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Representative Pelanda

Cosponsors: Representatives Hill, Buchy, Patmon, Anielski, Antonio, Brown, Grossman, Hackett, Hall, Hambley, Hayes, Johnson, T., Kraus, LaTourette, McClain, Patterson, Scherer, Smith, R., Sprague, Speaker Rosenberger

Senator Hite

A BILL

To amend sections 901.23, 921.12, 940.02, 941.01, 1
941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 2
941.11, 941.14, 943.02, 943.14, 1327.46, 3
1327.48, 1327.50, 1327.501, 1327.61, 1327.99, 4
and 4707.02, to enact new section 3335.361 and 5
section 1327.502, and to repeal section 3335.361 6
of the Revised Code to include diseases of 7
concern within the scope of the Animal Diseases 8
Law, and to make changes to the laws governing 9
weights and measures, livestock dealers, 10
auctioneers, fingerprinting and background 11
checks of 4-H volunteers, the membership of the 12
Farmland Preservation Advisory Board, the duties 13
of the Ohio Soil and Water Conservation 14
Commission, and the pesticide licensing renewal 15
process. 16

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

Section 1. That sections 901.23, 921.12, 940.02, 941.01, 17
941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 18
943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 19
1327.99, and 4707.02 be amended and new section 3335.361 and 20
section 1327.502 of the Revised Code be enacted to read as 21
follows: 22

Sec. 901.23. (A) There is hereby created the farmland 23
preservation advisory board consisting of twelve voting members 24
appointed by the director of agriculture as follows: 25

(1) One member who is a county commissioner or a 26
representative of a statewide organization that represents 27
county commissioners; 28

(2) One member who is a township trustee or a 29
representative of a statewide organization that represents 30
township trustees; 31

(3) One representative of ~~the an~~ Ohio ~~state~~ university; 32

(4) One representative of a nonprofit organization 33
dedicated to the preservation of farmland; 34

(5) One representative each of development, environmental, 35
planning, and soil and water conservation interests; 36

(6) One farmer from each of the state's four quadrants. 37

Terms of office shall be staggered and shall be for three 38
years, with each term ending on the same day of the same month 39
as did the term that it succeeds. Each member shall hold office 40
from the date of appointment until the end of the term for which 41
the member was appointed, except that the term of any member who 42
is a county commissioner or township trustee shall end when the 43
member ceases to serve as a county commissioner or township 44

trustee. 45

Members may be reappointed. Vacancies shall be filled in 46
the manner provided for original appointments. Any member 47
appointed to fill a vacancy occurring prior to the expiration 48
date of the term for which the member was appointed shall serve 49
for the remainder of that term. A member shall continue to serve 50
subsequent to the expiration date of the member's term until the 51
member's successor takes office or until a period of sixty days 52
has elapsed, whichever occurs first. Members shall serve at the 53
pleasure of the director. 54

The executive director of the office of farmland 55
preservation in the department of agriculture or another 56
employee of the department who is designated by the director 57
shall serve as the nonvoting chairperson of the board. The 58
director annually shall designate one member of the board to 59
serve as its vice-chairperson. The board may adopt bylaws 60
governing its operation and shall meet at a time when the 61
director, or the director's designee, considers it appropriate 62
in order for the board to provide advice as required under 63
division (B) of this section. 64

(B) The board shall provide advice to the director 65
regarding all of the following: 66

(1) The design and implementation of an agricultural 67
easement purchase program; 68

(2) The selection of applications that will be awarded 69
matching grants under division (D) of section 901.22 of the 70
Revised Code for the purchase of agricultural easements; 71

(3) The design and implementation of any other statewide 72
farmland protection measures that the director considers 73

appropriate. 74

(C) Serving as a member of the board does not constitute 75
holding a public office or position of employment under the laws 76
of this state and does not constitute grounds for removal of 77
public officers or employees from their offices or positions of 78
employment. 79

(D) A board member shall be reimbursed for actual and 80
necessary expenses incurred in the discharge of duties as a 81
board member. 82

Sec. 921.12. (A) The director of agriculture shall require 83
each applicant for a license under section 921.06 or 921.11 of 84
the Revised Code to be examined on the applicant's knowledge and 85
competency in each of the following: 86

(1) This chapter and rules adopted under it; 87

(2) The proper use, handling, and application of 88
pesticides and, if the applicant is applying for a license under 89
section 921.06 of the Revised Code, in the conducting of 90
diagnostic inspections in the pesticide-use categories for which 91
the applicant has applied. 92

(B) Each application for renewal of a license provided for 93
in section 921.06 of the Revised Code shall be filed prior to 94
the deadline established by rule. If filed after the deadline, a 95
penalty of fifty per cent shall be assessed and added to the 96
original fee and shall be paid by the applicant before the 97
renewal license is issued. However, if a license issued under 98
section 921.06 or 921.11 of the Revised Code is not renewed 99
within one year of hundred eighty days after the date of 100
expiration, the licensee shall be required to take another 101
examination on this chapter and rules adopted under it and on 102

the proper use, handling, and application of pesticides and, if 103
applicable, the proper conducting of diagnostic inspections in 104
the pesticide-use categories for which the licensee has been 105
licensed. 106

(C) A person who fails to pass an examination under 107
division (A) or (B) of this section is not entitled to an 108
adjudication under Chapter 119. of the Revised Code for that 109
failure. 110

(D) The holder of a commercial applicator license may 111
renew the license within one ~~year of~~ hundred eighty days after 112
the date of expiration without re-examination unless the 113
director determines that a new examination is necessary to 114
insure that the holder continues to meet the requirements of 115
changing technology and to assure a continuing level of 116
competence and ability to use pesticides safely and properly. 117

(E) ~~The director shall determine when holder of a private~~ 118
~~applicator license may renew the license within one hundred~~ 119
~~eighty days after the date of expiration without re-examination~~ 120
~~for unless the renewal of licenses for private applicators~~ 121
~~director determines that a new examination is required necessary~~ 122
to insure that ~~private applicators continue~~ the holder continues 123
to meet the requirements of changing technology and to assure a 124
continuing level of competence and ability to use pesticides 125
safely and properly. 126

(F) Instead of requiring a commercial applicator or 127
private applicator to complete re-examination successfully under 128
division (D) or (E) of this section, the director may require, 129
in accordance with criteria established by rule, the commercial 130
applicator or private applicator to participate in training 131
programs that are designed to foster knowledge of new technology 132

and to ensure a continuing level of competence and ability to 133
use pesticides safely and properly. The director or the 134
director's representative may provide the training or may 135
authorize a third party to do so. In order for such 136
authorization to occur, the third party and its training program 137
shall comply with standards and requirements established by 138
rule. 139

Sec. 940.02. There is hereby established in the department 140
of agriculture the Ohio soil and water conservation commission. 141
The commission shall consist of seven members of equal status 142
and authority, six of whom shall be appointed by the governor 143
with the advice and consent of the senate, and one of whom shall 144
be designated by resolution of the board of directors of the 145
Ohio federation of soil and water conservation districts. The 146
directors of agriculture, environmental protection, and natural 147
resources, the vice-president for agricultural administration of 148
the Ohio state university, and an officer of the Ohio federation 149
of soil and water conservation districts, or their designees, 150
may serve as ex officio members of the commission, but without 151
the power to vote. A vacancy in the office of an appointed 152
member shall be filled by the governor, with the advice and 153
consent of the senate. Any member appointed to fill a vacancy 154
occurring prior to the expiration of the term for which the 155
member's predecessor was appointed shall hold office for the 156
remainder of that term. Of the appointed members, four shall be 157
persons who have a knowledge of or interest in agricultural 158
production and the natural resources of the state. One member 159
shall represent rural interests and one member shall represent 160
urban interests. Not more than three of the appointed members 161
shall be members of the same political party. 162

Terms of office of the member designated by the board of 163

directors of the federation and the members appointed by the 164
governor shall be for four years, commencing on the first day of 165
July and ending on the thirtieth day of June. 166

Each appointed member shall hold office from the date of 167
appointment until the end of the term for which the member was 168
appointed. Any appointed member shall continue in office 169
subsequent to the expiration date of the member's term until the 170
member's successor takes office, or until a period of sixty days 171
has elapsed, whichever occurs first. 172

The commission shall organize by selecting from its 173
members a chairperson and a vice-chairperson. The commission 174
shall hold at least one regular meeting in each quarter of each 175
calendar year and shall keep a record of its proceedings, which 176
shall be open to the public for inspection. Special meetings may 177
be called by the chairperson and shall be called by the 178
chairperson upon receipt of a written request signed by two or 179
more members of the commission. Written notice of the time and 180
place of each meeting shall be sent to each member of the 181
commission. A majority of the commission shall constitute a 182
quorum. 183

The commission may adopt rules as necessary to carry out 184
the purposes of this chapter, subject to Chapter 119. of the 185
Revised Code. 186

The governor may remove any appointed member of the 187
commission at any time for inefficiency, neglect of duty, or 188
malfeasance in office, after giving to the member a copy of the 189
charges against the member and an opportunity to be heard 190
publicly in person or by counsel in the member's defense. Any 191
such act of removal by the governor is final. A statement of the 192
findings of the governor, the reason for the governor's action, 193

and the answer, if any, of the member shall be filed by the 194
governor with the secretary of state and shall be open to public 195
inspection. 196

All members of the commission shall be reimbursed for the 197
necessary expenses incurred by them in the performance of their 198
duties as members. 199

Upon recommendation by the commission, the director of 200
agriculture shall designate an executive secretary and provide 201
staff necessary to carry out the powers and duties of the 202
commission. 203

The commission shall do all of the following: 204

(A) Determine distribution of funds under section 940.15 205
of the Revised Code, recommend to the director and other 206
agencies the levels of appropriations to special funds 207
established to assist soil and water conservation districts, and 208
recommend the amount of federal funds to be requested and 209
policies for the use of such funds in support of soil and water 210
conservation district programs; 211

(B) Assist in keeping the supervisors of soil and water 212
conservation districts informed of their powers and duties, 213
program opportunities, and the activities and experience of all 214
other districts, and facilitate the interchange of advice, 215
experience, and cooperation between the districts; 216

(C) Seek the cooperation and assistance of the federal 217
government or any of its agencies, and of agencies of this 218
state, in the work of the districts; 219

(D) Adopt appropriate rules governing the conduct of 220
elections provided for in this chapter, subject to Chapter 119. 221
of the Revised Code, provided that only owners and occupiers of 222

lands situated within the boundaries of the districts or 223
proposed districts to which the elections apply shall be 224
eligible to vote in the elections; 225

(E) Recommend to the director priorities for planning and 226
construction of small watershed projects, and make 227
recommendations to the director concerning coordination of 228
programs as proposed and implemented in agreements with soil and 229
water conservation districts; 230

(F) Recommend to the director, the governor, and the 231
general assembly programs and legislation with respect to the 232
operations of soil and water conservation districts that will 233
encourage proper soil, water, and other natural resource 234
management and promote the economic and social development of 235
the state; 236

(G) Recommend to the director of agriculture a procedure 237
for coordination of a program of agricultural pollution 238
abatement. Implementation of such a program shall be based on 239
~~air and water quality standards adopted pursuant to sections-~~ 240
~~3704.03 and section 6111.041 of the Revised Code, respectively.~~ 241
~~The director of agriculture, through the division of soil and~~ 242
~~water conservation, shall coordinate the efforts of state and~~ 243
~~local governmental agencies to meet the minimum state air and~~ 244
~~water quality standards relating to agricultural pollutants. The~~ 245
director of environmental protection ~~shall utilize~~ may 246
coordinate with the division of soil and water conservation in 247
the department of agriculture and soil and water conservation 248
districts ~~in encouraging landowner for the~~ abatement of 249
agricultural pollution. 250

Sec. 941.01. As used in this chapter: 251

(A) "Dangerously contagious or infectious disease" means 252
any disease, including any foreign animal disease, or vector, 253
that the director of agriculture, ~~in his~~ the director's sound 254
discretion, determines to be of harmful effect on the animal or 255
poultry industry or the public health and to be capable of 256
transmission by any means from a carrier animal to a human or to 257
another animal. 258

(B) "Disease of concern" means any disease, including any 259
foreign animal disease, or vector, that the director determines 260
may have an adverse impact on the animal or poultry industry or 261
to the public health in this state, but that is not a disease 262
that is reportable to the United States department of 263
agriculture. 264

(C) "Geographic area" means any county or counties within 265
this state or parts thereof as may be designated by the 266
director. 267

~~(C)~~ (D) "Animal" means any animal that is a bird, reptile, 268
amphibian, fish, or mammal, other than humans. 269

~~(D)~~ (E) "Domestic animal" includes livestock; other 270
animals that through long association with humans have been bred 271
to a degree resulting in genetic changes affecting the 272
temperament, color, conformation, or other attributes of the 273
species to an extent that makes them different from nondomestic 274
animals of their kind; and other animals as defined by rule by 275
the director. 276

~~(E)~~ (F) "Foreign animal disease" means a contagious or 277
infectious disease that is not present in United States domestic 278
or nondomestic species populations and is listed by the United 279
States department of agriculture as a "foreign animal disease." 280

~~(F)~~-(G) "Nondomestic animal" means any animal that is not 281
domestic, including at least nonindigenous animals and animals 282
usually not in captivity. 283

~~(G)~~-(H) "Poultry" means any domesticated fowl kept in 284
confinement, except for doves and pigeons, that are bred for the 285
primary purpose of producing eggs or meat for human consumption. 286
"Poultry" includes chickens, turkeys, waterfowl, and game birds. 287

~~(H)~~-(I) "Vector" means a disease carrier, usually from, 288
but not limited to, the arthropod class, ~~which that~~ transfers an 289
infectious agent that may transmit a dangerously contagious or 290
infectious disease from one host to another. 291

~~(I)~~-(J) "Residue" means any poisonous or deleterious 292
pesticide governed by 40 C.F.R. 180, any poisonous or 293
deleterious substance governed by 21 C.F.R. 109.6, or any other 294
substance governed by 21 C.F.R. 556. 295

~~(J)~~-(K) "Seal" means any band or object made of metal, 296
plastic, or other material placed on a vehicle or other means of 297
conveyance so that when the vehicle or conveyance is opened, the 298
band or object is affected, altered, or broken. 299

Sec. 941.03. (A) The director of agriculture, under 300
Chapter 119. of the Revised Code, may adopt and enforce rules to 301
carry out this chapter, including designating a disease or 302
vector as a dangerously contagious or infectious disease or as a 303
disease of concern. 304

(B) No person shall fail to comply with the rules adopted 305
by the director under division (A) of this section. 306

Sec. 941.04. (A) Whenever the director of agriculture or 307
~~his~~ the director's authorized representative reasonably suspects 308
that any premises or means of conveyance contains an animal that 309

is infected with or has been exposed to a dangerously contagious 310
or infectious disease or a disease of concern or is adulterated 311
with a residue, ~~he~~ the director or the director's authorized 312
representative shall have free access to those premises or that 313
means of conveyance at any reasonable time. 314

(B) Whenever the director of agriculture or ~~his~~ the 315
director's authorized representative reasonably suspects that 316
any vehicle or means of conveyance traveling into or through the 317
state contains an animal, ~~he~~ the director or the director's 318
authorized representative shall have free access to the vehicle 319
or means of conveyance, including the right to stop ~~such~~ the 320
vehicle or conveyance transporting animals into or through the 321
state. The director or ~~his~~ the director's authorized 322
representative may examine any certificate of veterinary 323
inspection, animal health certificate, waybill, yarding ~~receipt~~ 324
receipt, sale ticket, or other document required by this chapter 325
or rules adopted under it. The director or ~~his~~ the director's 326
authorized representative also may inspect the vehicle or 327
conveyance for the purposes of verifying the presence or 328
existence of any animal for which a document is required by this 329
chapter or rules adopted under it and verifying lawful 330
possession or ownership of the animal. This division does not 331
apply to animals transported intrastate. 332

Within the parameters of the United States and Ohio 333
constitutions, any person who operates a vehicle or means of 334
conveyance upon a roadway in this state is deemed to have 335
consented to the inspection of the vehicle or conveyance and the 336
documents as described in this section. 337

(C) In the event the owner of the animal or the operator 338
of the vehicle or conveyance fails to present any document 339

required by this chapter and rules adopted under it, or if the 340
documents indicate or the director or ~~his~~ the director's 341
authorized representative reasonably suspects that an animal is 342
infected with or has been exposed to a dangerously contagious or 343
infectious disease or a disease of concern or is adulterated 344
with a residue, the director or ~~his~~ the director's authorized 345
representative shall seal the vehicle or conveyance. A seal 346
shall not be broken or removed from a vehicle or conveyance 347
within this state or any other state except by the director or 348
~~his~~ the director's authorized representative or by a person 349
holding a similar position in another state, territory, or 350
country. 351

Once the vehicle or conveyance is sealed, its operator 352
shall choose a course of action to be taken under division (D) 353
of section 941.10 of the Revised Code. If the operator fails to 354
choose and the owner of the animal can be contacted, the owner 355
shall make the choice. If the owner cannot be contacted, the 356
director or ~~his~~ the director's authorized representative shall 357
make the choice. Any time that the director or ~~his~~ the 358
director's authorized representative determines that a course of 359
action under division (D) of section 941.10 of the Revised Code 360
is inappropriate, ~~he~~ the director or the director's authorized 361
representative may refuse to allow that course of action to be 362
taken or may limit it. The director or ~~his~~ the director's 363
authorized representative shall issue a permit designating and 364
requiring compliance with the course of action chosen under this 365
division. 366

If the director or ~~his~~ the director's authorized 367
representative reasonably suspects that an animal is stolen or 368
that the operator of the vehicle or conveyance is not in lawful 369
possession of the animal, or while waiting for a search warrant 370

to be issued under section 941.042 of the Revised Code, ~~he~~ the 371
director or the director's authorized representative may detain 372
or impound the vehicle or conveyance or detain the animal. If 373
the director or ~~his~~ the director's authorized representative 374
determines, during any detention or impoundment, that disposal 375
of the animal is necessary, ~~he~~ the director or the director's 376
authorized representative may provide for its disposal in 377
accordance with section 941.043 of the Revised Code. 378

(D) The director or ~~his~~ the director's authorized 379
representative, in performing ~~his~~ official duties under this 380
section, may call on such law enforcement personnel and 381
government officials as are necessary to ~~assist him~~ provide 382
assistance. The director or ~~his~~ the director's authorized 383
representative may detain or follow any vehicle or conveyance 384
until those persons arrive. 385

(E) At the direction of the director and in ~~his~~ the 386
director's discretion, an employee of the animal and plant 387
health inspection service-veterinary services in the United 388
States department of agriculture may be an authorized 389
representative of the director for purposes of this chapter. 390

Sec. 941.06. (A) If any person has reason to suspect the 391
existence of a dangerously contagious or infectious disease, a 392
disease of concern, or a residue, ~~he~~ the person immediately 393
shall give notice of that fact to the director of agriculture or 394
to a licensed veterinarian. 395

(B) If a veterinarian receives notice of the existence or 396
suspected existence of a dangerously contagious or infectious 397
disease, a disease of concern, or a residue as provided in 398
division (A) of this section, ~~he~~ the veterinarian immediately 399
shall communicate that notice to the director. 400

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

(D) The offense established under division (C) of this
section is a strict liability offense and section 2901.20 of the
Revised Code does not apply. The designation of this offense as
a strict liability offense shall not be construed to imply that
any other offense, for which there is no specified degree of
culpability, is not a strict liability offense.

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

(B) Except as otherwise provided in this chapter, if, as
the result of the investigation, an animal is found to be
infected with or exposed to a dangerously contagious or
infectious disease or a disease of concern or adulterated with a
residue, the director or ~~his~~ the director's authorized
representative may issue quarantine orders, without a prior

hearing, pursuant to this section in order to prevent 431
dangerously contagious or infectious diseases, diseases of 432
concern, or residues from affecting other animals in the state 433
or the public health. No person shall fail to comply with the 434
terms and conditions of the quarantine order. 435

(C) No animal or its means of conveyance shall be brought 436
to or removed from the premises or geographic area disclosed in 437
a quarantine order without written permission from the director 438
or ~~his~~ the director's authorized representative. 439

(D) The director, if possible, shall notify any person 440
owning or having custody of a quarantined animal either in 441
person or by certified mail, return receipt requested. Evidence 442
of the notification of a quarantine order shall be proved by 443
affidavit or by the certified mail return receipt. The director 444
also may post the quarantine order at two conspicuous places on 445
the quarantined premises. 446

(E) A quarantine order shall contain all of the following 447
information: 448

(1) The name and address of the person owning and having 449
custody of the quarantined animal, if known; 450

(2) A description of the quarantined animal; 451

(3) A description of the premises and means of conveyance 452
affected by the quarantine; 453

(4) The reason for the quarantine; 454

(5) The terms and conditions applicable to the quarantine; 455

(6) A notice to the effect that persons adversely affected 456
by the quarantine order may request a hearing to review the 457
order. 458

(F) A person adversely affected by a quarantine order, 459
within thirty days after the order is issued, may request in 460
writing a hearing in accordance with Chapter 119. of the Revised 461
Code. A request for a hearing does not stay a quarantine order. 462

(G) A quarantine order shall remain in effect until a 463
written notice of release is issued by the department of 464
agriculture, or until ordered to be removed after a hearing 465
under division (F) of this section. 466

(H) All necessary and proper expenses incurred by the 467
director in the quarantine of an animal shall be paid by the 468
state. However, such expenses shall not include the maintenance, 469
feeding, and quartering of the animal while in quarantine. 470

(I) A copy of the results of any tests or method of 471
detection for a dangerously contagious or infectious disease or 472
a disease of concern, conducted by a person authorized by the 473
department of agriculture, shall be admitted in any court as 474
prima-facie proof of ~~such those~~ results when ~~such the~~ results 475
are certified by the department or authorized person. 476

Sec. 941.09. (A) The director of agriculture may adopt and 477
enforce rules in accordance with Chapter 119. of the Revised 478
Code governing the identification of an animal tested for, 479
vaccinated against, or infected with a dangerously contagious or 480
infectious disease or a disease of concern or adulterated with a 481
residue and the importation, use, dispensation, and reporting of 482
the use of vaccines for mitigating dangerously contagious or 483
infectious diseases or diseases of concern or other treatments 484
for residues. 485

(B) No person shall remove, alter, or replace an 486
identification that is required by federal or state law and is 487

placed upon an animal by a person authorized by the director. 488

Sec. 941.10. (A) The director of agriculture may adopt and 489
enforce rules to govern the importation and movement of animals. 490

(B) Whenever the governor upon receipt of information from 491
the director believes that any condition or disease, including a 492
dangerously contagious or infectious disease or a disease of 493
concern present in any other state, territory, or country, may 494
endanger the health of livestock, animals, or persons of this 495
state, ~~he~~ the governor may prohibit or regulate by proclamation, 496
the importation from ~~such that~~ other state, territory, or 497
country, of animals of a kind that could carry that disease or 498
condition into this state. 499

(C) No person shall import, move, sell, or dispose of any 500
animal contrary to a proclamation issued by the governor under 501
division (B) of this section, without first obtaining written 502
permission from the director. 503

(D) When an animal is moved into the state in violation of 504
any applicable federal or state law, the director or ~~his~~ the 505
director's authorized representative, without prior hearing, may 506
take whichever of the following courses of action regarding the 507
animal as ~~he~~ the director or the director's authorized 508
representative determines is most appropriate: 509

(1) Quarantine the animal until it is brought into 510
compliance; 511

(2) Order the animal returned to the point of origin; 512

(3) Order the animal moved to slaughter. 513

Sec. 941.11. (A) Except as otherwise provided in this 514
chapter, the director of agriculture, without prior hearing, may 515

order the destruction of any domestic or nondomestic animal 516
found to be adulterated with residues, infected with or exposed 517
to a dangerously contagious or infectious disease, infected with 518
or exposed to a disease of concern, or determined to endanger 519
the health or well-being of animal populations or public health 520
in the state. If the director determines that seizure and 521
destruction of a nondomestic animal is necessary, ~~he~~ the 522
director shall coordinate the seizure and destruction of that 523
animal with the department of natural resources. 524

(B) (1) No person shall fail to comply with the director's 525
order to destroy an animal found to be infected with or exposed 526
to a dangerously contagious or infectious disease or a disease 527
of concern or adulterated with residues. 528

(2) The offense established under division (B) (1) of this 529
section is a strict liability offense and section 2901.20 of the 530
Revised Code does not apply. The designation of this offense as 531
a strict liability offense shall not be construed to imply that 532
any other offense, for which there is no specified degree of 533
culpability, is not a strict liability offense. 534

(C) The director, if possible, shall notify any person 535
owning or having custody of an animal ordered destroyed, either 536
in person or by certified mail, return receipt requested, prior 537
to destruction. Evidence of the notification of a destruction 538
order shall be proved by an affidavit or by the certified mail 539
return receipt. 540

(D) A destruction order shall contain all of the following 541
information: 542

(1) The name and address of the person owning and having 543
custody of the animal, if known; 544

(2) A description of the animal affected by the order;	545
(3) The reason for the order;	546
(4) A reasonable deadline for compliance with the order;	547
(5) A notice to the effect that any person adversely affected by the destruction order may request a hearing to review the order.	548 549 550
(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.	551 552 553
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.	554 555 556 557 558 559 560 561 562
(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.	563 564 565 566 567 568 569 570 571
(C) <u>The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing</u>	572 573

requirements and procedures governing the disposal of the body 574
of an animal that has died of, or been destroyed because of, a 575
disease of concern. 576

(D) Notwithstanding division (A) or (B) of this section or 577
rules adopted under division (C) of this section, the director 578
~~of agriculture,~~ in written notice sent to the owner of a dead 579
animal, may require the owner to employ a specific method of 580
disposition of the body, including burning, burying, rendering, 581
composting, or alkaline hydrolysis, when that method does not 582
conflict with any law or rule governing the disposal of 583
infectious wastes and, in the director's judgment, is necessary 584
for purposes of animal disease control. No person shall fail to 585
employ the method of disposition required under this division. 586

~~(D)~~ (E) The director, in written notice sent to the owner 587
of a dead animal, may prohibit the owner from transporting the 588
body of the dead animal on any street or highway if that 589
prohibition does not conflict with any law or rule governing the 590
transportation of infectious wastes and, in the director's 591
judgment, is necessary for purposes of animal disease control. 592
No person shall fail to comply with a prohibition issued under 593
this division. 594

~~(E)~~ (F) As used in this section, "infectious wastes" has 595
the same meaning as in section 3734.01 of the Revised Code, and 596
"street" or "highway" has the same meaning as in section 4511.01 597
of the Revised Code. 598

Sec. 943.02. (A) No person shall act as a small dealer, 599
dealer, or broker without first being licensed. No person shall 600
be an employee of more than one small dealer, dealer, or broker. 601
Except as provided in division (B) of this section, no person 602
holding a license as a small dealer, dealer, or broker shall be 603

an employee. No employee shall act for any small dealer, dealer, 604
or broker unless the small dealer, dealer, or broker is 605
licensed, and has designated the employee to act in the small 606
dealer's, dealer's, or broker's behalf and has notified the 607
department of agriculture in the application for license or has 608
given official notice in writing of the appointment of the 609
employee. The small dealer, dealer, or broker shall be 610
accountable and responsible for all contracts pertaining to the 611
purchase, exchange, or sale of livestock made by the employee. 612
The small dealer, dealer, or broker who terminates the services 613
of an employee shall notify the department in writing of the 614
employee's termination. No person who is a licensed small 615
dealer, dealer, or broker shall have livestock exempted pursuant 616
to divisions (B) (1) to (6) of section 943.01 of the Revised 617
Code. 618

(B) (1) No person who has been convicted of or pleaded 619
guilty to a violation of this chapter or rules adopted under it 620
shall act as an owner, supervisor, employee, contractor, 621
volunteer, or agent of a person licensed under this chapter 622
unless specifically authorized to do so by the director of 623
agriculture. 624

(2) The offense established under division (B) (1) of this 625
section is a strict liability offense and section 2901.20 of the 626
Revised Code does not apply. The designation of this offense as 627
a strict liability offense shall not be construed to imply that 628
any other offense, for which there is no specified degree of 629
culpability, is not a strict liability offense. 630

~~(B)~~ (C) A small dealer, dealer, or broker may be an 631
employee of other small dealers, dealers, or brokers only when 632
the small dealer, dealer, or broker so employed is a soliciting 633

agent for a video auction. 634

~~(C)~~ (D) The director of ~~agriculture~~ shall define by rule 635
"soliciting agent" and "video auction" for the purposes of this 636
section. 637

Sec. 943.14. (A) The department of agriculture or any of 638
its authorized agents may inspect the records of any licensee or 639
employee at any time to determine the origin and destination of 640
any livestock handled by the licensee and to determine if 641
sections 943.01 to 943.18 of the Revised Code, or the rules 642
adopted thereunder, have been violated. 643

(B) A small dealer, dealer, or broker, employee, or person 644
described in division (B) (4) of section 943.01 of the Revised 645
Code, who acquires or disposes of an animal by any means, shall 646
make a record of the name and address of the person from whom 647
the animal was acquired and to whom disposed. The record also 648
shall show the individual identification of each animal at the 649
time of acquisition or disposal. These records shall be 650
maintained for a period of sixty months or longer from the date 651
of acquisition or disposal. 652

(C) The individual identification in division (B) of this 653
section shall be in a manner or form approved by the department. 654

(D) A person who is a soliciting agent for a video auction 655
pursuant to division ~~(B)~~ (C) of section 943.02 of the Revised 656
Code shall maintain records in a manner or form approved by the 657
department. 658

Sec. 1327.46. As used in sections 1327.46 to 1327.61 of 659
the Revised Code: 660

(A) "Weights and measures" means all weights and measures 661
of every kind, instruments and devices for weighing and 662

measuring, and any appliances and accessories associated with 663
any such instruments and devices, except that "weights and 664
measures" shall not be construed to include meters for the 665
measurement of electricity, gas, whether natural or 666
manufactured, or water when the same are operated in a public 667
utility system. Such electricity, gas, and water meters, and 668
appliances or accessories associated therewith, are specifically 669
excluded from the purview of the weights and measures laws. 670

(B) "Intrastate commerce" means all commerce or trade that 671
is begun, carried on, and completed wholly within the limits of 672
this state, and "introduced into intrastate commerce" defines 673
the time and place in which the first sale and delivery of a 674
commodity is made within the state, the delivery being made 675
either directly to the purchaser or to a common carrier for 676
shipment to the purchaser. 677

(C) "Package" means any commodity put up or packaged in 678
any manner in advance of sale in units suitable for either 679
wholesale or retail sale. 680

(D) "Consumer package" means a package that is customarily 681
produced or distributed for sale through a retail sales agency 682
for consumption by an individual or use by an individual. 683

(E) "Weight" as used in connection with any commodity 684
means net weight. 685

(F) "Correct" as used in connection with weights and 686
measures means conformity with all applicable requirements of 687
sections 1327.46 to 1327.61 of the Revised Code and rules 688
adopted pursuant to those sections. 689

(G) "~~Primary Reference~~ standards" means the physical 690
standards of the state that serve as the legal reference from 691

which all other standards and weights and measures are derived. 692

(H) "~~Secondary Working~~ standards" means the physical 693
standards that are traceable to the ~~primary reference~~ standards 694
through comparisons, using acceptable laboratory procedures, and 695
used in the enforcement of weights and measures laws and rules. 696

(I) "Sale from bulk" means the sale of commodities when 697
the quantity is determined at the time of sale. 698

(J) "Net weight" means the weight of a commodity, 699
excluding any materials, substances, or items not considered to 700
be a part of the commodity. Materials, substances, or items not 701
considered to be part of the commodity include, but are not 702
limited to, containers, conveyances, bags, wrappers, packaging 703
materials, labels, individual piece coverings, decorative 704
accompaniments, and coupons. 705

(K) "Random weight package" means a package that is one of 706
a lot, shipment, or delivery of packages of the same commodity 707
with no fixed pattern of weights. 708

(L) "Sold" includes keeping, offering, or exposing for 709
sale. 710

(M) "Commercially used weighing and measuring device" 711
means a device described in the national institute of standards 712
and technology handbook 44 or its supplements and revisions and 713
any other weighing and measuring device designated by rules 714
adopted under division (C) of section 1327.50 of the Revised 715
Code. "Commercially used weighing and measuring device" 716
includes, but is not limited to, a livestock scale, vehicle 717
scale, railway scale, vehicle tank meter, bulk rack meter, and 718
LPG meter. 719

(N) "Livestock scale" means a scale equipped with stock 720

racks and gates that is adapted to weighing livestock standing on the scale platform.	721 722
(O) "Vehicle scale" means a scale that is adapted to weighing highway, farm, or other large industrial vehicles other than railroad cars.	723 724 725
(P) "Railway scale" means a rail scale that is designed to weigh railroad cars.	726 727
(Q) "Vehicle tank meter" means a vehicle mounted device that is designed for the measurement and delivery of liquid products from a tank.	728 729 730
(R) "Bulk rack meter" means a wholesale device, usually mounted on a rack, that is designed for the measurement and delivery of liquid products.	731 732 733
(S) "LPG meter" means a system, including a mechanism or machine of the meter type, that is designed to measure and deliver liquefied petroleum gas in the liquid state by a definite quantity whether installed in a permanent location or mounted on a vehicle.	734 735 736 737 738
<u>(T) "Service person" means an individual who installs, services, repairs, reconditions, or places into service a commercially used weighing and measuring device for any type of compensation.</u>	739 740 741 742
Sec. 1327.48. Weights and measures that are traceable to the United States prototype standards supplied by the federal government, or approved as being satisfactory by the national institute of standards and technology, shall be the state primary reference standards of weights and measures, and shall be maintained in such calibration as is prescribed by the national institute of standards and technology. All secondary	743 744 745 746 747 748 749

working standards may be prescribed by the director of 750
agriculture and shall be verified upon their initial receipt, 751
and as often as found necessary by the director. 752

Sec. 1327.50. The director of agriculture shall: 753

(A) Maintain traceability of the state standards to those 754
of the ~~national institute of standards and technology~~ 755
international system of units; 756

(B) Enforce sections 1327.46 to 1327.61 of the Revised 757
Code; 758

(C) Issue reasonable rules for the uniform enforcement of 759
sections 1327.46 to 1327.61 of the Revised Code, which rules 760
shall have the force and effect of law; 761

(D) Establish standards of weight, measure, or count, 762
reasonable standards of fill, and standards for the voluntary 763
presentation of cost per unit information for any package; 764

(E) Grant any exemptions from sections 1327.46 to 1327.61 765
of the Revised Code, or any rules adopted under those sections, 766
when appropriate to the maintenance of good commercial practices 767
in the state; 768

(F) Conduct investigations to ensure compliance with 769
sections 1327.46 to 1327.61 of the Revised Code; 770

(G) Delegate to appropriate personnel any of these 771
responsibilities for the proper administration of the director's 772
office; 773

(H) Test as often as is prescribed by rule the standards 774
of weight and measure used by any municipal corporation or 775
county within the state, and approve the same when found to be 776
correct; 777

(I) Inspect and test weights and measures that are sold;	778
(J) Inspect and test to ascertain if they are correct,	779
weights and measures commercially used either:	780
(1) In determining the weight, measure, or count of	781
commodities or things sold on the basis of weight, measure, or	782
count;	783
(2) In computing the basic charge or payment for goods or	784
services rendered on the basis of weight, measure, or count.	785
(K) Test all weights and measures used in checking the	786
receipt or disbursement of supplies in every institution, for	787
the maintenance of which funds are appropriated by the general	788
assembly;	789
(L) Approve for use, and may mark, such weights and	790
measures as the director finds to be correct, and shall reject	791
and mark as rejected such weights and measures as the director	792
finds to be incorrect. Weights and measures that have been	793
rejected may be seized if not corrected within the time	794
specified or if used or disposed of in a manner not specifically	795
authorized, and may be condemned and seized if found to be	796
incorrect and not capable of being made correct.	797
(M) Weigh, measure, or inspect packaged commodities that	798
are sold or in the process of delivery to determine whether they	799
contain the amounts represented and whether they are sold in	800
accordance with sections 1327.46 to 1327.61 of the Revised Code	801
or rules adopted under those sections. In carrying out this	802
section, the director shall employ recognized sampling	803
procedures, such as those designated in the national institute	804
of standards and technology handbook 133 "checking the net	805
contents of packaged goods."	806

(N) Prescribe by rule the appropriate term or unit of 807
weight or measure to be used, whenever the director determines 808
in the case of a specific commodity that an existing practice of 809
declaring the quantity by weight, measure, numerical count, or 810
combination thereof, does not facilitate value comparisons by 811
consumers, or offers an opportunity for consumer confusion; 812

(O) Allow reasonable variations from the stated quantity 813
of contents, which shall include those caused by unavoidable 814
deviations in good manufacturing practice and by loss or gain of 815
moisture during the course of good distribution practice, only 816
after the commodity has entered intrastate commerce; 817

(P) Provide for the weights and measures training of 818
inspector personnel and establish minimum training requirements, 819
which shall be met by all inspector personnel, whether county, 820
municipal, or state; 821

(Q) Prescribe the methods of tests and inspections to be 822
employed in the enforcement of sections 1327.46 to 1327.61 of 823
the Revised Code. The director may prescribe the official test 824
and inspection forms to be used. 825

(R) Provide by rule for ~~voluntary~~ registration with the 826
director of private-service persons who are employed by 827
commercially used weighing and measuring device servicing 828
agencies, ~~and personnel~~; 829

(S) In conjunction with the national institute of 830
standards and technology, operate a type evaluation program for 831
certification of weighing and measuring devices as part of the 832
national type evaluation program. The director shall establish a 833
schedule of fees for services rendered by the department of 834
agriculture for type evaluation services. The director may 835

require any weighing or measuring instrument or device to be 836
traceable to a national type evaluation program certificate of 837
conformance prior to use for commercial or law enforcement 838
purposes. 839

(T) Verify advertised prices, price representations, and 840
point-of-sale systems, as necessary, to determine both the 841
accuracy of prices and computations and the correct use of the 842
equipment and the accuracy of prices printed or recalled from a 843
database if a system utilizes scanning or coding in lieu of 844
manual entry. In order to implement this division, the director 845
shall do all of the following: 846

(1) Employ recognized procedures such as those designated 847
in the national institute of standards and technology handbook 848
130, uniform laws and regulations, "examination procedures for 849
price verification"; 850

(2) Adopt rules establishing requirements governing the 851
accuracy of advertised prices and point-of-sale systems and 852
establishing requirements and procedures for the enforcement of 853
this division; 854

(3) Conduct necessary inspections. 855

Sec. 1327.501. (A) No person shall operate in this state a 856
commercially used weighing and measuring device that provides 857
the ~~final~~ quantity ~~and final or cost~~ of a final transaction and 858
for which a fee is established in division (G) of this section 859
unless the operator of the device obtains a permit issued by the 860
director of agriculture or the director's designee. 861

(B) An application for a permit shall be submitted to the 862
director on a form that the director prescribes and provides. 863
The applicant shall include with the application any information 864

that is specified on the application form as well as the 865
application fee established in this section. 866

(C) Upon receipt of a completed application and the 867
required fee from an applicant, the director or the director's 868
designee shall issue or deny the permit to operate the 869
commercially used weighing and measuring device that was the 870
subject of the application. 871

(D) A permit issued under this section expires on the 872
thirtieth day of June of the year following its issuance and may 873
be renewed annually on or before the first day of July of that 874
year upon payment of a permit renewal fee established in this 875
section. 876

(E) If a permit renewal fee is more than sixty days past 877
due, the director may assess a late penalty in an amount 878
established under this section. 879

(F) The director shall do both of the following: 880

(1) Establish procedures and requirements governing the 881
issuance or denial of permits under this section; 882

(2) Establish late penalties to be assessed for the late 883
payment of a permit renewal fee and fees for the replacement of 884
lost or destroyed permits. 885

(G) An applicant for a permit to operate under this 886
section shall pay an application fee in the following applicable 887
amount: 888

(1) Seventy-five dollars for a livestock scale; 889

(2) Seventy-five dollars for a vehicle scale; 890

(3) Seventy-five dollars for a railway scale; 891

- (4) Seventy-five dollars for a vehicle tank meter; 892
- (5) Seventy-five dollars for a bulk rack meter; 893
- (6) Seventy-five dollars for a an LPG meter. 894

A person who is issued a permit under this section and who 895
seeks to renew that permit shall pay an annual permit renewal 896
fee. The amount of a permit renewal fee shall be equal to the 897
application fee for that permit established in this division. 898

(H) All money collected through the payment of fees and 899
the imposition of penalties under this section shall be credited 900
to the metrology and scale certification and device permitting 901
fund created in section 1327.511 of the Revised Code. 902

Sec. 1327.502. A service person who is employed by a 903
commercially used weighing and measuring device servicing agency 904
shall register with the director of agriculture in accordance 905
with rules adopted under section 1327.50 of the Revised Code. 906

Sec. 1327.61. No person shall do any of the following: 907

(A) Use or have in possession for use in commerce any 908
incorrect weight or measure; 909

(B) Wrap, package, label, or advertise any product or 910
service contrary to this chapter, or any rules adopted under it, 911
or sell, offer, hold, or expose for sale any service or product 912
wrapped, packaged, labeled, or offered for sale contrary to this 913
chapter or any rules adopted under it, or misrepresent the 914
quantity or price or service contrary to this chapter, or any 915
rules adopted under it; 916

(C) Remove any tag, seal, or mark from any weight or 917
measure without specific written authorization from the proper 918
authority; 919

(D) Recklessly install for use, repair, service, or place into service a commercially used weighing and measuring device unless the installation, repair, service, or placement is performed by one of the following: 920
921
922
923

(1) A department of agriculture division of weights and measures inspector; 924
925

(2) A service person registered with the department; 926

(3) A county or municipal weights and measures inspector. 927

(E) Hinder or obstruct any weights and measures official in the performance of ~~his~~ official duties; 928
929

~~(E)~~ (F) Sell or offer for use in commerce any incorrect weight or measure. 930
931

Sec. 1327.99. Whoever violates section 1327.501 or 1327.54 932
or division (A), (B), (C), ~~or (D)~~, or (E) of section 1327.61 of 933
the Revised Code or a rule adopted under sections 1327.46 to 934
1327.61 of the Revised Code is guilty of a misdemeanor of the 935
second degree on a first offense; on each subsequent offense 936
within seven years after the first offense, ~~such the~~ person is 937
guilty of a misdemeanor of the first degree. 938

Sec. 3335.361. OSU extension shall not charge volunteers for 4-H programs for any background checks conducted regarding the volunteers. 939
940
941

Sec. 4707.02. (A) No person shall act as an auction firm, 942
auctioneer, apprentice auctioneer, or special auctioneer within 943
this state without a license issued by the department of 944
agriculture. No auction shall be conducted in this state except 945
by an auctioneer licensed by the department. 946

The department shall not issue or renew a license if the 947

applicant or licensee has been convicted of a felony or crime 948
involving fraud or theft in this or another state at any time 949
during the ten years immediately preceding application or 950
renewal. 951

(B) Division (A) of this section does not apply to any of 952
the following: 953

(1) Sales at auction that either are required by law to be 954
at auction, other than sales pursuant to a judicial order or 955
decree, or are conducted by or under the direction of a public 956
authority; 957

(2) The owner of any real or personal property desiring to 958
sell the property at auction, provided that the property was not 959
acquired for the purpose of resale; 960

(3) An auction mediation company; 961

(4) An auction that is conducted in a course of study for 962
auctioneers that is approved by the state auctioneers commission 963
created under section 4707.03 of the Revised Code for purposes 964
of student training and is supervised by a licensed auctioneer; 965

(5) (a) An auction that is sponsored by a nonprofit or 966
charitable organization that is registered in this state under 967
Chapter 1702. or Chapter 1716. of the Revised Code, 968
respectively, if the auction only involves the property of the 969
members of the organization and the auction is part of a fair 970
that is organized by an agricultural society under Chapter 1711. 971
of the Revised Code or by the Ohio expositions commission under 972
Chapter 991. of the Revised Code at which an auctioneer who is 973
licensed under this chapter physically conducts the auction; or 974

(b) Sales at an auction sponsored by a charitable, 975
religious, or civic organization that is tax exempt under 976

subsection 501(c)(3) of the Internal Revenue Code, or by a 977
public school, chartered nonpublic school, or community school, 978
if no person in the business of organizing, arranging, or 979
conducting an auction for compensation and no consignor of 980
consigned items sold at the auction, except such organization or 981
school, receives compensation from the proceeds of the auction. 982
As used in division (B)(5)(b) of this section, "compensation" 983
means money, a thing of value other than participation in a 984
charitable event, or a financial benefit. 985

(6) A person licensed as a livestock dealer under Chapter 986
943. of the Revised Code who exclusively sells livestock and 987
uses an auctioneer who is licensed under this chapter to conduct 988
the auction; 989

(7) A person licensed as a motor vehicle auction owner 990
under Chapter 4517. of the Revised Code who exclusively sells 991
motor vehicles to a person licensed under Chapter 4517. of the 992
Revised Code and who uses an auctioneer who is licensed under 993
this chapter to conduct the auction; 994

(8) ~~A person who sells~~ Sales of real or personal property 995
conducted by means of the internet, provided that they are not 996
conducted in conjunction with a live auction; 997

(9) A bid calling contest that is approved by the 998
commission and that is conducted for the purposes of the 999
advancement or promotion of the auction profession in this 1000
state, provided that no compensation is paid to the sponsor of 1001
or participants in the contest other than a prize or award for 1002
winning the contest; 1003

(10) An auction at which the champion of a national or 1004
international bid calling contest appears, provided that both of 1005

the following apply: 1006

(a) The champion is not paid a commission. 1007

(b) The auction is conducted under the direct supervision 1008
of an auctioneer licensed under this chapter in order to ensure 1009
that the champion complies with this chapter and rules adopted 1010
under it. 1011

(C) (1) No person shall advertise or hold oneself out as an 1012
auction firm, auctioneer, apprentice auctioneer, or special 1013
auctioneer without a license issued by the department of 1014
agriculture. 1015

(2) Division (C) (1) of this section does not apply to an 1016
individual who is the subject of an advertisement regarding an 1017
auction conducted under division (B) (5) (b) of this section. 1018

Section 2. That existing sections 901.23, 921.12, 940.02, 1019
941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 1020
941.14, 943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1021
1327.61, 1327.99, and 4707.02 and section 3335.361 of the 1022
Revised Code are hereby repealed. 1023

Section 3. The member who is serving on the Farmland 1024
Preservation Advisory Board on the effective date of this 1025
section who was appointed under division (A) (3) of section 1026
901.23 of the Revised Code as that section existed prior to its 1027
amendment by this act shall continue serving on the Board until 1028
the end of the term for which the member was appointed. The 1029
Director of Agriculture then shall appoint a member of the Board 1030
under division (A) (3) of that section as amended by this act. 1031