DEPARTMENT OF AGRICULTURE

Pesticide Law changes

- To comply with updated U.S. EPA regulations regarding pesticides, makes changes to the law governing restricted use pesticides, pesticide business licensure, pesticide registration, pesticide applicator examinations, and pesticide dealers, including doing the following:
  - Requiring restricted use pesticides to be applied exclusively by a licensed commercial or private pesticide applicator, rather than allowing a commercial applicator's trained service person or a private applicator's immediate family or employee to apply those pesticides under the direct supervision of the licensed applicator;
  - Requiring each pesticide business location to be licensed, rather than requiring one license for the pesticide business and the registration of each location that is owned by the person operating the pesticide business; and
  - Increasing the number of days that the ODA Director may suspend a license, permit, or registration prior to a hearing concerning a violation from ten to 30 days.
- Increases the fees relating to the annual registration of a pesticide sold or distributed in Ohio.
- Requires an applicant for a pesticide applicator license to pay a $30 examination fee.

Hemp Cultivation and Processing Program

- Grants authority to the Ohio Department of Agriculture (ODA) Director to transfer jurisdiction to implement the hemp cultivation licensure program in Ohio to the U.S. Department of Agriculture, but retains the requirement that ODA implement a hemp processing licensure program.

Auctioneer client trust accounts

- Allows a licensed auctioneer to deposit money into a client trust account, and retain that money in the account, to pay expenses related to bank charges necessary to maintain the account.

Apiaries

- Makes changes to the requirements governing apiaries (beekeeping), including registration, the sale or gift of queen bees, and deputy apiarists.
- Expands the ODA Director's enforcement authority regarding the Apiary Law to include compliance agreements between ODA and a person engaged in queen rearing where the person agrees to comply with stipulated requirements.
- Eliminates a board of county commissioners' authority to appropriate money in an amount it deems sufficient for the inspection of apiaries in its county.

Pork Marketing Program

- Establishes a Pork Marketing Program to promote the sale and use of pork products, but states that the program cannot operate unless the National Pork Checkoff Program created under federal law ceases operation.
- Generally applies the same procedures and requirements that exist for the Grain and Soybean Marketing Programs to the Pork Marketing Program, except establishes specific procedures for electing the membership of the Pork Marketing Program Operating Committee.
- Establishes an assessment of the lesser of the following to fund the program:
  - 0.25% of the market value of the porcine animal, pork, or pork product sold or imported; or
  - An amount established by the operating committee at the committee's initial meeting through an initial order.
- Allows the operating committee to increase the rate of assessment after the initial order by up to 0.1% per year, but specifies that assessments cannot be collected if assessments are levied under the National Pork Checkoff Program.
- As with other agricultural commodities, prohibits a person from knowingly failing or refusing to withhold or remit an assessment levied on pork or products.
- Excludes pork from the law governing other agricultural commodities.

Food processing establishment exemption

- Exempts a small egg producer that annually maintains 500 or fewer birds from food processing establishment regulations established by the ODA Director in rules.

Commercial Feed Law

- Revises the requirements governing commercial feed registration for manufacturers and distributors, including doing the following:
  - Clarifying that the registration must be made on an annual, rather than semiannual, basis;
  - Requiring a manufacturer or distributor to pay a $50 registration fee and file the registration annually by February 1; and
  - Removing the minimum $25 commercial feed inspection fee, which is generally calculated at a rate of 25¢ per ton and, instead, exempting the first 200 tons of commercial feed sold in a calendar year from the fee.

Fertilizer license fee

- Increases the annual license fee to manufacture or distribute fertilizer from $5 to $50 and increases the late license renewal fee from $10 to $25.

Commercial seed labeler permit

- Increases the annual commercial seed labeler permit fee from $10 to $50 and changes the annual expiration date of the permit from December 31 to January 31.
- Regarding the annual seed fee paid by a commercial seed labeler permit holder that is based on the amount of seed sold by the permit holder, eliminates the minimum fee of $5 and, instead, waives the fee if the permit holder owes less than $50 for the seed fee.

Bakery registration fee

- Reduces the annual registration fee for larger capacity bakeries and increases the annual bakery registration fee for smaller capacity bakeries.

Soda water syrup or extract and soft drink syrup manufacturer

- Eliminates the registration requirement for soda water syrup or extract manufacturers or soft drink syrup manufacturers that are not otherwise licensed as soft drink bottlers.

Cold storage locker license fee

- Increases the annual license fee for cold storage lockers from $50 to $200.

Nurseryperson inspection fee

- Increases the base annual inspection fee for a nurseryperson that produces, sells, or distributes woody nursery stock in Ohio or ships that stock outside Ohio from $100 to $200.
- Increases the additional per-acre inspection fee for growing woody nursery stock as follows:
  - In intensive production areas from $11 per acre, or fraction of an acre, to $15 per acre, or fraction of an acre;
  - In nonintensive production areas from $7 per acre, or fraction of an acre, to $10 per acre, or fraction of an acre.

Annual liming material tonnage report

- Eliminates the annual tonnage report, and the accompanying inspection fee, that a liming material licensee must file with ODA for the number of net tons of liming material sold or distributed to nonlicensees in Ohio.

Certificate of free sale

- Allows the ODA Director to authorize any ODA division or program to issue to any entity a certificate of free sale, which is a document that certifies to states and countries receiving a listed product that the product is freely marketed without restriction in the U.S.
- Authorizes the ODA Director to charge a $50 fee for issuance of a certificate of free sale.

Ohio Grape Industries Committee

- Revises the makeup of the Ohio Grape Industries Committee by removing the Chief of the Division of Markets in ODA and adding two Ohio residents appointed by the ODA Director.

Commercial dog breeding and pet store funds

- Renames the High-Volume Breeder Kennel Control License Fund the Commercial Dog Breeding Fund.
- Abolishes the Pet Store License Fund and requires all pet store license fees and civil penalties assessed against pet stores to be credited to the Commercial Dog Breeding Fund.

Livestock dealers – fees and penalties

- Alters the fees charged by ODA to livestock dealers and brokers.
- Eliminates the first-degree misdemeanor criminal penalties for violation of any prohibition of the law governing livestock dealers and brokers, except for a weigher improperly weighing or accepting bribes, and instead allows the ODA Director to assess a civil penalty.

Animal and Consumer Protection Fund

- Eliminates the Livestock Care Standards Fund and Dangerous and Restricted Animal Fund and redirects the money credited to those funds to the Animal and Consumer Protection Fund.
- Redirects money collected from livestock dealer and broker fees and fines imposed for violating the law governing livestock dealers from the Animal and Consumer Protection and Laboratory Fund to the Animal and Consumer Protection Fund.
- Requires the Animal and Consumer Protection Fund to be used to administer the laws governing dangerous wild animals and restricted snakes, livestock dealers, and captive cervid.

Food Safety Fund

- Requires money received from federal contracts or cooperative agreements for the performance of ODA's prescribed duties related to food safety inspections to be deposited into the Food Safety Fund, rather than into a general federal grant fund in which all federal grants to ODA are deposited under continuing law.

ODA laboratory services information not a public record

- Generally excludes information, reports, and other records used in any ODA laboratory to perform a laboratory service from the public records law.
- Requires any details that would identify a particular person or entity that submitted a specimen to any ODA laboratory to be treated as confidential unless the ODA Director

shares the information with a government agency for use in the discharge of the agency's official public duties or an institution of higher education.

- Allows the ODA Director to prepare and publish statistical information without disclosing details that would identify a particular person or business client.

Pesticide Law changes

(R.C. 921.01, 921.02, 921.06, 921.09, 921.11, 921.12, 921.13, 921.14, 921.16, 921.23, and 921.24)

General changes to the law

The U.S. EPA recently updated its pesticide regulations and, as a result, Ohio must update its laws governing pesticides to retain its federal certification to regulate pesticides. Accordingly, the act makes the following changes:

1. Requires restricted use pesticides to be applied exclusively by a licensed commercial pesticide applicator or licensed private pesticide applicator, rather than allowing a commercial applicator's trained service person or a private applicator's immediate family or employee to apply those pesticides under the direct supervision of the licensed applicator;

2. Regarding restricted use pesticides, expands the activities that require an applicator license to include doing both of the following:

a. Performing pre-application activities involving mixing and loading restricted use pesticides; and

b. Performing other pesticide-related activities, including transporting or storing pesticide containers that have been opened, cleaning equipment, and disposing of excess pesticides, spray mix, equipment wash waters, pesticide containers, and other pesticide-containing materials.

3. Requires each pesticide business location to be licensed, rather than requiring one license for the pesticide business and the registration of each location that is owned by the person operating the pesticide business;

4. Regarding the $150 pesticide registration and inspection fee required for each product name and brand registered by a company, makes the fee nonrefundable;

5. Requires a pesticide dealer to maintain records of all the restricted use pesticides the dealer has distributed, rather than requiring the dealer to submit those records to the ODA Director; and

6. Regarding the ODA Director's enforcement authority for violations of the law governing pesticides, does both of the following:

a. Increases the number of days that the Director may suspend a license, permit, or registration prior to a hearing concerning a violation from ten to 30 days; and

b. In addition to other reasons for denying, suspending, revoking, refusing to renew, or modifying any license, permit, or registration, adds that the Director may take any of those

actions if an applicant or holder of a license, permit, or registration has entered into an administrative or judicial settlement under the federal Insecticide, Fungicide, and Rodenticide Act.

Pesticide registration fee

The act increases the fees relating to the annual registration of a pesticide sold or distributed in Ohio as follows:

1. From $150 to $250 for each product name and brand registered for the company whose name appears on the pesticide label;

2. From $75 to $125 for the penalty for late registration renewal; and

3. From $75 to $125 for the penalty for each product name and brand of a non-registered pesticide that is distributed in Ohio before registration.

Pesticide applicator examination fee

The act requires an applicant for a commercial pesticide applicator license or private pesticide applicator license to pay a $30 examination fee. Continuing law requires each applicant to be examined on the following:

1. The applicant's knowledge and competency on Ohio's law governing pesticides; and

2. Certain aspects of pesticide pre-application and application activities.

Hemp Cultivation and Processing Program

(R.C. 928.02, 928.03, and 928.04)

The act does both of the following regarding the requirement that the ODA Director establish a program to monitor and regulate hemp cultivation and processing in Ohio:

1. Authorizes the Director to transfer jurisdiction to implement Ohio's hemp cultivation licensure program to the U.S. Department of Agriculture; and

2. Retains the requirement that ODA implement a hemp processing licensure program.

Continuing law defines "hemp" as the plant Cannabis sativa L. and any part of that plant, including the seeds of the plant and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of up to 0.3% on a dry weight basis.

Auctioneer client trust accounts

(R.C. 4707.024)

Continuing law requires a licensed auctioneer to maintain a client trust or escrow account that the auctioneer must use to pay a client for the auctioneer's sale of the client's personal property. It allows a licensee to pay expenses, including commission and advertisement fees, that are specifically delineated in the auction contract with money from the trust or escrow account. Finally, it prohibits money in the account from being commingled with the licensee's personal or business money.

The act states that notwithstanding these provisions, a licensee may deposit money into a trust or escrow account, and retain that money in the account, to pay expenses related to bank charges necessary to maintain the account. A licensee must not utilize any of the owner's or consignee's money to pay those expenses.

Apiaries

(R.C. 909.01, 909.02, 909.07, 908.08, 909.09, and 909.13)

Continuing law establishes requirements and procedures regarding apiaries (beekeeping), including procedures for the annual registrations of apiaries, inspections, and tracking sales of bees. ODA oversees those requirements and procedures.

Apiary registration

The act makes the following changes to the requirements governing apiary registration:

1. Increases, from ten to 30 days, the deadline by which a person must register an apiary after the person comes into ownership or possession of bees or moves into Ohio with an apiary;

2. Eliminates the $5 annual registration fee and the $10 late fee for failure to meet the registration deadline;

3. Eliminates the issuance of physical certificates of registration; and

4. Requires any person with a registered apiary to ensure that the apiary is identifiable by identification number assigned to the person via posting in the apiary, rather than only requiring that posting when the person is maintaining an apiary on a premises other than the person's residence as under former law.

Sale or gift of queen bees

The act makes the following changes regarding the law governing the sale or gift of queen bees:

1. Expands the law to include the sale of packaged bees, nucs, and bee colonies and the trade and distribution of queen bees, packaged bees, nucs, and bee colonies;

2. Requires a person that intends to sell, trade, gift, or otherwise distribute queen bees, packaged bees, nucs, or colonies to file with ODA a request for certification of all of the person's queen rearing apiaries for which certification is requested, rather than filing a request for inspection as under former law;

3. Requires the request for certification to be accompanied by a certification fee of $50 or an amount set in rules by the ODA Director;

4. Authorizes the ODA Director to require all queen rearing apiaries to be inspected as specified in rules at least once each year, rather than requiring inspections once each year with no authority for the Director to alter inspection frequency as under former law;

5. Expands the prohibition against distributing diseased bees to include a prohibition against distributing an apiary with bee pests; and

6. Defines a "nuc" as a small colony of bees in a hive box to which all the following applies:

a. The hive box contains three to five frames;

b. The hive box contains a laying queen bee and the queen's progeny in egg, larval, pupa, and adult stages; and

c. The small colony has honey and a viable population sufficient to develop into a full-sized colony.

Deputy apiarist

The act does all the following regarding a deputy apiarist:

1. Allows a board of county commissioners to appoint multiple deputy apiarists, rather than only one as under former law, to assist the ODA Director in inspecting apiaries;

2. Regarding paying a deputy apiarist, requires a board of county commissioners to pay the deputy apiarist for inspection work and expenses related to that work, as the board determines, rather than requiring the board to pay for each day or half day of inspection work done as under former law;

3. Requires the ODA Director to review, rather than approve, a deputy apiarist's salary and expenses;

4. Allows the ODA Director to assign a deputy apiarist to conduct inspections in multiple counties, instead of only the county in which the deputy is appointed as under former law;

5. With respect to the ODA Director's authority to terminate a deputy apiarist, does both of the following:

a. Eliminates the requirement that the Director submit to the county commissioners a statement of the reasons for termination; and

b. Expands the reasons for termination to include unethical or negligent discharge of the deputy's duties. Continuing law allows a deputy apiarist to be terminated for incompetent, inefficient, or untrustworthy actions in the discharge of the deputy's duties.

6. Regarding reports furnished to the ODA Director by a deputy apiarist, eliminates a requirement that a duplicate of a report be presented to the board of county commissioners each time that a deputy submits a salary or expense reimbursement request.

Enforcement authority

The act expands the ODA Director's enforcement authority regarding the Apiary Law to include:

1. Compliance agreements between ODA and a person engaged in queen rearing where the person agrees to comply with stipulated requirements;

2. The authority to suspend any compliance agreement or any registration, certificate, or permit; and

3. The authority to revoke any registration or compliance agreement.

County appropriations for inspections

The act eliminates a board of county commissioners' authority to appropriate money in an amount it deems sufficient for the inspection of apiaries in its county.

Pork Marketing Program

(R.C. 924.01, 924.212, and 924.30)

The act establishes the Pork Marketing Program to promote the sale of pork and pork products. However, it prohibits the program from operating unless the National Pork Checkoff Program[10] created under federal law ceases operation. Except for establishing specific procedures for electing the membership of a Pork Marketing Program Operating Committee (see below), the act generally applies the same procedures, requirements, and other laws that exist for the Grain and Soybean Marketing Programs to the new Pork Marketing Program.

Election of Operating Committee

Within 120 days of the National Pork Checkoff Program ceasing operation, the Ohio Pork Council (or its successor) must do both of the following:

1. Accept nominees to serve on a Pork Marketing Program Operating Committee. In accepting nominations and placing names on the ballot, the Council must follow the procedures established in rules; and

2. Hold an election to determine the membership of the Operating Committee. In the election, eligible producers may cast votes in person or mail ballots to polling places designated by the ODA Director. The Council must establish a three-day period during which eligible producers may vote in person during normal business hours at the designated polling places. The ODA Director or another appropriate person must send a ballot by ordinary first-class mail to an eligible producer who requests a ballot. An eligible producer must make a request by calling a toll-free telephone number designated by the ODA Director, by contacting one of the designated polling places, or by any additional method that the Director may provide. A ballot returned by mail is not valid if it is postmarked later than the third day of the election period established by the Council.

For the purposes of an election of members of the Operating Committee, the ODA Director must ensure publication of a ballot request form at least 30 days before the beginning of the election period in at least two appropriate periodicals designated by the Director. The Director must make the form available for reproduction to any interested group or association.

The Operating Committee consists of the following 12 members:

1. The ODA Director, who is an ex-officio, nonvoting member, or the Director's designee;

2. The executive vice-president of the Ohio Pork Council;

[10] Porkcheckoff.org.

3. Four members appointed by the ODA Director who are pork producers. When making those appointments, the Director must consider Ohio pork producers who are representatives on the National Pork Board.

4. Six members elected by eligible pork producers in accordance with the election procedures that apply to the Grain Marketing Program's Operating Committee, except that the elections must occur by district, with one member elected from each of the six districts in Ohio. The districts are as follows:

a. District 1: Allen, Defiance, Fulton, Henry, Paulding, Putnam, Van Wert, and Williams counties;

b. District 2: Crawford, Erie, Hancock, Huron, Lucas, Marion, Ottawa, Richland, Sandusky, Seneca, Wood, and Wyandot counties;

c. District 3: Auglaize, Mercer, Hardin, Logan, and Shelby counties;

d. District 4: Ashland, Ashtabula, Carroll, Columbiana, Coshocton, Cuyahoga, Delaware, Geauga, Harrison, Holmes, Jefferson, Knox, Lake, Licking, Lorain, Mahoning, Medina, Morrow, Portage, Stark, Summit, Tuscarawas, Trumbull, Union, and Wayne counties;

e. District 5: Butler, Darke, Hamilton, Miami, Montgomery, and Preble counties; and

f. District 6: Adams, Athens, Belmont, Brown, Champaign, Clark, Clermont, Clinton, Fairfield, Fayette, Franklin, Gallia, Greene, Guernsey, Highland, Hocking, Jackson, Lawrence, Madison, Meigs, Monroe, Morgan, Muskingum, Noble, Perry, Pickaway, Pike, Ross, Scioto, Vinton, Warren, and Washington counties.

Except for the ODA Director or the Director's designee, all 12 members of the Operating Committee are voting members.

Following the election of the initial members of the Operating Committee, all future elections for the Pork Marketing Program must occur in accordance with the Pork Marketing Program's by-laws drafted and adopted by the Operating Committee. The by-laws must be adopted by the Operating Committee within one year after the creation of the Pork Marketing Program.

With regard to levying assessments to fund the Pork Marketing Program, the act requires the assessment on pork to be the lesser of:

1. 0.25% of the market value of the porcine animal, pork, or pork product sold or imported; or

2. An amount established by the Operating Committee at the initial meeting of the Operating Committee through an initial order. The Operating Committee may increase the rate of an assessment after the initial order by up to 0.10% per year.

As with other agricultural commodities, the act prohibits a person from knowingly failing or refusing to withhold or remit an assessment levied on pork or products. A violator is guilty of a fourth degree misdemeanor.

Food processing establishment exemption

(R.C. 3715.021)

The act exempts small egg producers from food processing establishment regulations established by the ODA Director in rules. A "small egg producer" is any person that is engaged in the operation of egg production and annually maintains 500 or fewer birds. Generally, continuing law defines a "food processing establishment" as a premises or part of a premises where food is processed, packaged, manufactured, or otherwise held or handled for distribution to another location or for sale at wholesale. The ODA Director must establish standards and good manufacturing practices for food processing establishments. Those rules must conform with federal regulations.

Commercial Feed Law changes

(R.C. 923.42, 923.44, and 923.51)

Continuing law requires a person that manufactures commercial animal feed or customer-formula animal feed to register with the ODA Director.

The act makes the following changes regarding commercial feed registration:

1. Clarifies that the registration is annual, not semiannual;

2. Requires a manufacturer or distributor to pay a $50 registration fee by February 1 each year, and states that registration expires on January 31 of the following year;

3. Retains the requirement that the registration form is prescribed by the ODA Director, but eliminates the specific information that must be on the form; and

4. Declares that a commercial feed manufacturer includes an exempt buyer.

The act changes how often a commercial feed distributor must file a statement delineating the net tons of commercial feed distributed in Ohio. Specifically, it changes the frequency of filing the report from semiannually to annually. The distributor must file the statement with the distributor's annual registration. The act retains the commercial feed inspection fee, which is generally calculated at a rate of 25¢ per ton on all commercial feeds distributed by the first distributor in Ohio. However, it eliminates the minimum $25 inspection fee and, instead, exempts the first 200 tons of commercial feed sold in a calendar year from the fee. Finally, it states that the penalty for late payment of an inspection fee is 10% of the amount due or $50, whichever is greater, rather than a 10% penalty, with a minimum penalty of $50 as under prior law.

Fertilizer license fee

(R.C. 905.32)

The act makes the following changes to the annual license fee to manufacture or distribute fertilizer:

1. Increases the fee from $5 to $50; and

2. Increases the late renewal fee from $10 to $25.

Continuing law requires a fertilizer manufacturer or distributor to pay the fee for each fixed (permanent) location at which fertilizer is manufactured in Ohio, each mobile unit used to manufacture fertilizer in Ohio, and each location in and out of Ohio from which fertilizer is distributed into Ohio.

Commercial seed labeler permit

(R.C. 907.13 and 907.14)

Continuing law requires a person that labels agricultural, vegetable, and flower seed that is intended for sale in Ohio to be issued a seed labeler permit by the ODA Director. The act revises the law as follows:

1. It increases the annual commercial seed labeler permit fee from $10 to $50;

2. It changes the permit's annual expiration date from December 31 to January 31;

3. It eliminates one of the semiannual reports required to be filed with the ODA Director by a commercial seed labeler permit holder on the amount of seed the person sells in Ohio, thus requiring one annual report rather than two semiannual reports; and

4. Regarding the annual seed fee paid by a commercial seed labeler permit holder that is based on the amount of seed sold by the permit holder, it eliminates the minimum fee of $5, and instead specifies that if the permit holder owes less than $50 for the seed fee, the permit holder is not required to pay the fee.

Bakery registration fee

(R.C. 911.02)

The act makes the following changes to the annual bakery registration fees:

1. Increases the fee for bakeries with a capacity to produce 1,000 or fewer pounds of bakery product per hour from $30 to $200;

2. Increases the fee for bakeries with a capacity to produce between 1,000 pounds and approximately 6,667 pounds of bakery product per hour from $30 per 1,000 pounds, or part thereof, per hour capacity to $200; and

3. Reduces the annual bakery registration fee for bakeries with a capacity to produce approximately 6,668 pounds per hour or more of bakery product from $30 per 1,000 pounds, or part thereof, per hour capacity to $200.

Continuing law requires a person that owns or operates a bakery to annually register with the ODA Director. This registration generally includes an out-of-state bakery that sells bakery products in Ohio.

Soda water syrup or extract and soft drink syrup manufacturer

(R.C. 913.23)

The act eliminates the registration requirement for soda water syrup or extract manufacturers or soft drink syrup manufacturers. The law required a person that sold or possessed any soda water syrup or extract or soft drink syrup for use in making or dispensing

soda water or other soft drinks to annually register with the ODA Director. This requirement excluded manufacturers that are otherwise licensed as soft drink bottlers. Registration included an annual $100 fee.

Cold storage locker license fee

(R.C. 915.16)

The act increases the annual license fee for cold storage lockers from $50 to $200. Continuing law requires any person operating a frozen food manufacturing facility, chill room, sharp freezing room and facilities, or sharp freezing cabinet to apply for a license. This requirement excludes a person operating a cold-storage warehouse licensed by ODA.

Nurseryperson inspection fee

(R.C. 927.53)

Continuing law requires a nurseryperson (a person that owns, leases, or manages a plant nursery) that produces, sells, offers for sale, or distributes woody nursery stock in Ohio or ships woody nursery stock outside Ohio to pay the ODA Director an annual inspection fee. The act does the following regarding that inspection fee:

1. Increases the base annual inspection fee from $100 to $200;

2. Increases the additional per-acre inspection fee for growing woody nursery stock in intensive production areas (greenhouses, liner or lath beds, and containers) from $11 per acre, or fraction of an acre, to $15 per acre, or fraction of an acre; and

3. Increases the additional per-acre inspection fee for growing woody nursery stock in nonintensive production areas (fields) from $7 per acre, or fraction of an acre, to $10 per acre, or fraction of an acre.

Annual liming material tonnage report

(R.C. 905.56, repealed, and 905.57)

The act eliminates the annual tonnage report, and the accompanying inspection fee of up to $300, that a liming material licensee must file with ODA for the number of net tons of liming material sold or distributed to nonlicensees in Ohio. Accordingly, it also eliminates the confidentiality of the information in the report.

Continuing law requires a person that manufactures, sells, or distributes liming material in Ohio to obtain an annual license from ODA. Liming material is used by farmers to neutralize soil acidity and provide crops with calcium and magnesium.

Certificate of free sale

(R.C. 901.43)

The act allows the ODA Director to authorize any ODA division or program to issue a certificate of free sale to any entity. A "certificate of free sale" is a document issued by the Director that certifies to states and countries receiving a listed product that the product being exported is freely marketed without restriction in the U.S.

The ODA Director must adopt and enforce rules to provide for the issuance of the certificates of free sale. The Director may charge a $50 fee for issuance of a certificate. All money collected related to issuing certificates of free sale must be credited to the appropriate ODA program fund.

Ohio Grape Industries Committee

(R.C. 924.51; Section 709.10)

The act makes the following changes to the Ohio Grape Industries Committee:

1. Removes the Chief of ODA's Division of Markets; and

2. Adds two additional members who are Ohio residents and appointed by the ODA Director. The initial term for the one new member is one year and the term for the other new member is two years.

Generally, the Committee promotes Ohio's grape industry, including marketing and advertising Ohio grape products.

Commercial dog breeding and pet store funds

(R.C. 956.18 and 956.181, repealed; conforming changes to R.C. 956.07, 956.10, 956.13, 956.16, 956.21, 956.22, and 956.23)

The act renames the High-Volume Breeder Kennel Control License Fund as the Commercial Dog Breeding Fund. It also abolishes the Pet Store License Fund and requires all pet store license fees and civil penalties to be credited to the Commercial Dog Breeding Fund. Accordingly, all money collected from fees and civil penalties under the law governing high-volume dog breeders and pet stores are credited to the Commercial Dog Breeding Fund and must be used to administer those laws.

Continuing law establishes requirements and procedures for high-volume dog breeders and pet stores. These requirements include separate licensure and separate standards of care for dogs in the care of a breeder or pet store. The ODA Director has enforcement authority over high-volume dog breeders and pet stores, including inspection and assessment of civil penalties.

Livestock dealers

(R.C. 943.04, 943.26, 943.27, and 943.99, conforming change in R.C. 901.43)

Fees

The act alters the fees charged by ODA to livestock dealers and brokers as follows:

Livestock dealer and broker fee changes			
Type of fee	**Former fee**	**New fee under H.B. 96**	**Amount of change**
Annual dealer and broker license renewal – less than 1,000 head transactions the previous year	$50	Flat $250 regardless of livestock transactions	$200 increase
Annual dealer and broker license renewal – between 1,001 and 10,000 head transactions the previous year	$125	Flat $250 regardless of livestock transactions	$125 increase
Annual dealer and broker license renewal – more than 10,000 head transactions the previous year	$250	Flat $250 regardless of livestock transactions	No change
Small dealer annual license fee	$25	$50	$25 increase
Late fee for small dealer annual license renewal	$25	$100	$75 increase
Employee of a small dealer, dealer, or broker – annual license fee	$20	$30	$10 increase
Licensed weigher annual license fee	$10	$30	$20 increase

The act directs the livestock dealer and broker fees to the Animal and Consumer Protection Fund instead of the Animal and Consumer Protection Laboratory Fund as in former law (see below).

Civil penalties

The act eliminates the first-degree misdemeanor criminal penalties for violation of any prohibition of the law governing livestock dealers and brokers, except for improperly weighing or accepting bribes by a livestock weigher. Instead, it allows the ODA Director to assess a civil penalty for the violation as follows:

1. Up to $500 for a first violation within five years of the violation;

2. Up to $2,500 for a second violation within the previous five years; and

3. Up to $10,000 for a third or subsequent violation within the previous five years.

Accordingly, the act directs the proceeds of civil penalties to the Animal and Consumer Protection Fund.

Animal and Consumer Protection Fund

(R.C. 901.43, 904.02, 904.04, 935.06, 935.07, 935.09, 935.10, 935.16. 935.17, 935.20, 935.24, 943.04, 943.16, and 943.26)

The act eliminates the Livestock Care Standards Fund and Dangerous and Restricted Animal Fund and redirects the money credited to those funds to the Animal and Consumer Protection Fund. It also redirects money collected from livestock dealer and broker fees and fines imposed for violating the law governing livestock dealers from the Animal and Consumer Protection and Laboratory Fund to the Animal and Consumer Protection Fund. Finally, it adds that the Animal and Consumer Protection Fund must be used to administer the laws governing dangerous wild animals and restricted snakes, and garbage fed swine. Formerly this fund was solely used to regulate captive deer and chronic wasting disease.

Food Safety Fund

(R.C. 915.24)

The act requires money received from federal contracts or cooperative agreements for the performance of ODA's prescribed duties related to food safety inspections to be deposited into the Food Safety Fund. Under former law, these grants were deposited into a general federal grant fund in which all federal grants to ODA are deposited.

ODA laboratory services information not a public record

(R.C. 901.43)

The act specifically excludes information, reports, and other records furnished, procured, or used in any ODA laboratory to perform a laboratory service from the Public Records Law. Additionally, any details that would identify a particular person, business, or premises that submitted a specimen to any ODA laboratory must be treated as confidential and cannot be disclosed unless the ODA Director elects to share the information with one of the following:

1. A local, state, or federal agency for use in the discharge of the agency's official public duties; or

2. An institution of higher education.

The act also allows the ODA Director to enter into an agreement with one of those governmental entities or an institution of higher education that requires the shared information to be kept confidential.

Under the act, the ODA Director may prepare and publish statistical information without disclosing details that would identify a particular person or business client.