

**As Reported by the House Agriculture and Natural Resources
Committee**

**130th General Assembly
Regular Session
2013-2014**

Am. H. B. No. 453

Representative Pelanda

**Cosponsors: Representatives Grossman, Buchy, Hackett, Adams, J.,
Sheehy, Burkley**

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A B I L L

To amend sections 901.23, 921.12, 941.01, 941.03,	1
941.04, 941.06, 941.07, 941.09, 941.10, 941.11,	2
941.14, 1327.46, 1327.48, 1327.50, 1327.501,	3
1327.61, 1327.99, and 4707.02; to enact new	4
section 6109.20 and section 1327.502; and to	5
repeal section 6109.20 of the Revised Code to	6
include diseases of concern within the scope of	7
the Animal Diseases Law, to make changes to the	8
laws governing weights and measures and	9
auctioneers, the membership of the Farmland	10
Preservation Advisory Board, and the pesticide	11
licensing renewal process, and to revise	12
fluoridation requirements for public water	13
systems.	14

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

Section 1. That sections 901.23, 921.12, 941.01, 941.03,	15
941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 1327.46,	16
1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 be	17
amended and new section 6109.20 and section 1327.502 of the	18

Revised Code be enacted to read as follows: 19

Sec. 901.23. (A) There is hereby created the farmland 20
preservation advisory board consisting of twelve voting members 21
appointed by the director of agriculture as follows: 22

(1) One member who is a county commissioner or a 23
representative of a statewide organization that represents county 24
commissioners; 25

(2) One member who is a township trustee or a representative 26
of a statewide organization that represents township trustees; 27

(3) One representative of ~~the~~ an Ohio ~~state~~ university; 28

(4) One representative of a nonprofit organization dedicated 29
to the preservation of farmland; 30

(5) One representative each of development, environmental, 31
planning, and soil and water conservation interests; 32

(6) One farmer from each of the state's four quadrants. 33

Terms of office shall be staggered and shall be for three 34
years, with each term ending on the same day of the same month as 35
did the term that it succeeds. Each member shall hold office from 36
the date of appointment until the end of the term for which the 37
member was appointed, except that the term of any member who is a 38
county commissioner or township trustee shall end when the member 39
ceases to serve as a county commissioner or township trustee. 40

Members may be reappointed. Vacancies shall be filled in the 41
manner provided for original appointments. Any member appointed to 42
fill a vacancy occurring prior to the expiration date of the term 43
for which the member was appointed shall serve for the remainder 44
of that term. A member shall continue to serve subsequent to the 45
expiration date of the member's term until the member's successor 46
takes office or until a period of sixty days has elapsed, 47

whichever occurs first. Members shall serve at the pleasure of the 48
director. 49

The executive director of the office of farmland preservation 50
in the department of agriculture or another employee of the 51
department who is designated by the director shall serve as the 52
nonvoting chairperson of the board. The director annually shall 53
designate one member of the board to serve as its 54
vice-chairperson. The board may adopt bylaws governing its 55
operation and shall meet at a time when the director, or the 56
director's designee, considers it appropriate in order for the 57
board to provide advice as required under division (B) of this 58
section. 59

(B) The board shall provide advice to the director regarding 60
all of the following: 61

(1) The design and implementation of an agricultural easement 62
purchase program; 63

(2) The selection of applications that will be awarded 64
matching grants under division (D) of section 901.22 of the 65
Revised Code for the purchase of agricultural easements; 66

(3) The design and implementation of any other statewide 67
farmland protection measures that the director considers 68
appropriate. 69

(C) Serving as a member of the board does not constitute 70
holding a public office or position of employment under the laws 71
of this state and does not constitute grounds for removal of 72
public officers or employees from their offices or positions of 73
employment. 74

(D) A board member shall be reimbursed for actual and 75
necessary expenses incurred in the discharge of duties as a board 76
member. 77

Sec. 921.12. (A) The director of agriculture shall require 78
each applicant for a license under section 921.06 or 921.11 of the 79
Revised Code to be examined on the applicant's knowledge and 80
competency in each of the following: 81

(1) This chapter and rules adopted under it; 82

(2) The proper use, handling, and application of pesticides 83
and, if the applicant is applying for a license under section 84
921.06 of the Revised Code, in the conducting of diagnostic 85
inspections in the pesticide-use categories for which the 86
applicant has applied. 87

(B) Each application for renewal of a license provided for in 88
section 921.06 of the Revised Code shall be filed prior to the 89
deadline established by rule. If filed after the deadline, a 90
penalty of fifty per cent shall be assessed and added to the 91
original fee and shall be paid by the applicant before the renewal 92
license is issued. However, if a license issued under section 93
921.06 or 921.11 of the Revised Code is not renewed within one 94
~~year of~~ hundred eighty days after the date of expiration, the 95
licensee shall be required to take another examination on this 96
chapter and rules adopted under it and on the proper use, 97
handling, and application of pesticides and, if applicable, the 98
proper conducting of diagnostic inspections in the pesticide-use 99
categories for which the licensee has been licensed. 100

(C) A person who fails to pass an examination under division 101
(A) or (B) of this section is not entitled to an adjudication 102
under Chapter 119. of the Revised Code for that failure. 103

(D) The holder of a commercial applicator license may renew 104
the license within one ~~year of~~ hundred eighty days after the date 105
of expiration without re-examination unless the director 106
determines that a new examination is necessary to insure that the 107
holder continues to meet the requirements of changing technology 108

and to assure a continuing level of competence and ability to use pesticides safely and properly.

(E) ~~The director shall determine when~~ holder of a private applicator license may renew the license within one hundred eighty days after the date of expiration without re-examination for ~~unless the renewal of licenses for private applicators~~ director determines that a new examination is required necessary to insure that ~~private applicators continue~~ the holder continues to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(F) Instead of requiring a commercial applicator or private applicator to complete re-examination successfully under division (D) or (E) of this section, the director may require, in accordance with criteria established by rule, the commercial applicator or private applicator to participate in training programs that are designed to foster knowledge of new technology and to ensure a continuing level of competence and ability to use pesticides safely and properly. The director or the director's representative may provide the training or may authorize a third party to do so. In order for such authorization to occur, the third party and its training program shall comply with standards and requirements established by rule.

Sec. 941.01. As used in this chapter:

(A) "Dangerously contagious or infectious disease" means any disease, including any foreign animal disease, or vector, that the director of agriculture, in ~~his~~ the director's sound discretion, determines to be of harmful effect on the animal or poultry industry or the public health and to be capable of transmission by any means from a carrier animal to a human or to another animal.

(B) "Disease of concern" means any disease, including any

foreign animal disease, or vector, that the director determines 140
may have an adverse impact on the animal or poultry industry or to 141
the public health in this state, but that is not a disease that is 142
reportable to the United States department of agriculture. 143

(C) "Geographic area" means any county or counties within 144
this state or parts thereof as may be designated by the director. 145

~~(C)~~(D) "Animal" means any animal that is a bird, reptile, 146
amphibian, fish, or mammal, other than humans. 147

~~(D)~~(E) "Domestic animal" includes livestock; other animals 148
that through long association with humans have been bred to a 149
degree resulting in genetic changes affecting the temperament, 150
color, conformation, or other attributes of the species to an 151
extent that makes them different from nondomestic animals of their 152
kind; and other animals as defined by rule by the director. 153

~~(E)~~(F) "Foreign animal disease" means a contagious or 154
infectious disease that is not present in United States domestic 155
or nondomestic species populations and is listed by the United 156
States department of agriculture as a "foreign animal disease." 157

~~(F)~~(G) "Nondomestic animal" means any animal that is not 158
domestic, including at least nonindigenous animals and animals 159
usually not in captivity. 160

~~(G)~~(H) "Poultry" means any domesticated fowl kept in 161
confinement, except for doves and pigeons, that are bred for the 162
primary purpose of producing eggs or meat for human consumption. 163
"Poultry" includes chickens, turkeys, waterfowl, and game birds. 164

~~(H)~~(I) "Vector" means a disease carrier, usually from, but 165
not limited to, the arthropod class, ~~which~~ that transfers an 166
infectious agent that may transmit a dangerously contagious or 167
infectious disease from one host to another. 168

~~(I)~~(J) "Residue" means any poisonous or deleterious pesticide 169

governed by 40 C.F.R. 180, any poisonous or deleterious substance 170
governed by 21 C.F.R. 109.6, or any other substance governed by 21 171
C.F.R. 556. 172

~~(J)~~(K) "Seal" means any band or object made of metal, 173
plastic, or other material placed on a vehicle or other means of 174
conveyance so that when the vehicle or conveyance is opened, the 175
band or object is affected, altered, or broken. 176

Sec. 941.03. (A) The director of agriculture, under Chapter 177
119. of the Revised Code, may adopt and enforce rules to carry out 178
this chapter, including designating a disease or vector as a 179
dangerously contagious or infectious disease or as a disease of 180
concern. 181

(B) No person shall fail to comply with the rules adopted by 182
the director under division (A) of this section. 183

Sec. 941.04. (A) Whenever the director of agriculture or ~~his~~ 184
the director's authorized representative reasonably suspects that 185
any premises or means of conveyance contains an animal that is 186
infected with or has been exposed to a dangerously contagious or 187
infectious disease or a disease of concern or is adulterated with 188
a residue, ~~he~~ the director or the director's authorized 189
representative shall have free access to those premises or that 190
means of conveyance at any reasonable time. 191

(B) Whenever the director of agriculture or ~~his~~ the 192
director's authorized representative reasonably suspects that any 193
vehicle or means of conveyance traveling into or through the state 194
contains an animal, ~~he~~ the director or the director's authorized 195
representative shall have free access to the vehicle or means of 196
conveyance, including the right to stop ~~such~~ the vehicle or 197
conveyance transporting animals into or through the state. The 198
director or ~~his~~ the director's authorized representative may 199

examine any certificate of veterinary inspection, animal health certificate, waybill, yarding ~~receipt~~ receipt, sale ticket, or other document required by this chapter or rules adopted under it. The director or ~~his~~ the director's authorized representative also may inspect the vehicle or conveyance for the purposes of verifying the presence or existence of any animal for which a document is required by this chapter or rules adopted under it and verifying lawful possession or ownership of the animal. This division does not apply to animals transported intrastate.

Within the parameters of the United States and Ohio constitutions, any person who operates a vehicle or means of conveyance upon a roadway in this state is deemed to have consented to the inspection of the vehicle or conveyance and the documents as described in this section.

(C) In the event the owner of the animal or the operator of the vehicle or conveyance fails to present any document required by this chapter and rules adopted under it, or if the documents indicate or the director or ~~his~~ the director's authorized representative reasonably suspects that an animal is infected with or has been exposed to a dangerously contagious or infectious disease or a disease of concern or is adulterated with a residue, the director or ~~his~~ the director's authorized representative shall seal the vehicle or conveyance. A seal shall not be broken or removed from a vehicle or conveyance within this state or any other state except by the director or ~~his~~ the director's authorized representative or by a person holding a similar position in another state, territory, or country.

Once the vehicle or conveyance is sealed, its operator shall choose a course of action to be taken under division (D) of section 941.10 of the Revised Code. If the operator fails to choose and the owner of the animal can be contacted, the owner shall make the choice. If the owner cannot be contacted, the

director or ~~his~~ the director's authorized representative shall 232
make the choice. Any time that the director or ~~his~~ the director's 233
authorized representative determines that a course of action under 234
division (D) of section 941.10 of the Revised Code is 235
inappropriate, ~~he~~ the director or the director's authorized 236
representative may refuse to allow that course of action to be 237
taken or may limit it. The director or ~~his~~ the director's 238
authorized representative shall issue a permit designating and 239
requiring compliance with the course of action chosen under this 240
division. 241

If the director or ~~his~~ the director's authorized 242
representative reasonably suspects that an animal is stolen or 243
that the operator of the vehicle or conveyance is not in lawful 244
possession of the animal, or while waiting for a search warrant to 245
be issued under section 941.042 of the Revised Code, ~~he~~ the 246
director or the director's authorized representative may detain or 247
impound the vehicle or conveyance or detain the animal. If the 248
director or ~~his~~ the director's authorized representative 249
determines, during any detention or impoundment, that disposal of 250
the animal is necessary, ~~he~~ the director or the director's 251
authorized representative may provide for its disposal in 252
accordance with section 941.043 of the Revised Code. 253

(D) The director or ~~his~~ the director's authorized 254
representative, in performing ~~his~~ official duties under this 255
section, may call on such law enforcement personnel and government 256
officials as are necessary to ~~assist him~~ provide assistance. The 257
director or ~~his~~ the director's authorized representative may 258
detain or follow any vehicle or conveyance until those persons 259
arrive. 260

(E) At the direction of the director and in ~~his~~ the 261
director's discretion, an employee of the animal and plant health 262
inspection service-veterinary services in the United States 263

department of agriculture may be an authorized representative of 264
the director for purposes of this chapter. 265

Sec. 941.06. (A) If any person has reason to suspect the 266
existence of a dangerously contagious or infectious disease or a 267
residue, ~~he~~ the person immediately shall give notice of that fact 268
to the director of agriculture or to a licensed veterinarian. 269

(B) If a veterinarian receives notice of the existence or 270
suspected existence of a dangerously contagious or infectious 271
disease or a residue as provided in division (A) of this section, 272
~~he~~ the veterinarian immediately shall communicate that notice to 273
the director. 274

(C) No person shall sell, attempt to sell, keep with intent 275
to sell, or otherwise transfer to another person an animal that ~~he~~ 276
the person knows, or has reason to know, is infected with or 277
exposed to any dangerously contagious or infectious disease or a 278
disease of concern or is adulterated with a residue, except as 279
otherwise provided in this chapter or rules adopted under it. 280

Sec. 941.07. (A)(1) When the director of agriculture is 281
notified by any person of the possibility of the existence of a 282
dangerously contagious or infectious disease or a residue, the 283
director immediately shall order an investigation to be made, ~~in,~~ 284
In order to conduct an investigation, the director or ~~his~~ the 285
director's designee may quarantine the animal and, if ~~he~~ the 286
director or the director's designee considers it necessary, the 287
geographic area in which the animal was located immediately, so 288
that ~~he~~ the director or the director's designee is able to 289
inspect, examine, and test the animal and other animals within the 290
geographic area. 291

(2) When the director is notified by any person of the 292
possibility of the existence of a disease of concern, the director 293

may order an investigation to be made. In order to conduct an 294
investigation, the director or the director's designee may 295
quarantine the animal and, if the director or the director's 296
designee considers it necessary, the geographic area in which the 297
animal was located immediately so that the director or the 298
director's designee is able to inspect, examine, and test the 299
animal and other animals within the geographic area. 300

(B) Except as otherwise provided in this chapter, if, as the 301
result of the investigation, an animal is found to be infected 302
with or exposed to a dangerously contagious or infectious disease 303
or a disease of concern or adulterated with a residue, the 304
director or ~~his~~ the director's authorized representative may issue 305
quarantine orders, without a prior hearing, pursuant to this 306
section in order to prevent dangerously contagious or infectious 307
diseases, diseases of concern, or residues from affecting other 308
animals in the state or the public health. No person shall fail to 309
comply with the terms and conditions of the quarantine order. 310

(C) No animal or its means of conveyance shall be brought to 311
or removed from the premises or geographic area disclosed in a 312
quarantine order without written permission from the director or 313
~~his~~ the director's authorized representative. 314

(D) The director, if possible, shall notify any person owning 315
or having custody of a quarantined animal either in person or by 316
certified mail, return receipt requested. Evidence of the 317
notification of a quarantine order shall be proved by affidavit or 318
by the certified mail return receipt. The director also may post 319
the quarantine order at two conspicuous places on the quarantined 320
premises. 321

(E) A quarantine order shall contain all of the following 322
information: 323

(1) The name and address of the person owning and having 324

custody of the quarantined animal, if known;	325
(2) A description of the quarantined animal;	326
(3) A description of the premises and means of conveyance affected by the quarantine;	327 328
(4) The reason for the quarantine;	329
(5) The terms and conditions applicable to the quarantine;	330
(6) A notice to the effect that persons adversely affected by the quarantine order may request a hearing to review the order.	331 332
(F) A person adversely affected by a quarantine order, within thirty days after the order is issued, may request in writing a hearing in accordance with Chapter 119. of the Revised Code. A request for a hearing does not stay a quarantine order.	333 334 335 336
(G) A quarantine order shall remain in effect until a written notice of release is issued by the department of agriculture, or until ordered to be removed after a hearing under division (F) of this section.	337 338 339 340
(H) All necessary and proper expenses incurred by the director in the quarantine of an animal shall be paid by the state. However, such expenses shall not include the maintenance, feeding, and quartering of the animal while in quarantine.	341 342 343 344
(I) A copy of the results of any tests or method of detection for a dangerously contagious or infectious disease <u>or a disease of concern</u> , conducted by a person authorized by the department of agriculture, shall be admitted in any court as prima-facie proof of such <u>those</u> results when such <u>the</u> results are certified by the department or authorized person.	345 346 347 348 349 350
Sec. 941.09. (A) The director of agriculture may adopt and enforce rules in accordance with Chapter 119. of the Revised Code governing the identification of an animal tested for, vaccinated	351 352 353

against, or infected with a dangerously contagious or infectious 354
disease or a disease of concern or adulterated with a residue and 355
the importation, use, dispensation, and reporting of the use of 356
vaccines for mitigating dangerously contagious or infectious 357
diseases or diseases of concern or other treatments for residues. 358

(B) No person shall remove, alter, or replace an 359
identification that is required by federal or state law and is 360
placed upon an animal by a person authorized by the director. 361

Sec. 941.10. (A) The director of agriculture may adopt and 362
enforce rules to govern the importation and movement of animals. 363

(B) Whenever the governor upon receipt of information from 364
the director believes that any condition or disease, including a 365
dangerously contagious or infectious disease or a disease of 366
concern present in any other state, territory, or country, may 367
endanger the health of livestock, animals, or persons of this 368
state, ~~he~~ the governor may prohibit or regulate by proclamation, 369
the importation from ~~such~~ that other state, territory, or country, 370
of animals of a kind that could carry that disease or condition 371
into this state. 372

(C) No person shall import, move, sell, or dispose of any 373
animal contrary to a proclamation issued by the governor under 374
division (B) of this section, without first obtaining written 375
permission from the director. 376

(D) When an animal is moved into the state in violation of 377
any applicable federal or state law, the director or ~~his~~ the 378
director's authorized representative, without prior hearing, may 379
take whichever of the following courses of action regarding the 380
animal as ~~he~~ the director or the director's authorized 381
representative determines is most appropriate: 382

(1) Quarantine the animal until it is brought into 383

compliance;	384
(2) Order the animal returned to the point of origin;	385
(3) Order the animal moved to slaughter.	386
Sec. 941.11. (A) Except as otherwise provided in this	387
chapter, the director of agriculture, without prior hearing, may	388
order the destruction of any domestic or nondomestic animal found	389
to be adulterated with residues, infected with or exposed to a	390
dangerously contagious or infectious disease, <u>infected with or</u>	391
<u>exposed to a disease of concern</u> , or determined to endanger the	392
health or well-being of animal populations or public health in the	393
state. If the director determines that seizure and destruction of	394
a nondomestic animal is necessary, he <u>the director</u> shall	395
coordinate the seizure and destruction of that animal with the	396
department of natural resources.	397
(B) No person shall fail to comply with the director's order	398
to destroy an animal found to be infected with or exposed to a	399
dangerously contagious or infectious disease <u>or a disease of</u>	400
<u>concern</u> or adulterated with residues.	401
(C) The director, if possible, shall notify any person owning	402
or having custody of an animal ordered destroyed, either in person	403
or by certified mail, return receipt requested, prior to	404
destruction. Evidence of the notification of a destruction order	405
shall be proved by an affidavit or by the certified mail return	406
receipt.	407
(D) A destruction order shall contain all of the following	408
information:	409
(1) The name and address of the person owning and having	410
custody of the animal, if known;	411
(2) A description of the animal affected by the order;	412
(3) The reason for the order;	413

(4) A reasonable deadline for compliance with the order;	414
(5) A notice to the effect that any person adversely affected by the destruction order may request a hearing to review the order.	415 416 417
(E) A person adversely affected by an order may request in writing, within thirty days after receiving the order, a hearing in accordance with Chapter 119. of the Revised Code.	418 419 420
Sec. 941.14. (A) The owner shall burn the body of an animal that has died of, or been destroyed because of, a dangerously infectious or contagious disease, bury it not less than four feet under the surface of the ground, dissolve it by alkaline hydrolysis, remove it in a watertight tank to a rendering establishment, or otherwise dispose of it in accordance with section 953.26 or 1511.022 of the Revised Code within twenty-four hours after knowledge thereof or after notice in writing from the department of agriculture.	421 422 423 424 425 426 427 428 429
(B) The owner of premises that contain a dead animal shall burn the body of the animal, bury it not less than four feet beneath the surface of the ground, dissolve it by alkaline hydrolysis, remove it in a watertight tank to a rendering establishment, or otherwise dispose of it in accordance with section 953.26 or 1511.022 of the Revised Code within a reasonable time after knowledge thereof or after notice in writing from the department or from the township trustees of the township in which the owner's premises are located.	430 431 432 433 434 435 436 437 438
(C) <u>The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements and procedures governing the disposal of the body of an animal that has died of, or been destroyed because of, a disease of concern.</u>	439 440 441 442 443

(D) Notwithstanding division (A) or (B) of this section or 444
rules adopted under division (C) of this section, the director ~~of~~ 445
~~agriculture~~, in written notice sent to the owner of a dead animal, 446
may require the owner to employ a specific method of disposition 447
of the body, including burning, burying, rendering, composting, or 448
alkaline hydrolysis, when that method does not conflict with any 449
law or rule governing the disposal of infectious wastes and, in 450
the director's judgment, is necessary for purposes of animal 451
disease control. No person shall fail to employ the method of 452
disposition required under this division. 453

~~(D)~~(E) The director, in written notice sent to the owner of a 454
dead animal, may prohibit the owner from transporting the body of 455
the dead animal on any street or highway if that prohibition does 456
not conflict with any law or rule governing the transportation of 457
infectious wastes and, in the director's judgment, is necessary 458
for purposes of animal disease control. No person shall fail to 459
comply with a prohibition issued under this division. 460

~~(E)~~(F) As used in this section, "infectious wastes" has the 461
same meaning as in section 3734.01 of the Revised Code, and 462
"street" or "highway" has the same meaning as in section 4511.01 463
of the Revised Code. 464

Sec. 1327.46. As used in sections 1327.46 to 1327.61 of the 465
Revised Code: 466

(A) "Weights and measures" means all weights and measures of 467
every kind, instruments and devices for weighing and measuring, 468
and any appliances and accessories associated with any such 469
instruments and devices, except that "weights and measures" shall 470
not be construed to include meters for the measurement of 471
electricity, gas, whether natural or manufactured, or water when 472
the same are operated in a public utility system. Such 473
electricity, gas, and water meters, and appliances or accessories 474

associated therewith, are specifically excluded from the purview 475
of the weights and measures laws. 476

(B) "Intrastate commerce" means all commerce or trade that is 477
begun, carried on, and completed wholly within the limits of this 478
state, and "introduced into intrastate commerce" defines the time 479
and place in which the first sale and delivery of a commodity is 480
made within the state, the delivery being made either directly to 481
the purchaser or to a common carrier for shipment to the 482
purchaser. 483

(C) "Package" means any commodity put up or packaged in any 484
manner in advance of sale in units suitable for either wholesale 485
or retail sale. 486

(D) "Consumer package" means a package that is customarily 487
produced or distributed for sale through a retail sales agency for 488
consumption by an individual or use by an individual. 489

(E) "Weight" as used in connection with any commodity means 490
net weight. 491

(F) "Correct" as used in connection with weights and measures 492
means conformity with all applicable requirements of sections 493
1327.46 to 1327.61 of the Revised Code and rules adopted pursuant 494
to those sections. 495

(G) "Primary Reference standards" means the physical 496
standards of the state that serve as the legal reference from 497
which all other standards and weights and measures are derived. 498

(H) "Secondary Working standards" means the physical 499
standards that are traceable to the primary reference standards 500
through comparisons, using acceptable laboratory procedures, and 501
used in the enforcement of weights and measures laws and rules. 502

(I) "Sale from bulk" means the sale of commodities when the 503
quantity is determined at the time of sale. 504

(J) "Net weight" means the weight of a commodity, excluding 505
any materials, substances, or items not considered to be a part of 506
the commodity. Materials, substances, or items not considered to 507
be part of the commodity include, but are not limited to, 508
containers, conveyances, bags, wrappers, packaging materials, 509
labels, individual piece coverings, decorative accompaniments, and 510
coupons. 511

(K) "Random weight package" means a package that is one of a 512
lot, shipment, or delivery of packages of the same commodity with 513
no fixed pattern of weights. 514

(L) "Sold" includes keeping, offering, or exposing for sale. 515

(M) "Commercially used weighing and measuring device" means a 516
device described in the national institute of standards and 517
technology handbook 44 or its supplements and revisions and any 518
other weighing and measuring device designated by rules adopted 519
under division (C) of section 1327.50 of the Revised Code. 520
"Commercially used weighing and measuring device" includes, but is 521
not limited to, a livestock scale, vehicle scale, railway scale, 522
vehicle tank meter, bulk rack meter, and LPG meter. 523

(N) "Livestock scale" means a scale equipped with stock racks 524
and gates that is adapted to weighing livestock standing on the 525
scale platform. 526

(O) "Vehicle scale" means a scale that is adapted to weighing 527
highway, farm, or other large industrial vehicles other than 528
railroad cars. 529

(P) "Railway scale" means a rail scale that is designed to 530
weigh railroad cars. 531

(Q) "Vehicle tank meter" means a vehicle mounted device that 532
is designed for the measurement and delivery of liquid products 533
from a tank. 534

(R) "Bulk rack meter" means a wholesale device, usually 535
mounted on a rack, that is designed for the measurement and 536
delivery of liquid products. 537

(S) "LPG meter" means a system, including a mechanism or 538
machine of the meter type, that is designed to measure and deliver 539
liquefied petroleum gas in the liquid state by a definite quantity 540
whether installed in a permanent location or mounted on a vehicle. 541

(T) "Service person" means an individual who installs, 542
services, repairs, reconditions, or places into service a 543
commercially used weighing and measuring device for any type of 544
compensation. 545

Sec. 1327.48. Weights and measures that are traceable to the 546
United States prototype standards supplied by the federal 547
government, or approved as being satisfactory by the national 548
institute of standards and technology, shall be the state ~~primary~~ 549
reference standards of weights and measures, and shall be 550
maintained in such calibration as is prescribed by the national 551
institute of standards and technology. All ~~secondary working~~ 552
standards may be prescribed by the director of agriculture and 553
shall be verified upon their initial receipt, and as often as 554
found necessary by the director. 555

Sec. 1327.50. The director of agriculture shall: 556

(A) Maintain traceability of the state standards to those of 557
the ~~national institute of standards and technology~~ international 558
system of units; 559

(B) Enforce sections 1327.46 to 1327.61 of the Revised Code; 560

(C) Issue reasonable rules for the uniform enforcement of 561
sections 1327.46 to 1327.61 of the Revised Code, which rules shall 562
have the force and effect of law; 563

(D) Establish standards of weight, measure, or count,	564
reasonable standards of fill, and standards for the voluntary	565
presentation of cost per unit information for any package;	566
(E) Grant any exemptions from sections 1327.46 to 1327.61 of	567
the Revised Code, or any rules adopted under those sections, when	568
appropriate to the maintenance of good commercial practices in the	569
state;	570
(F) Conduct investigations to ensure compliance with sections	571
1327.46 to 1327.61 of the Revised Code;	572
(G) Delegate to appropriate personnel any of these	573
responsibilities for the proper administration of the director's	574
office;	575
(H) Test as often as is prescribed by rule the standards of	576
weight and measure used by any municipal corporation or county	577
within the state, and approve the same when found to be correct;	578
(I) Inspect and test weights and measures that are sold;	579
(J) Inspect and test to ascertain if they are correct,	580
weights and measures commercially used either:	581
(1) In determining the weight, measure, or count of	582
commodities or things sold on the basis of weight, measure, or	583
count;	584
(2) In computing the basic charge or payment for goods or	585
services rendered on the basis of weight, measure, or count.	586
(K) Test all weights and measures used in checking the	587
receipt or disbursement of supplies in every institution, for the	588
maintenance of which funds are appropriated by the general	589
assembly;	590
(L) Approve for use, and may mark, such weights and measures	591
as the director finds to be correct, and shall reject and mark as	592
rejected such weights and measures as the director finds to be	593

incorrect. Weights and measures that have been rejected may be 594
seized if not corrected within the time specified or if used or 595
disposed of in a manner not specifically authorized, and may be 596
condemned and seized if found to be incorrect and not capable of 597
being made correct. 598

(M) Weigh, measure, or inspect packaged commodities that are 599
sold or in the process of delivery to determine whether they 600
contain the amounts represented and whether they are sold in 601
accordance with sections 1327.46 to 1327.61 of the Revised Code or 602
rules adopted under those sections. In carrying out this section, 603
the director shall employ recognized sampling procedures, such as 604
those designated in the national institute of standards and 605
technology handbook 133 "checking the net contents of packaged 606
goods." 607

(N) Prescribe by rule the appropriate term or unit of weight 608
or measure to be used, whenever the director determines in the 609
case of a specific commodity that an existing practice of 610
declaring the quantity by weight, measure, numerical count, or 611
combination thereof, does not facilitate value comparisons by 612
consumers, or offers an opportunity for consumer confusion; 613

(O) Allow reasonable variations from the stated quantity of 614
contents, which shall include those caused by unavoidable 615
deviations in good manufacturing practice and by loss or gain of 616
moisture during the course of good distribution practice, only 617
after the commodity has entered intrastate commerce; 618

(P) Provide for the weights and measures training of 619
inspector personnel and establish minimum training requirements, 620
which shall be met by all inspector personnel, whether county, 621
municipal, or state; 622

(Q) Prescribe the methods of tests and inspections to be 623
employed in the enforcement of sections 1327.46 to 1327.61 of the 624

Revised Code. The director may prescribe the official test and inspection forms to be used.

(R) Provide by rule for ~~voluntary~~ registration with the director of private service persons who are employed by commercially used weighing and measuring device servicing agencies, ~~and personnel~~;

(S) In conjunction with the national institute of standards and technology, operate a type evaluation program for certification of weighing and measuring devices as part of the national type evaluation program. The director shall establish a schedule of fees for services rendered by the department of agriculture for type evaluation services. The director may require any weighing or measuring instrument or device to be traceable to a national type evaluation program certificate of conformance prior to use for commercial or law enforcement purposes.

(T) Verify advertised prices, price representations, and point-of-sale systems, as necessary, to determine both the accuracy of prices and computations and the correct use of the equipment and the accuracy of prices printed or recalled from a database if a system utilizes scanning or coding in lieu of manual entry. In order to implement this division, the director shall do all of the following:

(1) Employ recognized procedures such as those designated in the national institute of standards and technology handbook 130, uniform laws and regulations, "examination procedures for price verification";

(2) Adopt rules establishing requirements governing the accuracy of advertised prices and point-of-sale systems and establishing requirements and procedures for the enforcement of this division;

(3) Conduct necessary inspections.

Sec. 1327.501. (A) No person shall operate in this state a 656
commercially used weighing and measuring device that provides the 657
~~final~~ quantity ~~and final~~ or cost of a final transaction and for 658
which a fee is established in division (G) of this section unless 659
the operator of the device obtains a permit issued by the director 660
of agriculture or the director's designee. 661

(B) An application for a permit shall be submitted to the 662
director on a form that the director prescribes and provides. The 663
applicant shall include with the application any information that 664
is specified on the application form as well as the application 665
fee established in this section. 666

(C) Upon receipt of a completed application and the required 667
fee from an applicant, the director or the director's designee 668
shall issue or deny the permit to operate the commercially used 669
weighing and measuring device that was the subject of the 670
application. 671

(D) A permit issued under this section expires on the 672
thirtieth day of June of the year following its issuance and may 673
be renewed annually on or before the first day of July of that 674
year upon payment of a permit renewal fee established in this 675
section. 676

(E) If a permit renewal fee is more than sixty days past due, 677
the director may assess a late penalty in an amount established 678
under this section. 679

(F) The director shall do both of the following: 680

(1) Establish procedures and requirements governing the 681
issuance or denial of permits under this section; 682

(2) Establish late penalties to be assessed for the late 683
payment of a permit renewal fee and fees for the replacement of 684
lost or destroyed permits. 685

(G) An applicant for a permit to operate under this section 686
shall pay an application fee in the following applicable amount: 687

(1) Seventy-five dollars for a livestock scale; 688

(2) Seventy-five dollars for a vehicle scale; 689

(3) Seventy-five dollars for a railway scale; 690

(4) Seventy-five dollars for a vehicle tank meter; 691

(5) Seventy-five dollars for a bulk rack meter; 692

(6) Seventy-five dollars for a an LPG meter. 693

A person who is issued a permit under this section and who 694
seeks to renew that permit shall pay an annual permit renewal fee. 695
The amount of a permit renewal fee shall be equal to the 696
application fee for that permit established in this division. 697

(H) All money collected through the payment of fees and the 698
imposition of penalties under this section shall be credited to 699
the metrology and scale certification and device permitting fund 700
created in section 1327.511 of the Revised Code. 701

Sec. 1327.502. A service person who is employed by a 702
commercially used weighing and measuring device servicing agency 703
shall register with the director of agriculture in accordance with 704
rules adopted under section 1327.50 of the Revised Code. 705

Sec. 1327.61. No person shall do any of the following: 706

(A) Use or have in possession for use in commerce any 707
incorrect weight or measure; 708

(B) Wrap, package, label, or advertise any product or service 709
contrary to this chapter, or any rules adopted under it, or sell, 710
offer, hold, or expose for sale any service or product wrapped, 711
packaged, labeled, or offered for sale contrary to this chapter or 712
any rules adopted under it, or misrepresent the quantity or price 713

or service contrary to this chapter, or any rules adopted under 714
it; 715

(C) Remove any tag, seal, or mark from any weight or measure 716
without specific written authorization from the proper authority; 717

(D) Install for use, repair, service, or place into service a 718
commercially used weighing and measuring device unless the 719
installation, repair, service, or placement is performed by one of 720
the following: 721

(1) A department of agriculture division of weights and 722
measures inspector; 723

(2) A service person registered with the department; 724

(3) A county or municipal weights and measures inspector. 725

(E) Hinder or obstruct any weights and measures official in 726
the performance of ~~his~~ official duties; 727

~~(E)~~(F) Sell or offer for use in commerce any incorrect weight 728
or measure. 729

Sec. 1327.99. Whoever violates section 1327.501 or 1327.54 or 730
division (A), (B), (C), (D), or ~~(D)~~(E) of section 1327.61 of the 731
Revised Code or a rule adopted under sections 1327.46 to 1327.61 732
of the Revised Code is guilty of a misdemeanor of the second 733
degree on a first offense; on each subsequent offense within seven 734
years after the first offense, ~~such~~ the person is guilty of a 735
misdemeanor of the first degree. 736

Sec. 4707.02. (A) No person shall act as an auction firm, 737
auctioneer, apprentice auctioneer, or special auctioneer within 738
this state without a license issued by the department of 739
agriculture. No auction shall be conducted in this state except by 740
an auctioneer licensed by the department. 741

The department shall not issue or renew a license if the 742

applicant or licensee has been convicted of a felony or crime 743
involving fraud or theft in this or another state at any time 744
during the ten years immediately preceding application or renewal. 745

(B) Division (A) of this section does not apply to any of the 746
following: 747

(1) Sales at auction that either are required by law to be at 748
auction, other than sales pursuant to a judicial order or decree, 749
or are conducted by or under the direction of a public authority; 750

(2) The owner of any real or personal property desiring to 751
sell the property at auction, provided that the property was not 752
acquired for the purpose of resale; 753

(3) An auction mediation company; 754

(4) An auction that is conducted in a course of study for 755
auctioneers that is approved by the state auctioneers commission 756
created under section 4707.03 of the Revised Code for purposes of 757
student training and is supervised by a licensed auctioneer; 758

(5)(a) An auction that is sponsored by a nonprofit or 759
charitable organization that is registered in this state under 760
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 761
if the auction only involves the property of the members of the 762
organization and the auction is part of a fair that is organized 763
by an agricultural society under Chapter 1711. of the Revised Code 764
or by the Ohio expositions commission under Chapter 991. of the 765
Revised Code at which an auctioneer who is licensed under this 766
chapter physically conducts the auction; or 767

(b) Sales at an auction sponsored by a charitable, religious, 768
or civic organization that is tax exempt under subsection 769
501(c)(3) of the Internal Revenue Code, or by a public school, 770
chartered nonpublic school, or community school, if no person in 771
the business of organizing, arranging, or conducting an auction 772
for compensation and no consignor of consigned items sold at the 773

auction, except such organization or school, receives compensation 774
from the proceeds of the auction. As used in division (B)(5)(b) of 775
this section, "compensation" means money, a thing of value other 776
than participation in a charitable event, or a financial benefit. 777

(6) A person licensed as a livestock dealer under Chapter 778
943. of the Revised Code who exclusively sells livestock and uses 779
an auctioneer who is licensed under this chapter to conduct the 780
auction; 781

(7) A person licensed as a motor vehicle auction owner under 782
Chapter 4517. of the Revised Code who exclusively sells motor 783
vehicles to a person licensed under Chapter 4517. of the Revised 784
Code and who uses an auctioneer who is licensed under this chapter 785
to conduct the auction; 786

(8) ~~A person who sells~~ Sales of real or personal property 787
conducted by means of the internet, provided that they are not 788
conducted in conjunction with a live auction; 789

(9) A bid calling contest that is approved by the commission 790
and that is conducted for the purposes of the advancement or 791
promotion of the auction profession in this state, provided that 792
no compensation is paid to the sponsor of or participants in the 793
contest other than a prize or award for winning the contest; 794

(10) An auction at which the champion of a national or 795
international bid calling contest appears, provided that both of 796
the following apply: 797

(a) The champion is not paid a commission. 798

(b) The auction is conducted under the direct supervision of 799
an auctioneer licensed under this chapter in order to ensure that 800
the champion complies with this chapter and rules adopted under 801
it. 802

(C)(1) No person shall advertise or hold oneself out as an 803

auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture. 804
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(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section. 807
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Sec. 6109.20. (A) The director of environmental protection shall adopt rules in accordance with Chapter 119. of the Revised Code that establish requirements for public water systems to achieve optimal levels of fluoride in water supplied by those water systems. The director shall ensure that the rules are consistent with the fluoride levels for public water systems specified in the United States department of health and human services' "Recommendation for fluoride concentration in drinking water for prevention of dental caries." 810
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(B) If the natural fluoride content of water supplied by a public water system that supplies water to five thousand or more persons is less than the content level established by the director, fluoride shall be added to the water to attain the established content level. 819
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Section 2. That existing sections 901.23, 921.12, 941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 1327.99, and 4707.02 and section 6109.20 of the Revised Code are hereby repealed. 824
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Section 3. The member who is serving on the Farmland Preservation Advisory Board on the effective date of this section who was appointed under division (A)(3) of section 901.23 of the Revised Code as that section existed prior to its amendment by this act shall continue serving on the Board until the end of the term for which the member was appointed. The Director of 828
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Agriculture then shall appoint a member of the Board under
division (A)(3) of that section as amended by this act.

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