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## DEPARTMENT OF AGRICULTURE

### 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.

### 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 is no longer in operation.
- Generally applies the same procedures, requirements, and other provisions that exist for the Grain and Soybean Marketing Programs to the Pork Marketing Program, except establishes specific procedures for the election of 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 in current law, 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.

### Commercial Feed Law

- Revises the 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 expiration date of the permit from December 31 to January 31 of each year.
- 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 who produces, sells, or distributes woody nursery stock in Ohio or ships such 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 the violation of 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 existing 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 current 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 public records laws.
- 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.

## **Hemp Cultivation and Processing Program**

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

Current law requires the ODA Director to establish a program to monitor and regulate hemp cultivation and processing in Ohio. "Hemp" means 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.

The bill grants authorizes to the ODA Director to transfer jurisdiction to implement Ohio's hemp cultivation licensure program to the U.S. Department of Agriculture. However, it retains the requirement that ODA implement a hemp processing licensure program.

## **Auctioneer client trust accounts**

(R.C. 4707.024)

Current law requires a licensed auctioneer to maintain a client trust or escrow account, which the auctioneer uses 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 bill states that notwithstanding the above 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 such expenses.

## Pork Marketing Program

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

The bill 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<sup>14</sup> created under federal law is no longer in operation. Except for establishing specific procedures for the election of the membership of a Pork Marketing Program Operating Committee (see below), the bill generally applies the same procedures, requirements, and other provisions 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 Ohio Pork Council, or its successor, must follow the procedures established in rules.

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 Ohio Pork Council, or its successor, must establish a three-day period during which eligible producers may vote in person during normal business hours at the designated polling places. The 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 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 Ohio Pork Council or its successor.

For the purposes of an election of members of the Operating Committee, the 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.

As part of the Pork Marketing Program, the bill states that 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 or its successor;
3. Four members appointed by the Director who are pork producers. When making those appointments, the Director must give consideration to Ohio pork producers who are representatives on the National Pork Board.

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<sup>14</sup> [Porkcheckoff.org](http://Porkcheckoff.org).

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 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 bill requires the assessment on pork to be lesser of the following:

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 in current law, the bill 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. Finally, the bill excludes pork from the law governing other agricultural commodities.

## Commercial Feed Law changes

(R.C. 923.42, 923.43, and 923.51)

Current law requires a person that manufactures commercial animal feed or customer-formula animal feed to register with the ODA Director. Generally, the first distributor of a commercial feed must pay a semiannual inspection fee based on the number of net tons distributed during the previous six months that a distributor files in a statement.

The bill 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.

In addition, the bill changes the required submission of the commercial feed inspection fee and accompanying annual statement by the first distributor in Ohio from semiannual to annual submission. It also removes the minimum \$25 commercial feed inspection fee, which is generally calculated at a rate of 25¢ per ton and, instead, exempts from the fee the first 200 tons of commercial feed sold in a calendar year. 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 current law.

## Fertilizer license fee

(R.C. 905.32)

The bill 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.

Current 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 the state from which fertilizer is distributed into Ohio.

## Commercial seed labeler permit

(R.C. 907.13 and 907.14)

Current 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 bill 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 bill 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 bill eliminates the registration requirement for soda water syrup or extract manufacturers or soft drink syrup manufacturers. Current law requires a person that sells or has in their possession 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 excludes manufacturers that are otherwise licensed as soft drink bottlers. The person must include a \$100 fee and specified information with the registration, including the trade name or brand of soda water or soft drink.

## **Cold storage locker license fee**

(R.C. 915.16)

The bill increases the annual license fee for cold storage lockers from \$50 to \$200. Current 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)

Current law requires a nurseryperson (a person that owns, leases, or manages a plant nursery) who 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 bill 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 bill 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. Accordingly, it also eliminates the confidentiality of the information in the report.

Current 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. A licensee must file with ODA an annual tonnage report that includes the number of net tons of liming material sold or distributed to a nonlicensee in Ohio. The licensee must file the report by February 9 each year.

## **Certificate of free sale**

(R.C. 901.43)

The bill 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 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 bill makes the following changes to the existing Ohio Grape Industries Committee:

1. Removes the Chief of ODA's Division of Markets; and
2. Adds two additional members who are 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 bill renames the existing High-Volume Breeder Kennel Control License Fund 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 bill alters the fees charged by ODA to livestock dealers and brokers as follows:

Livestock dealer and broker fee changes			
Type of fee	Current 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	\$250	Flat \$250 regardless of livestock transactions	No change

Livestock dealer and broker fee changes			
Type of fee	Current fee	New fee under H.B. 96	Amount of change
10,000 head transactions the previous year			
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 bill 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 current law (see below).

### Civil penalties

The bill 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 the five years;
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 bill 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, 943.23, and 943.26)

The bill eliminates the Livestock Care Standards Fund and Dangerous and Restricted Animal Fund and redirects the money credited to those funds to the existing 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. Currently this fund is solely used to regulate captive deer and chronic wasting disease.

## **Food Safety Fund**

(R.C. 915.24)

The bill 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 (Fund 4P70). Under current law, these grants are 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 bill specifically excludes information, reports, and other records furnished, procured, or used in any ODA laboratory to perform a laboratory service from being subjected to public records laws. 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 bill also allows the ODA Director to enter into an agreement with one of those governmental entities or institution of higher education that requires the shared information to be kept confidential.

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