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## DEPARTMENT OF AGRICULTURE

### Amusement rides

- Increases by \$75 the permit fee for an amusement ride (from \$150 to \$225).
- Increases by 4% the annual inspection and reinspection fee per ride for kiddie rides (from \$100 to \$104), roller coasters (from \$1,200 to \$1,248), aerial lifts or bungee jumping facilities (from \$450 to \$468), and other rides (from \$160 to \$166).
- Increases from \$105 to \$109 the maximum amount of the fee for the inspection and reinspection of inflatable rides that the Director of Agriculture may establish by rule.
- Requires the existing Advisory Council on Amusement Ride Safety, prior to submitting findings or recommendations to the Director, to vote on whether to submit the findings or recommendations.
- Specifies that the Advisory Council may submit only those findings or recommendations that receive a majority vote.
- Requires the Director, by November 1, 2019, and annually thereafter, to submit a detailed financial report to the Speaker of the House and the Senate President regarding the amusement ride safety program.

### Qualifications for pet stores

- Revises which retail stores qualify as a pet store by doing both of the following:
  - As one of the qualifications, specifies that a store must sell 40 or more puppies or adult dogs in any calendar year to the public; and
  - Clarifies that a pet store is not a high volume dog breeder or any other dog breeder that maintains and sells dogs from the same premises where the dogs are bred and reared.
- Authorizes the Director to reimburse the license application fee paid by a person for a pet store license if the person both:
  - Holds a valid pet store license on the bill's effective date; and
  - No longer qualifies as an owner or operator of a pet store as a result of the above changes.

### High-volume dog breeder – standards of care

- Revises certain standards of care for dogs that are maintained by a high-volume dog breeder, including:
  - Regarding the primary enclosure requirements for housing a dog that are to take effect December 31, 2021, clarifies that a dog includes a puppy that is 12 weeks or older or an adult dog; and

--Regarding the flooring requirements for a dog enclosure that are to take effect December 31, 2021, requires coated metal wire that is used for flooring to measure six gauge or thicker.

## **Defense for nuisances**

- Expands the defense in civil actions for nuisances involving agricultural activities to include:
  - Agricultural activities that are conducted on land devoted exclusively to agriculture that is taxed in accordance with the land's current agricultural use value; and
  - Agricultural activities conducted by a person pursuant to a lease agreement, written or otherwise.

## **Voluntary nutrient management plans – soil test results**

- Increases from three years to four years the amount of time that soil test results are valid for purposes of inclusion in a voluntary nutrient management plan approved by the Director.

## **Statewide Watershed Planning and Management Program**

- Creates the Statewide Watershed Planning and Management Program for the improvement and protection of Ohio's watersheds to be administered by the Director of Agriculture.
- Requires the Director to appoint at least one watershed planning and management coordinator in each watershed region categorized under the bill.
- Requires each coordinator to perform certain duties in the watershed, including assisting each soil and water conservation district to identify sources and areas of water quality impairment.
- Requires the Director, in conjunction with soil and water conservation districts, to collect and aggregate information on conservation practices utilized in Ohio that are funded by public money.
- Requires the Director to assist soil and water conservation districts in watershed planning and management.
- Requires a soil and water conservation district board to consult and work with the coordinator appointed to the watershed region in which the soil and water conservation district is located.

## **Intent statement**

- States that it is the General Assembly's intent to collaborate with organizations representing agriculture, conservation, the environment, and higher education to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality.

## **Watershed pilot program**

- Requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus in a watershed to be determined by the Department.
- Requires the funding to be used to support specified purposes, including equipment for subsurface placement of nutrients into the soil and equipment for nutrient placement based on geographic information system data.

## **Urban sediment and storm water runoff pollution**

- Revises the law governing soil and water conservation districts and urban sediment and storm water runoff pollution, including:
  - Requiring the Director to support development and implementation of cooperative programs and working agreements between districts and the Department of Natural Resources and Ohio EPA;
  - Expanding the contracting authority of a soil and water conservation district by allowing contracts or agreements to address storm water runoff pollution, instead of only urban sediment pollution as in current law;
  - Regarding recommendations made by the Ohio Soil and Water Conservation Commission to specified persons or entities, clarifying that the recommendations are to encourage proper soil, water, and other natural resource management *for farm, rural, suburban, and urban land*.

## **Tree syrup exemption**

- Exempts a processor of any kind of tree syrup, rather than only maple syrup as in current law, from specified laws governing retail food establishments and food processing establishments.

## **Small wineries exemption**

- Exempts small wineries (A-2 or A-2f liquor permit holders) from retail food establishment licensure requirements if both:
  - The winery serves commercially prepackaged food and sales of that food do not exceed more than 5% of the total gross receipts of the establishment; and
  - The winery annually produces 10,000 gallons or less of wine.
- Requires the owner or operator of the winery to both:
  - Notify the Director that it is exempt from licensure because it qualifies under the above conditions; and
  - Disclose to customers that the winery is exempt from licensure.

## **Wine tax diversion to Ohio Grape Industries Fund**

- Extends through June 30, 2021, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund.

## **Promotion of Ohio agricultural goods in alcohol**

- Authorizes the Department of Agriculture to promote the use of Ohio-produced agricultural goods grown for inclusion in beer, cider, or spirituous liquor through voluntary promotional programs.

## **Agricultural Society Facilities Grant Program**

- Creates the Agricultural Society Facilities Grant Program to provide grants in FY 2020 to county and independent agricultural societies to support capital projects that enhance the use and enjoyment of agricultural society facilities.
- Generally requires each agricultural society that applies for assistance to receive an equal amount appropriated for those purposes.
- Requires the Director of Agriculture or the Director's designee to establish requirements and procedures for the Program, including procedures for reviewing applications and awarding grants.
- Requires each agricultural society to provide a matching grant.
- Requires the Director or designee, after reviewing a grant application and matching grant documentation, to approve the application unless:
  - The project or facility is not a bondable capital improvement project; or
  - The agricultural society does not provide a matching grant.

## **Ohio Expositions Commission**

- Adds the Ohio State University's Dean of the College of Food, Agricultural, and Environmental Sciences as a member of the existing Ohio Expositions Commission.

## **Amusement rides**

### **Permit and inspection fees**

(R.C. 1711.53)

The bill:

- Increases by \$75 the permit fee for an amusement ride (from \$150 to \$225);
- Increases from \$105 to \$109 the maximum amount of the fee for inspection and reinspection of inflatable rides that the Director of Agriculture may establish by rule; and

- Increases by 4% the annual inspection and re-inspection fee per ride as follows:

Type of ride	Fee amount under current law	Fee amount under the bill
Kiddie ride	\$100	\$104
Roller coaster	\$1,200	\$1,248
Aerial lift or bungee jumping facility	\$450	\$468
Other rides	\$160	\$166

## Advisory Council

(R.C. 1711.52)

Currently, the Advisory Council on Amusement Ride Safety must study any subject pertaining to amusement ride safety, including administrative, engineering, and technical subjects, and make findings and recommendations to the Director. Additionally, prior to the Director adopting or amending any rules regarding amusement ride safety, the Advisory Council must study the proposed rules, advise the Director, and make findings and recommendations to the Director.

The bill requires the Advisory Council to vote on whether to submit findings or recommendations to the Director. The Advisory Council may submit only those findings or recommendations that receive a majority vote.

## Safety program financial report

(R.C. 1711.532)

The bill requires the Director, by November 1, 2019, and annually thereafter, to submit a detailed financial report to the Speaker of the House and the Senate President that includes:

- The revenue collected from fees for amusement ride permits, inspections, and reinspections and any other revenue collected for the Department of Agriculture's amusement ride safety program applicable to the 12 months preceding the report's submission;
- Expenses relating to the Department's amusement ride safety program in the 12 months preceding the report's submission;
- Any proposed changes to the amusement ride fee schedule (including annual permit fees, inspection fees, and reinspection fees) that the Director determines is necessary for issuing permits and conducting amusement ride inspections and reinspections;
- The amount expended from any appropriation made for the Department's amusement ride safety program applicable to the 12 months preceding the report's submission;

- Any additional revenue that the Director determines is necessary to meet the expenses of the amusement ride safety program during the 12 months immediately following the submission of the report; and
- Any other information that the Director determines is necessary to include in the report.

## **Qualifications for pet stores**

(R.C. 956.01, 956.051, and 956.20; Section 709.10)

The bill revises which retail stores qualify as a pet store by both:

- Specifying, as one of the qualifications, that a store must sell 40 or more puppies or adult dogs in any calendar year to the public. Current law simply specifies that the store sells dogs to the public.
- Clarifying that a pet store is not a high volume dog breeder or any other dog breeder that maintains and sells dogs from the same premises where the dogs are bred and reared.

The bill also authorizes the Director to reimburse the license application fee paid by a person for a pet store license if both of the following apply:

- The person holds a valid pet store license on the bill's effective date; and
- The person no longer qualifies as an owner or operator of a pet store as a result of the above changes.

## **High-volume dog breeders – standards of care**

(R.C. 956.031)

The bill revises the standards of care for dogs that are maintained by a high-volume dog breeder (breeder) as follows:

- Regarding the primary enclosure requirements for housing a dog that are to take effect December 31, 2021, clarifies that a dog includes a puppy that is 12 weeks or older or an adult dog. An adult dog is a dog that is 12 months or older.
- Regarding the flooring requirements for a dog enclosure that are to take effect December 31, 2021, requires any coated metal wire that is used for flooring to measure six gauge or thicker. Current law does not address the diameter of the wire.
- Regarding the requirement that a dog be provided with an opportunity for daily exercise of at least 30 minutes, excludes an expectant female dog beginning 52 days after the first breeding date until the dog gives birth. Current law exempts expectant female dogs, but does not qualify the exclusion with a beginning and ending date.
- Regarding the requirement that a dog be provided an opportunity to safely access the outdoors during daylight hours, excludes an expectant female dog beginning 52 days after the first breeding date and until the dog gives birth, a female dog that is nursing, or a puppy that is younger than 12 weeks.

## **Defense for nuisances**

(R.C. 929.04)

The bill does the following regarding the complete defense in civil actions for nuisances involving agricultural activities:

- Expands the defense to include both of the following:

--Agricultural activities that are conducted on land devoted exclusively to agriculture that is taxed in accordance with the land's current agricultural use value (current law allows the defense to be claimed only with regard to agricultural activities conducted within an agricultural district); and

--Agricultural activities conducted by a person pursuant to a lease agreement, written or otherwise.

- Eliminates the specification that the plaintiff in a nuisance action not be engaged in agricultural production; and
- Defines "agricultural activities" to mean common agricultural practices, including crop cultivation and raising livestock. Current law does not define "agricultural activities."

## **Voluntary nutrient management plans – soil test results**

(R.C. 905.31)

The bill increases from three years to four years the time that soil test results are valid for inclusion in a voluntary nutrient management plan approved by the Director. Current law authorizes a person who owns or operates agricultural land to operate under a voluntary nutrient management plan, which is a plan for the application of commercial fertilizer on land. Operating in accordance with a plan provides the person applying fertilizer with an affirmative defense in a private civil action for damages caused by the application of fertilizer.

## **Statewide Watershed Planning and Management Program**

(R.C. 939.02, 940.06, and 940.36)

### **Creation**

The bill creates the Statewide Watershed Planning and Management Program for the improvement and protection of Ohio's watersheds. The Director of Agriculture is to administer the program.

### **Watershed planning and management coordinator**

Under the program, the Director must appoint at least one watershed planning and management coordinator in each watershed region categorized under the bill (see below) to coordinate watershed planning in the watershed. A coordinator must have experience or education related to water quality improvement or watershed planning and management.

A watershed planning and management coordinator must do all of the following in the watershed region in which the coordinator is appointed:

1. Assist each soil and water conservation district in identifying sources and areas of water quality impairment, including total phosphorous, dissolved reactive phosphorous, and nitrogen nutrient loading. A coordinator also may assist any political subdivision of the state or organization engaged in water quality improvement activities (hereafter organization) in the watershed region to address water quality impairment.

2. Assist each soil and water conservation district in collecting data for the purpose of quantifying water quality and nutrient best management practices in a statistically valid, randomized manner. The Director must use the data to establish a baseline of the nutrient best management practices that are being utilized in Ohio. The data and any associated records are not public records subject to disclosure under the Public Records Law.

The Director must undertake all actions necessary to ensure that assistance and available funding are provided for purposes of the assistance in collecting data and establishing a baseline described above.

3. Engage in watershed planning, restoration, protection, and management activities, including assisting a political subdivision or organization in the watershed region in developing and formulating a nine-element plan or its equivalent. A nine-element plan generally means a strategic implementation plan that a political subdivision, organization, or individual engaged in water quality improvements may utilize to obtain federal funding for projects that address nonpoint source pollution (pollution from an undefined source, such as runoff from streets and highways).

4. Collaborate with state agencies engaged in water quality activities; and

5. Provide an annual report to the Director about water quality.

The bill states that nothing in it can be construed to prevent or limit a watershed planning and management coordinator from providing assistance for projects or activities that have been determined to improve water quality impaired from point sources of phosphorus, dissolved reactive phosphorus, and nitrogen nutrients.

### **Watershed regions**

The Director must categorize watersheds in Ohio, identified by the specified U.S. Geological Survey six-digit hydrologic unit codes, into the following watershed regions:

<b>Watershed region</b>	<b>Watersheds included in the region</b>
Region 1	Western Lake Erie Basin Watershed, hydrologic unit code 041000.
Region 2	1. Central Lake Erie Basin Watershed, hydrologic unit code 041100; and 2. Conneaut Creek Watershed, hydrologic unit code 041201.
Region 3	1. Wabash River Basin Watershed, hydrologic unit code 051200; 2. Great Miami River Watershed, hydrologic unit code 050800; and 3. Little Miami River Watershed, hydrologic unit code 050902.

Watershed region	Watersheds included in the region
Region 4	Scioto River Watershed, hydrologic unit code 050600.
Region 5	Muskingum River Watershed, hydrologic unit code 050400.
Region 6	Mahoning River Watershed, hydrologic unit code 050301.
Region 7	<ol style="list-style-type: none"> <li>1. Hocking River and Ohio River Tributaries Watershed, hydrologic unit code 050302; and</li> <li>2. Raccoon Creek Watershed, hydrologic unit code 050901.</li> </ol>

## Data collection

As part of the Statewide Watershed Planning and Management Program, the Director, in conjunction with soil and water conservation districts, must collect and aggregate information on conservation practices utilized in Ohio that are funded by public money. The information collected and aggregated is not a public record subject to disclosure under the Public Records Law. However, the Director may share the information with state agencies and state institutions of higher education.

## Duties: Director of Agriculture and district boards

The bill assigns additional duties to the Director and boards of supervisors of soil and water conservation districts. Under the Director's current duties regarding soil and water conservation districts, the Director must assist in expediting state responsibilities for watershed development and other natural resource conservation works of improvement. The bill does both of the following: (1) modifies the above duty by requiring the Director to assist in expediting state responsibilities for other soil and water conservation works of improvement, rather than natural resource conservation works of improvement, and (2) requires the Director to assist in watershed planning and management.

The bill also requires a board to consult and work with the watershed planning and management coordinator appointed to the watershed region in which the soil and water conservation district is located.

## Intent statement

(R.C. 940.37)

The bill states that it is the General Assembly's intent to collaborate with both of the following to establish a certification program for farmers that utilize practices designed to minimize impacts to water quality:

1. Organizations representing agriculture, conservation, and the environment; and
2. Higher education institutions engaged in water quality research.

The Director must undertake all actions necessary to ensure that assistance and available funding are provided for farmers who participate in the certification program.

## **Watershed pilot program**

(Section 709.21)

The bill requires the Department of Agriculture, in consultation with the Lake Erie Commission and the Ohio Soil and Water Conservation Commission, to establish a pilot program that assists farmers, agricultural retailers, and soil and water conservation districts in reducing phosphorus and dissolved reactive phosphorous in a watershed to be determined by the Department. The Department must fund the program via appropriations in the Department's budget that support water quality initiatives. For the program, funding must be used to support:

1. Equipment for subsurface placement of nutrients into the soil;
2. Equipment for nutrient placement based on geographic information system data;
3. Soil testing;
4. Implementation of variable rate technology;
5. Equipment involved with manure transformation and manure conversion technologies;
6. Tributary monitoring;
7. Water management and edge-of-field drainage management strategies; and
8. Implementation of nutrient best management practices according to data collected by soil and water conservation districts under the bill.

The data and any associated records under the pilot program are not a public record subject to disclosure under the Public Records Law.

## **Urban sediment and storm water runoff pollution**

(R.C. 939.02, 939.04, 940.01, 940.02, 940.06, 1501.20 (repealed), and 6111.03)

The bill does all of the following regarding the law governing soil and water conservation districts and urban sediment and storm water runoff pollution:

- Requires the Director to support the development and implementation of cooperative programs and working agreements between districts and the Departments of Natural Resources and the Ohio EPA. The bill requires the cooperative programs and working agreements to be for the support of farm, rural, suburban, and urban conservation programs. (Current law only requires the Director to coordinate such programs and working agreements between districts and the Department of Agriculture.)
- Allows a board of supervisors of a soil and water conservation district to seek technical guidance and program support from OEPA to address urban sediment and storm water runoff.

- Allows a board of supervisors of a soil and water conservation district to enter into contracts or agreements with OEPA to address storm water runoff pollution (instead of only urban sediment pollution, as in current law).
- Adds that the Director of Environmental Protection may coordinate with a soil and water conservation district board to ensure compliance with rules adopted by the Director that pertain to urban sediment and storm water runoff pollution abatement.
- Adds that a board may enter into contracts or agreements with the Director of Natural Resources for partnership on state programs to assist with local needs relating to the management of wildlife, forestry, waterways, and other natural resources programs.
- Revises the duties of the Ohio Soil and Water Conservation Commission by adding the Directors of Environmental Protection and Natural Resources to the list of people or entities that the Commission must make recommendations to regarding soil and water conservation district operations. The bill specifies that those recommendations must encourage proper soil, water, and other natural resource management *for farm, rural, suburban, and urban land*. Current law does not specify the types of land that the recommendations apply to.
- Eliminates redundant law relating to coordination of the Commission and the Departments of Agriculture and Natural Resources and the Ohio EPA for agricultural and urban sediment pollution.

## **Tree syrup exemption**

(R.C. 3715.021 and 3717.22)

The bill exempts a processor of any kind of tree syrup, rather than only maple syrup as in current law, from:

- The law governing retail food establishments; and
- The Director's rules governing standards and good manufacturing practices for food processing establishments.

## **Small wineries exemption**

(R.C. 3717.22)

The bill exempts small wineries (A-2 or A-2f liquor permit holders) from retail food establishment licensure requirements if both of the following apply:

- The winery serves commercially prepackaged food and sales of that food do not exceed more than 5% of the total gross receipts of the establishment; and
- The winery annually produces 10,000 gallons or less of wine.

The bill also requires the owner or operator of the winery to do both of the following:

- Notify the Director that it is exempt from licensure because it qualifies under the above conditions; and

- Disclose to customers that the winery is exempt from licensure.

## **Wine tax diversion to Ohio Grape Industries Fund**

(R.C. 4301.43)

The bill extends through June 30, 2021, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund. Continuing law imposes a tax on the distribution of wine, vermouth, and sparkling and carbonated wine and champagne at rates ranging from 30¢ per gallon to \$1.48 per gallon. From the taxes paid, a portion is credited to the fund for the encouragement of the state's grape and wine industry. The remainder is credited to the GRF.

## **Promotion of Ohio agricultural goods in alcohol**

(R.C. 901.172)

The bill authorizes the Department of Agriculture to establish the following programs to promote the use of Ohio-produced agricultural goods grown for inclusion in beer, cider, and spirituous liquor:

- The "Ohio-Proud Craft Beer" program for beer and cider; and
- The "Ohio Proud Craft Spirit" program for spirituous liquor.

The Department's Division of Markets must develop logotypes (similar to the Department's "Ohio Proud" logo for agricultural goods) and issue them to beer, cider, and spirituous liquor producers certified under the programs. The Department must adopt rules establishing reasonable fees and criteria for voluntary participation in the programs. The fees must be credited to the General Revenue Fund and used to finance the programs.<sup>15</sup>

## **Agricultural Society Facilities Grant Program**

(Section 717.11)

The bill creates the Agricultural Society Facilities Grant Program to provide grants in FY 2020 to county and independent agricultural societies to support capital projects that enhance the use and enjoyment of agricultural society facilities by individuals. Agricultural societies may apply to the Director for monetary assistance to acquire, construct, reconstruct, expand, improve, plan, and equip those facilities. Except as discussed below, each agricultural society that applies for assistance must receive an equal amount appropriated for those purposes.

By 90 days after the bill's effective date, the Director or the Director's designee must establish requirements and procedures for the program, including an application form, procedures for reviewing applications and awarding grants, and any other requirements and procedures the Director or designee determines necessary. The program must require that

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<sup>15</sup> R.C. 901.172.

each agricultural society provide a matching grant unless the applicant demonstrates that it cannot provide the matching amount. The matching grant may be any combination of funding, materials, and donated labor. Documentation of the matching grant must be submitted with the grant application. An agricultural society must submit the grant application and matching grant documentation by May 30, 2020.

The Director or designee must approve an application unless either of the following applies:

- The project or facility is not a bondable capital improvement project; or
- The agricultural society does not provide a matching grant (unless a demonstration shows that the applicant cannot provide the matching grant).

The Director or designee must award all grants by June 30, 2020, and notify each grant recipient.

## **Ohio Expositions Commission**

(R.C. 991.02)

The bill adds the Ohio State University's Dean of the College of Food, Agricultural, and Environmental Sciences as a member of the existing Ohio Expositions Commission. The Dean must serve on the Commission without compensation. As part of its duties, the Commission is responsible for conducting the Ohio State Fair.