails to 981
practice measures of sanitation, disinfection, and inspection as 982
required by sections 943.01 to 943.18 of the Revised Code, or 983
prescribed by the department, of premises or vehicles used for the 984
yarding, holding, or transporting of animals; 985

(5) Where there has been a failure to keep records required 986
by the department or where there is a refusal on the part of the 987
applicant or licensee or employee to produce records of 988
transactions in the carrying on of the business for which the 989
license is granted; 990

(6) Where the applicant or licensee providing weighing 991
facilities used for, in connection with, or incident to the 992
purchase or sale of livestock for the account of the licensee or 993

others, fails to maintain and operate the weighing facilities in	994
accordance with sections 943.08 and 943.10 of the Revised Code;	995
(7) Where the applicant or licensee in the conduct of the	996
business covered by the license fails to maintain and operate	997
weighing facilities in accordance with sections 943.08 and 943.10	998
of the Revised Code or fails to cause its livestock to be weighed	999
by licensed weighers as provided in those sections;	1000
(8) With regard to a dealer or broker licensee, where the	1001
licensee fails to maintain a bond or deposit, or letter of credit,	1002
if applicable, or fails to adjust the bond or deposit upon thirty	1003
days' notice or refuses or neglects to pay the fees or inspection	1004
charges required to be paid;	1005
(9) Where the licensee has been suspended by order of the	1006
secretary of agriculture of the United States department of	1007
agriculture under provisions of the "Packers and Stockyards Act of	1008
1921," 42 Stat. 159, 7 U.S.C.A. 181, as amended;	1009
(10) With regard to a dealer or broker licensee, where the	1010
surety company, trustee, or issuer of a letter of credit of the	1011
licensee issues a notice of termination of the licensee's bond	1012
agreement, deposit agreement, or letter of credit;	1013
<u>(11) Where the applicant has had a small dealer's, dealer's,</u>	1014
<u>or broker's license revoked or has had a small dealer's, dealer's,</u>	1015
<u>or broker's license suspended two or more times in the previous</u>	1016
<u>five years.</u>	1017
(B) When the director refuses to grant or suspends a small	1018
dealer's, dealer's, or broker's license, the director or the	1019
director's designee may hand deliver the order. The licensee to	1020
whom a suspension order is issued shall be afforded a hearing in	1021
accordance with Chapter 119. of the Revised Code, after which the	1022
director shall reinstate, revoke, or suspend for a longer or	1023
indefinite period the suspended license.	1024

Sec. 943.16. All fines imposed and collected under section 1025
943.99 of the Revised Code shall be credited to the animal and 1026
consumer ~~analytical~~ protection laboratory fund created in section 1027
901.43 of the Revised Code. 1028

Sec. 953.23. (A) Application for a license shall be made to 1029
the department of agriculture on a form prescribed by the 1030
department. 1031

(B) Each application shall include all of the following: 1032

(1) The name and address of the applicant; 1033

(2) The applicant's proposed place of business; 1034

(3) A detailed statement of the method that the applicant 1035
intends to use to dispose of, pick up, render, or collect raw 1036
rendering material or to transport it to a composting facility; 1037

(4) Such other relevant information as the department may 1038
require. 1039

(C) Each applicant shall submit the annual license fee with 1040
the application. 1041

(1) The license fee for a person applying for an annual 1042
license to pick up or collect raw rendering material and dispose 1043
of the material to a licensee or in accordance with divisions (B) 1044
and (C) of section 953.26 of the Revised Code, or to transport raw 1045
rendering material to a composting facility, is twenty-five 1046
dollars per conveyance that is used to pick up or collect and 1047
dispose of or to transport raw rendering material. A late fee of 1048
ten dollars per conveyance shall be charged for each application 1049
that is received after the thirtieth day of November each year. 1050

(2) The license fee for a person applying for an annual 1051
license to pick up or collect raw rendering material and to 1052
operate one or more rendering plants is three hundred dollars for 1053

each such plant. A late fee of one hundred dollars shall be 1054
charged for each application that is received after the thirtieth 1055
day of November each year. 1056

(D) On receipt of an application and fee, under this section, 1057
the department shall inspect the means of conveyance and premises 1058
that the applicant proposes to use to dispose of, collect, pick 1059
up, or render raw rendering material or to transport it to a 1060
composting facility for profit. 1061

(E) If the department finds that the applicant's means of 1062
conveyance, premises, and operation meet the requirements of this 1063
chapter and rules adopted thereunder, the department shall issue a 1064
license to the applicant to dispose of, pick up, render, or 1065
collect for profit raw rendering material or to transport it to a 1066
composting facility for profit. 1067

(F) Each license issued under this section shall expire on 1068
the thirty-first day of December of each year. Each person 1069
licensed under this section shall make application for renewal of 1070
the person's license no later than the thirtieth day of November 1071
of each year. 1072

(G) Application for renewal shall be in accordance with the 1073
requirements of this section for initial application for a license 1074
and the standard renewal procedure of sections 4745.01 to 4745.03 1075
of the Revised Code. 1076

(H) All money collected under this section shall be credited 1077
to the animal and consumer ~~analytical~~ protection laboratory fund 1078
created in section 901.43 of the Revised Code. 1079

Sec. 955.35. The board of county commissioners, at the next 1080
regular meeting after claims in accordance with section 955.29 of 1081
the Revised Code have been submitted, shall examine the same and 1082
may hear additional testimony or receive additional affidavits in 1083

regard thereto and may allow the amount previously certified by 1084
the dog warden, or a part thereof, or any amount in addition 1085
thereto, as it may find to be just, but in no event shall the 1086
amount allowed exceed the lesser of five hundred dollars per 1087
animal or the uninsured amount of the loss or injury. The board 1088
shall make the final determination of the fair market value of an 1089
animal that is the subject of a claim. 1090

If the animal that is the subject of a claim dies as a result 1091
of the injuries that it received from a dog, the amount of 1092
indemnity is the fair market value of the animal on the date of 1093
its death subject to the limit established in this section. If the 1094
animal that is the subject of a claim does not die as a result of 1095
the injuries that it received from a dog, the amount of indemnity 1096
is the fair market value of the animal on the date on which it 1097
received its injuries subject to the limit established in this 1098
section. If the animal that is the subject of a claim is 1099
registered or eligible for registration as described in section 1100
955.32 of the Revised Code, the amount of indemnity is one hundred 1101
twenty-five per cent of the fair market value of the animal on the 1102
date on which the animal was killed or injured subject to the 1103
limit established in this section. If the date of death or injury 1104
of an animal cannot be determined, the amount of indemnity shall 1105
be based on the fair market value of the animal on the date on 1106
which the death or injury was discovered by its owner. A fetus 1107
that is aborted by an animal because of stress inflicted by a dog 1108
and that does not, on that account, survive shall be considered to 1109
have been killed by the dog regardless of the stage of pregnancy 1110
at which the abortion occurs. In the case of any such alleged 1111
cause of death, the warden, as part of the warden's investigation, 1112
may request the chief of the division of animal ~~industry~~ health in 1113
the department of agriculture to have a state veterinarian certify 1114
the cause of death. The chief shall promptly comply, and the 1115
veterinarian shall send the certification to the board of county 1116

commissioners. 1117

The claims shall be paid out of the dog and kennel fund or 1118
out of the general fund of the county, as provided in section 1119
955.14 of the Revised Code. Such claims as are allowed in whole or 1120
in part shall be paid by voucher issued by the county auditor five 1121
days after the approval of the board of county commissioners has 1122
been entered. If the claim is to be paid out of the dog and kennel 1123
fund and the funds therein are insufficient to pay the claims, 1124
they shall be paid in the order allowed at the close of the next 1125
calendar month in which sufficient funds are available in the 1126
fund. 1127

Sec. 959.14. No owner or person having the custody, control, 1128
or possession of a horse, ~~mare, gelding, foal, or filly~~, nor an 1129
agent or employee of such owner or custodian, shall cut off or 1130
cause to be cut off or amputated the skin, flesh, muscles, bone, 1131
or integuments of the dock or tail ~~thereof~~, of the horse in order 1132
to shorten its natural length or proportions; ~~nor shall any such~~ 1133
~~owner, person, or the agent or employee of either pull.~~ 1134

No person shall pull out the hairs of the foretop, mane, or 1135
withers thereof of a horse except minimum quantities required for 1136
medical testing. ~~This~~ 1137

This section does not prohibit the cutting or amputation of 1138
the dock or tail of a horse, ~~mare, gelding, foal, or filly~~ when 1139
necessary because of accident, malformation, or disease affecting 1140
such dock or tail or as a proactive measure to prevent injury if 1141
performed by a veterinarian that is licensed under Chapter 4741. 1142
of the Revised Code or in another state. 1143

Sec. 1711.50. As used in sections 1711.50 to 1711.57 of the 1144
Revised Code: 1145

(A) "Amusement ride" means any mechanical ~~device~~, aquatic 1146

device, or inflatable device, or combination of those devices that 1147
carries or conveys passengers on, along, around, over, or through 1148
a fixed or restricted course or within a defined area for the 1149
purpose of ~~giving its passengers~~ providing amusement, pleasure, or 1150
excitement. "Amusement ride" includes carnival rides, bungee 1151
jumping facilities, and fair rides but does not include passenger 1152
tramways as defined in section 4169.01 of the Revised Code or 1153
amusement rides operated solely at trade shows for a limited 1154
period of time. For purposes of division (A) of this section, 1155
"trade show" means a place of exhibition not open to the general 1156
public where amusement ride manufacturers display, promote, 1157
operate, and sell amusement rides to prospective purchasers. 1158

(B) "Temporary amusement ride" means an amusement ride that 1159
is relocated at least once per year with or without disassembly. 1160

(C) "Permanent amusement ride" means an amusement ride that 1161
is erected to remain a lasting part of the premises. 1162

(D) "Owner" means any person who owns or leases and controls 1163
or manages the operation of an amusement ride, and includes 1164
individuals, partnerships, corporations, both profit and 1165
nonprofit, and the state and any of its political subdivisions and 1166
their departments or agencies. 1167

(E) "Operation" means the use or operation, or both, of an 1168
amusement ride with riders. 1169

(F) "Rider" means any person who sits, stands, or is 1170
otherwise conveyed or carried as a passenger on an amusement ride, 1171
but does not include employees or agents of the owner of the 1172
amusement ride. 1173

(G) "Amusement ride operator" means any person causing the 1174
amusement ride to go, stop, or perform its function. 1175

(H) "Reassembly" means the installation, erection, or 1176
reconstruction of the main mechanical, safety, electrical, or 1177

electronic components of an amusement ride following 1178
transportation or storage and prior to operation. Replacement of 1179
mechanical, safety, electrical, or electronic components of an 1180
amusement ride for the purpose of ~~repairing~~ repair or maintenance 1181
is not reassembly. 1182

(I) "Repair" means to restore an amusement ride to a 1183
condition equal to or better than original design specifications. 1184

(J) "Maintenance" means the preservation and upkeep of an 1185
amusement ride for the purpose of maintaining its designed 1186
operational capability. 1187

(K) "Inspection" means a physical examination of an amusement 1188
ride by an inspector for the purpose of approving the application 1189
for a permit. "Inspection" includes a reinspection. 1190

(L) "Accident" means an occurrence during the operation of an 1191
amusement ride which results in death or injury requiring 1192
immediate hospital admission. 1193

(M) "Serious injury" means an injury that does not require 1194
immediate hospital admission but does require medical treatment, 1195
other than first aid, by a physician. 1196

(N) "First aid" means the one-time treatment or subsequent 1197
observation of scratches, cuts not requiring stitches, burns, 1198
splinters, and contusions or a diagnostic procedure, including 1199
examinations and x-rays, which does not ordinarily require medical 1200
treatment even though provided by a physician or other licensed 1201
professional personnel. 1202

(O) "Advisory council" means the advisory council on 1203
amusement ride safety created by section 1711.51 of the Revised 1204
Code. 1205

(P) "Safe operation" means, except as provided in section 1206
1711.57 of the Revised Code, the practical application of 1207

maintenance, inspection, and operational processes, as indicated 1208
by the manufacturer, owner, or advisory council, that secures a 1209
rider from threat of physical danger, harm, or loss. 1210

(Q) "Private facility" means any facility that is accessible 1211
only to members of the facility and not accessible to the general 1212
public, even upon payment of a fee or charge, and that requires 1213
approval for membership by a membership committee representing the 1214
current members who have a policy requiring monetary payment to 1215
belong to the facility. 1216

(R) "Bungee jumping" means a fall or jump from a height by an 1217
individual who is attached to an elastic cord that prevents the 1218
individual from hitting the ground, water, or other solid, 1219
semi-solid, liquid, or elastic surface. 1220

(S) "Bungee jumping facility" means a device or structure 1221
utilized for bungee jumping. 1222

Sec. 1711.51. There is hereby created within the department 1223
of agriculture an advisory council on amusement ride safety to 1224
consist of the director of agriculture or the director's designee, 1225
the general manager of the Ohio state fair or the general 1226
manager's designee, plus eleven appointed members, of whom one 1227
shall be a representative of temporary amusement ride owners, one 1228
shall be a representative of the greater Ohio showmen's 1229
association and the owner of a ride, three shall be 1230
representatives of owners of amusement parks, one shall be a 1231
representative of the Ohio fair managers' association, one shall 1232
be a representative of the insurance industry, one shall be an 1233
engineer, who has an academic degree in engineering and who is 1234
knowledgeable in the amusement ride industry, one shall be a 1235
representative of the Ohio festivals and events association, and 1236
two shall be representatives of the general public. One member of 1237
the council shall be designated annually by the governor as 1238

chairperson. The appointed members not representing the general 1239
public shall be appointed by the governor, with the advice and 1240
consent of the senate. One member representing the general public 1241
shall be appointed by the speaker of the house of representatives 1242
and the remaining member representing the general public shall be 1243
appointed by the president of the senate. The council shall select 1244
from its membership a vice-chairperson to act as chairperson in 1245
the chairperson's absence. 1246

Of the members first appointed by the governor, four shall be 1247
appointed for terms of two years, three for terms of four years, 1248
and two for terms of six years. The members appointed initially by 1249
the speaker of the house of representatives and the president of 1250
the senate shall each serve terms of six years. All members 1251
appointed thereafter shall serve six-year terms. Any member 1252
appointed to fill a vacancy occurring prior to the expiration of 1253
the term for which the member's predecessor was appointed shall 1254
hold office for the remainder of that term. Any member shall 1255
continue in office subsequent to the expiration date of the 1256
member's term until the member's successor takes office, ~~or until~~ 1257
~~a period of sixty days has elapsed, whichever occurs first.~~ 1258

Members of the council shall be residents of this state and 1259
shall be reimbursed for actual and necessary expenses incurred in 1260
attending meetings of the council and in the performance of their 1261
official duties. 1262

Sec. 1711.57. Sections ~~1711.51~~ 1711.50 to 1711.57 of the 1263
Revised Code do not apply to any of the following: 1264

(A) A private facility, ~~to any;~~ 1265

(B) A single-passenger coin-operated ride, that is manually, 1266
mechanically, or electrically operated, ~~which is~~ customarily ~~is~~ 1267
placed, either singly or in groups, in a public location, and 1268
~~which~~ does not normally require the supervision or services of an 1269

amusement ride operator, or to any nonmechanized;	1270
(C) <u>Nonmechanized</u> playground equipment, including swings,	1271
stationary spring-mounted animal features, rider-propelled	1272
merry-go-rounds, climbers, slides, <u>rock climbing walls,</u>	1273
trampolines, <u>and</u> swinging gates, and physical fitness devices	1274
except where an admission fee is charged for usage or an admission	1275
fee is charged to areas where such equipment is located;	1276
(D) <u>Devices regulated or licensed by the federal aviation</u>	1277
<u>administration or the federal railroad administration in the</u>	1278
<u>United States department of transportation, the department of</u>	1279
<u>transportation, or the bureau of motor vehicles in the department</u>	1280
<u>of public safety;</u>	1281
(E) <u>Vessels regulated by the department of natural resources</u>	1282
<u>under Chapters 1547. and 1548. of the Revised Code or under the</u>	1283
<u>jurisdiction of the United States coast guard;</u>	1284
(F) <u>Tractors, trucks, or similar vehicles at competition</u>	1285
<u>events;</u>	1286
(G) <u>Automobiles or motorcycles at competition events;</u>	1287
(H) <u>Animals ridden in competitive events or shows;</u>	1288
(I) <u>Physical fitness devices;</u>	1289
(J) <u>Devices to which the definition of "safe operation" in</u>	1290
<u>section 1711.50 of the Revised Code does not apply as determined</u>	1291
<u>by the director of agriculture, including mechanized bulls,</u>	1292
<u>surfboards, zip lines, vertical wind tunnels, skateboard or</u>	1293
<u>bicycle rodeo devices, cable wakeboard or ski facilities, or other</u>	1294
<u>devices that are not intended or manufactured to secure the rider</u>	1295
<u>from threat of physical danger, harm, or loss.</u>	1296
Sec. 3717.22. (A) The following are not retail food	1297
establishments:	1298

(1) A food service operation licensed under this chapter, 1299
including a food service operation that provides the services of a 1300
retail food establishment pursuant to an endorsement issued under 1301
section 3717.44 of the Revised Code; 1302

(2) An entity exempt under divisions (B)(1) to (9) or (11) to 1303
(13) of section 3717.42 of the Revised Code from the requirement 1304
to be licensed as a food service operation and an entity exempt 1305
under division (B)(10) of that section if the entity is regulated 1306
by the department of agriculture as a food processing 1307
establishment under section 3715.021 of the Revised Code; 1308

(3) A business or that portion of a business that is 1309
regulated by the federal government or the department of 1310
agriculture as a food manufacturing or food processing business, 1311
including a business or that portion of a business regulated by 1312
the department of agriculture under Chapter 911., 913., 915., 1313
917., 918., or 925. of the Revised Code. 1314

(B) All of the following are exempt from the requirement to 1315
be licensed as a retail food establishment: 1316

(1) An establishment with commercially prepackaged foods that 1317
are not potentially hazardous and contained in displays, the total 1318
space of which equals less than two hundred cubic feet; 1319

(2) A person at a farmers market that is registered with the 1320
director of agriculture pursuant to section 3717.221 of the 1321
Revised Code that offers for sale only one or more of the 1322
following: 1323

(a) Fresh unprocessed fruits or vegetables; 1324

(b) Products of a cottage food production operation; 1325

(c) Maple syrup, sorghum, or honey that is produced by a 1326
maple syrup or sorghum producer or beekeeper described in division 1327
(A) of section 3715.021 of the Revised Code; 1328

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.

(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;

(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are ~~not potentially hazardous~~ for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same conditions.

(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;

(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;

(7) A maple syrup and sorghum processor and beekeeper 1360
described in division (A) of section 3715.021 of the Revised Code, 1361
on the condition that the processor or beekeeper offers only maple 1362
syrup, sorghum, or honey directly to the consumer from the site 1363
where those products are processed; 1364

(8) A person who annually maintains five hundred or fewer 1365
birds, on the condition that the person offers the eggs from those 1366
birds directly to the consumer from the location where the eggs 1367
are produced or at a farm product auction to which division 1368
(B)(11) of this section applies; 1369

(9) A person who annually raises and slaughters one thousand 1370
or fewer chickens, on the condition that the person offers dressed 1371
chickens directly to the consumer from the location where the 1372
chickens are raised and slaughtered or at a farm product auction 1373
to which division (B)(11) of this section applies; 1374

(10) A person who raises, slaughters, and processes the meat 1375
of nonamenable species described in divisions (A) and (B) of 1376
section 918.12 of the Revised Code, on the condition that the 1377
person offers the meat directly to the consumer from the location 1378
where the meat is processed or at a farm product auction to which 1379
division (B)(11) of this section applies; 1380

(11) A farm product auction, on the condition that it is 1381
registered with the director pursuant to section 3717.221 of the 1382
Revised Code that offers for sale at the farm product auction only 1383
one or more of the following: 1384

(a) The products described in divisions (B)(8) to (10) of 1385
this section that are produced, raised, slaughtered, or processed, 1386
as appropriate, by persons described in divisions (B)(8) to (10) 1387
of this section; 1388

(b) Fresh unprocessed fruits or vegetables; 1389

(c) Products of a cottage food production operation; 1390

(d) Maple syrup, sorghum, or honey that is produced by a	1391
maple syrup or sorghum producer or beekeeper described in division	1392
(A) of section 3715.021 of the Revised Code.	1393
(12) An establishment that, with respect to offering food for	1394
sale, offers only alcoholic beverages or prepackaged beverages	1395
that are not potentially hazardous;	1396
(13) An establishment that, with respect to offering food for	1397
sale, offers only alcoholic beverages, prepackaged beverages that	1398
are not potentially hazardous, or commercially prepackaged food	1399
that is not potentially hazardous, on the condition that the	1400
commercially prepackaged food is contained in displays, the total	1401
space of which equals less than two hundred cubic feet on the	1402
premises of the establishment;	1403
(14) An establishment that, with respect to offering food for	1404
sale, offers only fountain beverages that are not potentially	1405
hazardous;	1406
(15) A person who offers for sale only one or more of the	1407
following foods at a festival or celebration, on the condition	1408
that the festival or celebration is organized by a political	1409
subdivision of the state and lasts for a period not longer than	1410
seven consecutive days:	1411
(a) Fresh unprocessed fruits or vegetables;	1412
(b) Products of a cottage food production operation;	1413
(c) Maple syrup, sorghum, or honey if produced by a maple	1414
syrup or sorghum processor or beekeeper as described in division	1415
(A) of section 3715.021 of the Revised Code;	1416
(d) Commercially prepackaged food that is not potentially	1417
hazardous, on the condition that the food is contained in	1418
displays, the total space of which equals less than one hundred	1419
cubic feet;	1420

(e) Fruit butter produced at the festival or celebration and sold from the production site.	1421 1422
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	1423 1424 1425 1426
(a) Fresh unprocessed fruits or vegetables;	1427
(b) Products of a cottage food production operation;	1428
(c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;	1429 1430 1431
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	1432 1433 1434 1435 1436
(e) Cider and other juices manufactured on site at the farm market;	1437 1438
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	1439 1440 1441 1442 1443 1444 1445
<u>Sec. 3769.0811. Horse races that are conducted by a county agricultural society or independent agricultural society in accordance with section 3769.082 of the Revised Code shall be conducted at the fairgrounds of the sponsoring agricultural society or, with the approval of the director of agriculture, at a</u>	1446 1447 1448 1449 1450

track designated by the agricultural society in the applicable 1451
county. If the horse races cannot be contested due to unfavorable 1452
weather or another cause, the races may be transferred to a 1453
suitable track with the approval of the director. 1454

If a county agricultural society or independent agricultural 1455
society is unable to conduct races in accordance with section 1456
3769.082 of the Revised Code because of unfavorable weather or 1457
another cause or if the number of horse races and stake races that 1458
are conducted by an agricultural society is fewer than the number 1459
that was scheduled to be conducted, the pro rata remainder of the 1460
money distributed from the Ohio fairs fund created in section 1461
3769.082 of the Revised Code for each horse race and stake race 1462
not conducted shall be returned to the director to be credited to 1463
the fund. 1464

Sec. 4707.11. (A) Except as provided in division (B) of this 1465
section, each application for a license issued under this chapter 1466
shall be accompanied by proof of financial responsibility in the 1467
form of either an irrevocable letter of credit or a cash bond or a 1468
surety bond in the amount of twenty-five thousand dollars. If the 1469
applicant gives a surety bond, the bond shall be executed by a 1470
surety company authorized to do business in this state. 1471

A bond shall be made payable to the department of agriculture 1472
and shall include a condition that requires the applicant to 1473
comply with this chapter and rules adopted under it, including a 1474
requirement that the person refrain from conduct described in 1475
section 4707.15 of the Revised Code. All bonds shall be on a form 1476
approved by the director of agriculture. 1477

A licensee shall maintain proof of financial responsibility 1478
for three years following the date of initial licensure. After the 1479
three-year period, a licensee who has not engaged in conduct 1480

described in section 4707.15 of the Revised Code and has not 1481
otherwise violated this chapter or rules adopted under it during 1482
that period shall no longer be required to maintain proof of 1483
financial responsibility except as otherwise provided in this 1484
section. 1485

A licensee whose license expires without being renewed under 1486
section 4707.10 of the Revised Code or is suspended under section 1487
4707.15 or 4707.30 of the Revised Code shall give proof of 1488
financial responsibility in accordance with this section in order 1489
to obtain reinstatement or reactivation of the license. 1490

(B) Division (A) of this section does not apply to any of the 1491
following: 1492

(1) A licensee whose license was issued prior to July 1, 1493
2003, provided that the license continues to be renewed under 1494
section 4707.10 of the Revised Code and is not suspended under 1495
section 4707.15 or 4707.30 of the Revised Code; 1496

(2) An apprentice auctioneer licensee whose license was 1497
issued under section 4707.09 of the Revised Code prior to July 1, 1498
2003, and who applies for an auctioneer's license under section 1499
4707.07 of the Revised Code on or after July 1, 2003, provided 1500
that the apprentice auctioneer's license is not suspended under 1501
section 4707.15 or 4707.30 of the Revised Code, and, if necessary, 1502
continues to be renewed under section 4707.10 of the Revised Code, 1503
prior to the issuance of the auctioneer's license to the 1504
applicant; 1505

(3) An auction firm license that is issued under section 1506
4707.074 of the Revised Code. 1507

Section 2. That existing sections 121.04, 121.09, 307.204, 1508
505.266, 901.08, 901.43, 903.02, 907.11, 923.41, 923.52, 924.52, 1509
941.02, 941.041, 941.14, 942.02, 943.03, 943.031, 943.04, 943.05, 1510

943.16, 953.23, 955.35, 959.14, 1711.50, 1711.51, 1711.57, 1511
3717.22, and 4707.11 of the Revised Code are hereby repealed. 1512

Section 3. On the effective date of this section, the 1513
Division of Animal Industry in the Department of Agriculture is 1514
renamed the Division of Animal Health. The Division of Animal 1515
Industry's functions, and its assets and liabilities, are 1516
transferred to the Division of Animal Health. The Division of 1517
Animal Health is successor to, assumes the obligations and 1518
authority of, and otherwise continues the Division of Animal 1519
Industry. No right, privilege, or remedy, and no duty, liability, 1520
or obligation, accrued under the Division of Animal Industry is 1521
impaired or lost by reason of the renaming and shall be 1522
recognized, administered, performed, or enforced by the Division 1523
of Animal Health. 1524

Business commenced but not completed by the Division of 1525
Animal Industry or by the Chief of the Division of Animal Industry 1526
shall be completed by the Division of Animal Health or the Chief 1527
of the Division of Animal Health in the same manner, and with the 1528
same effect, as if completed by the Division of Animal Industry or 1529
the Chief of the Division of Animal Industry. 1530

All of the Division of Animal Industry's rules, orders, and 1531
determinations continue in effect as rules, orders, and 1532
determinations of the Division of Animal Health until modified or 1533
rescinded by the Division of Animal Health. 1534

Subject to the layoff provisions of sections 124.321 to 1535
124.382 of the Revised Code, all employees of the Division of 1536
Animal Industry continue with the Division of Animal Health and 1537
retain their positions and all benefits accruing thereto. 1538

The Director of Budget and Management shall determine the 1539
amount of unexpended balances in the appropriation accounts that 1540
pertain to the Division of Animal Industry and shall recommend to 1541

the Controlling Board their transfer to the appropriation accounts 1542
that pertain to the Division of Animal Health. The Chief of the 1543
Division of Animal Industry shall provide full and timely 1544
information to the Controlling Board to facilitate the transfer. 1545

Whenever the Division of Animal Industry or the Chief of the 1546
Division of Animal Industry is referred to in a statute, contract, 1547
or other instrument, the reference is deemed to refer to the 1548
Division of Animal Health or to the Chief of the Division of 1549
Animal Health, whichever is appropriate in context. 1550

No pending action or proceeding being prosecuted or defended 1551
in court or before an agency by the Division of Animal Industry or 1552
the Chief of the Division of Animal Industry is affected by the 1553
renaming and shall be prosecuted or defended in the name of the 1554
Division of Animal Health or the Chief of the Division of Animal 1555
Health, whichever is appropriate. Upon application to the court or 1556
agency, the Division of Animal Health or the Chief of the Division 1557
of Animal Health shall be substituted. 1558

Section 4. On the effective date of this section, the 1559
Division of Plant Industry in the Department of Agriculture is 1560
renamed the Division of Plant Health. The Division of Plant 1561
Industry's functions, and its assets and liabilities, are 1562
transferred to the Division of Plant Health. The Division of Plant 1563
Health is successor to, assumes the obligations and authority of, 1564
and otherwise continues the Division of Plant Industry. No right, 1565
privilege, or remedy, and no duty, liability, or obligation, 1566
accrued under the Division of Plant Industry is impaired or lost 1567
by reason of the renaming and shall be recognized, administered, 1568
performed, or enforced by the Division of Plant Health. 1569

Business commenced but not completed by the Division of Plant 1570
Industry or by the Chief of the Division of Plant Industry shall 1571
be completed by the Division of Plant Health or the Chief of the 1572

Division of Plant Health in the same manner, and with the same 1573
effect, as if completed by the Division of Plant Industry or the 1574
Chief of the Division of Plant Industry. 1575

All of the Division of Plant Industry's rules, orders, and 1576
determinations continue in effect as rules, orders, and 1577
determinations of the Division of Plant Health until modified or 1578
rescinded by the Division of Plant Health. 1579

Subject to the layoff provisions of sections 124.321 to 1580
124.382 of the Revised Code, all employees of the Division of 1581
Plant Industry continue with the Division of Plant Health and 1582
retain their positions and all benefits accruing thereto. 1583

The Director of Budget and Management shall determine the 1584
amount of unexpended balances in the appropriation accounts that 1585
pertain to the Division of Plant Industry and shall recommend to 1586
the Controlling Board their transfer to the appropriation accounts 1587
that pertain to the Division of Plant Health. The Chief of the 1588
Division of Plant Industry shall provide full and timely 1589
information to the Controlling Board to facilitate the transfer. 1590

Whenever the Division of Plant Industry or the Chief of the 1591
Division of Plant Industry is referred to in a statute, contract, 1592
or other instrument, the reference is deemed to refer to the 1593
Division of Plant Health or to the Chief of the Division of Plant 1594
Health, whichever is appropriate in context. 1595

No pending action or proceeding being prosecuted or defended 1596
in court or before an agency by the Division of Plant Industry or 1597
the Chief of the Division of Plant Industry is affected by the 1598
renaming and shall be prosecuted or defended in the name of the 1599
Division of Plant Health or the Chief of the Division of Plant 1600
Health, whichever is appropriate. Upon application to the court or 1601
agency, the Division of Plant Health or the Chief of the Division 1602
of Plant Health shall be substituted. 1603

Section 5. On the effective date of this section, the 1604
Division of Consumer Analytical Laboratory in the Department of 1605
Agriculture is renamed the Division of Consumer Protection 1606
Laboratory. The Division of Consumer Analytical Laboratory's 1607
functions, and its assets and liabilities, are transferred to the 1608
Division of Consumer Protection Laboratory. The Division of 1609
Consumer Protection Laboratory is successor to, assumes the 1610
obligations and authority of, and otherwise continues the Division 1611
of Consumer Analytical Laboratory. No right, privilege, or remedy, 1612
and no duty, liability, or obligation, accrued under the Division 1613
of Consumer Analytical Laboratory is impaired or lost by reason of 1614
the renaming and shall be recognized, administered, performed, or 1615
enforced by the Division of Consumer Protection Laboratory. 1616

Business commenced but not completed by the Division of 1617
Consumer Analytical Laboratory or by the Chief of the Division of 1618
Consumer Analytical Laboratory shall be completed by the Division 1619
of Consumer Protection Laboratory or the Chief of the Division of 1620
Consumer Protection Laboratory in the same manner, and with the 1621
same effect, as if completed by the Division of Consumer 1622
Analytical Laboratory or the Chief of the Division of Consumer 1623
Analytical Laboratory. 1624

All of the Division of Consumer Analytical Laboratory's 1625
rules, orders, and determinations continue in effect as rules, 1626
orders, and determinations of the Division of Consumer Protection 1627
Laboratory until modified or rescinded by the Division of Consumer 1628
Protection Laboratory. 1629

Subject to the layoff provisions of sections 124.321 to 1630
124.382 of the Revised Code, all employees of the Division of 1631
Consumer Analytical Laboratory continue with the Division of 1632
Consumer Protection Laboratory and retain their positions and all 1633
benefits accruing thereto. 1634

The Director of Budget and Management shall determine the amount of unexpended balances in the appropriation accounts that pertain to the Division of Consumer Analytical Laboratory and shall recommend to the Controlling Board their transfer to the appropriation accounts that pertain to the Division of Consumer Protection Laboratory. The Chief of the Division of Consumer Analytical Laboratory shall provide full and timely information to the Controlling Board to facilitate the transfer.

Whenever the Division of Consumer Analytical Laboratory or the Chief of the Division of Consumer Analytical Laboratory is referred to in a statute, contract, or other instrument, the reference is deemed to refer to the Division of Consumer Protection Laboratory or to the Chief of the Division of Consumer Protection Laboratory, whichever is appropriate in context.

No pending action or proceeding being prosecuted or defended in court or before an agency by the Division of Consumer Analytical Laboratory or the Chief of the Division of Consumer Analytical Laboratory is affected by the renaming and shall be prosecuted or defended in the name of the Division of Consumer Protection Laboratory or the Chief of the Division of Consumer Protection Laboratory, whichever is appropriate. Upon application to the court or agency, the Division of Consumer Protection Laboratory or the Chief of the Division of Consumer Protection Laboratory shall be substituted.

Section 6. The Consumer Protection Laboratory Fund created in section 901.43 of the Revised Code, as amended by this act, is a continuation of the Consumer Analytical Laboratory Fund created in section 901.43 of the Revised Code prior to its amendment by this act.

Section 7. Section 1711.50 of the Revised Code is presented in this act as a composite of the section as amended by both Sub.

H.B. 535 and Sub. H.B. 670 of the 121st General Assembly. The 1666
General Assembly, applying the principle stated in division (B) of 1667
section 1.52 of the Revised Code that amendments are to be 1668
harmonized if reasonably capable of simultaneous operation, finds 1669
that the composite is the resulting version of the section in 1670
effect prior to the effective date of the section as presented in 1671
this act. 1672