
DEPARTMENT OF AGRICULTURE

Amusement rides

- Requires the Director of Agriculture to charge a prorated fee for an operating permit for an inflatable ride that has a term of less than one year.
- Eliminates the \$105 annual inspection and reinspection fee for inflatable amusement rides, and instead requires the Director to set the fee by rule, within stipulations.
- Adds two members representing the inflatable amusement ride industry to the Advisory Council on Amusement Ride Safety.
- Would have divided the inspection of aquatic amusement rides between the Departments of Agriculture (structural) and Health (sanitation) (VETOED).

Soybean Marketing Program

- Establishes the Soybean Marketing Program, and generally applies to it the procedures, requirements, and other provisions that apply to the Grain Marketing Program.
- Prohibits the levying of assessments under the Soybean Marketing Program if assessments are levied under the National Soybean Checkoff Program.

Nursery stock collector or dealer fee exemption

- Revises an exemption from the nursery stock collector or dealer license fee for a person who is not a nurseryman, dealer, or collector by limiting the exemption to a person who:
 - Conducts the sale of nursery stock as a fund raiser for a nonprofit organization for up to two days a year; and
 - Makes up to \$2,000 (formerly \$200) in annual revenue from the sale of nursery stock.

Bee inspection fee allocation

- Reallocates money generated from fees charged for the inspection of bee colonies and beekeeping equipment to the Plant Pest Program Fund, rather than the General Revenue Fund as provided in former law.



Interstate Pest Control Compact

- Eliminates Ohio's participation in the Interstate Pest Control Compact.

Appraisal of animals ordered destroyed

- Allows the Director to order the destruction of an animal because of disease before it is appraised, rather than prohibiting the destruction order until after the appraisal as under former law.
- Requires the Director to take an inventory of each animal that is destroyed and record sufficient information for an appraisal to be conducted.
- Revises procedures that authorize the owner of an animal that is ordered destroyed to have the animal appraised, to request an appraisal by the Department of Agriculture, and, if the two appraisals do not agree, to have a third appraisal conducted by a disinterested party.
- Requires the owner of an animal to have an initial appraisal conducted and to request an appraisal by the Department within 30 days of the destruction order.

Captive deer licenses – civil penalties

- Authorizes the Director to assess a civil penalty for violations of the law that requires the licensure of captive deer propagators and animal preserves with captive deer.
- Specifies that the civil penalties are between \$500 and \$10,000, depending on the number of offenses within a five-year period.

Food regulation

- Authorizes the Director to assess a civil penalty against a person who is operating a food processing establishment (for example: a confectionery, cannery, or bottler) without registering the establishment with the Director.
- Specifies that the civil penalties are between \$500 and \$5,000, depending on the number of offenses within a five-year period.
- Expands the exemption from the requirement to pay a food processing establishment registration fee to all bakeries, rather than solely home bakeries as under former law.
- Exempts a processor of apple syrup or apple butter who directly harvests from trees at least 75% of the apples used to produce the apple syrup or butter from:



--The law governing retail food establishments; and

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

Wine tax diversion to Grape Industries Fund

- Extends through June 30, 2019, the extra 2¢ per-gallon earmark of wine tax revenue that is credited to the Ohio Grape Industries Fund.

Ohio Agriculture Scholarships – Agro Ohio Fund

- Revises the law governing Ohio Agriculture license plates by:
 - Requiring the Director to use money generated from the license plates for promoting agriculture, rather than for the Agriculture License Plate Scholarship Program as under former law;
 - Eliminating the Ohio Agriculture License Plate Scholarship Program and the related Scholarship Fund Board; and
 - Requiring money generated from the license plates to be deposited in the Agro Ohio Fund rather than the Ohio Agriculture License Plate Scholarship Fund, which the act eliminates.
- Revises the purposes for which money in the Agro Ohio Fund may be used, including eliminating the Agro Ohio Fund grant program under which the Director awarded grants for promoting agriculture in Ohio.

Animal and Consumer Protection Laboratory Fund

- Allocates money generated from the registration and renewal of livestock brands to the Animal and Consumer Protection Laboratory Fund, rather than the Brand Registration Fund, which the act eliminates.

Matching funds, soil and water conservation districts

- Eliminates the requirement that the Department had to match soil and water conservation district funds received pursuant to a contract to carry out Phase II of the federal storm water program.



Amusement rides

Inflatable amusement rides

(R.C. 1711.51 and 1711.53)

Operating permit fee

Under the act, if the Director of Agriculture issues a permit to operate an inflatable ride for a term of less than a year, the Director must charge a prorated fee for the permit equal to $\frac{1}{12}$ of the annual permit fee multiplied by the number of full months for which the permit is issued. Under former law, if the Director issued an operating permit for a period of less than one year, the Director had to charge the full annual permit fee of \$150.

Inspection/reinspection fee

The act eliminates the \$105 annual inspection and reinspection fee for an inflatable amusement ride, and instead requires the Director to establish a new fee by rule. However, the Director must adopt a fee that is less than \$105 and that reasonably reflects the costs of an inspection and reinspection.

Advisory Council

Under the act, the Governor, by October 29, 2017, must appoint two additional members to the Advisory Council on Amusement Ride Safety. They must be representatives of the inflatable amusement ride industry who are owners or operators of inflatable amusement rides or consultants from the industry. Under continuing law, the Council is tasked with studying topics pertaining to the amusement ride industry and making recommendations to the Director regarding rules that address amusement ride safety.

Aquatic amusement rides (VETOED)

(R.C. 1711.53, 3749.01, 3749.02, 3749.03, 3749.04, 3749.05, 3749.06, and 3749.07; Section 737.31)

The Governor vetoed a provision that would have divided the inspection of aquatic amusement rides between the Departments of Agriculture and Health. The Department of Agriculture would have retained its authority over the structural aspects of aquatic amusement rides. The Department of Health and local boards of health would have had authority over the sanitation aspects of aquatic amusement rides. Because the act's provisions were vetoed, the Department of Agriculture retains full authority over aquatic amusement ride inspections.



Soybean Marketing Program

(R.C. 924.01, 924.09, and 924.211)

The act establishes the Soybean Marketing Program, and generally applies the procedures, requirements, and other provisions that are established for the Grain Marketing Program to the Soybean program. However, unlike the Grain Marketing Program's operating committee, the Soybean Marketing Program's operating committee must consist of 18 members, 14 of whom must be elected by eligible soybean producers in accordance with the election procedures that apply to the Grain Marketing Program's committee. The Director must appoint the remaining four members from the United Soybean Board from Ohio, who will serve as voting members.

With regard to levying assessments to fund the Soybean Marketing Program, the Director must levy an assessment on soybean producers at the rate of 0.5% of the per-bushel price of soybeans at the first point of sale. This assessment is consistent with the assessments levied on grains under the Grain Marketing Program. However, the Director may not levy an assessment if assessments are levied under the National Soybean Checkoff Program.

Nursery stock collector or dealer fee exemption

(R.C. 927.55)

The act revises an exemption from the nursery stock (plants, shrubs, and trees) collector or dealer license fee for a person who is not a nurseryman, dealer, or collector by limiting the exemption to a person who:

- (1) Conducts the sale of nursery stock as a fund raiser for a nonprofit organization for up to two days a year; and
- (2) Makes up to \$2,000 (formerly \$200) in annual revenue from the sale of nursery stock during a calendar year.

Bee inspection fee allocation

(R.C. 909.10)

The act reallocates money generated from inspection fees charged for inspecting bee colonies and beekeeping equipment to the Plant Pest Program Fund, rather than the General Revenue Fund as provided in former law. The Department of Agriculture uses money in the Plant Pest Program Fund to administer the law governing nursery stock, plant pests, and apiaries.



Interstate Pest Control Compact

(Repealed R.C. 921.60 to 921.65)

The act eliminates Ohio's participation in the Interstate Pest Control Compact. The Compact was formed in 1968 with the assistance of the Council of State Governments. It serves to remedy funding restraints, bridge the jurisdictional gaps that exist among federal and state governments, and address the realities of dynamic plant pest infestations or outbreaks. According to the Department, Ohio is leaving the Compact because the functions authorized under the Compact are now performed under the National Association of State Departments of Agriculture Pest Eradication Assistance and Resources Program.

Appraisal of animals ordered destroyed

(R.C. 941.12 and 941.55)

The act revises the appraisal procedures that apply to an owner of an animal that is ordered destroyed by the Director because the animal is diseased. The appraisal is used to determine the amount of indemnification for the animal that the person may claim. The act also allows the Director to order the destruction of an animal before it is appraised, which former law prohibited.

If an animal is ordered destroyed by the Director, the Director must take an inventory of the animal and record sufficient information in order for an appraisal to be conducted, if necessary. The animal's owner must:

- (1) Request the information recorded by the Director, as specified above, and have an appraisal of the animal conducted at the owner's expense; and
- (2) Request that the Department conduct an appraisal of the animal.

If the owner and the Department do not agree on the value of the animal, the two must select a third disinterested person, at the owner's expense, to appraise the animal. The appraisal conducted by that person is the value of the animal for purposes of indemnification.

The owner of an animal must have an appraisal conducted and request an appraisal by the Department within 30 days of the destruction order. Otherwise, the owner waives the right to indemnification for that animal.



Captive deer licenses – civil penalties

(R.C. 943.23)

Under the act, the Director, after providing an opportunity for a hearing under the Administrative Procedure Act, may assess a civil penalty against a person who has violated or is in violation of the law requiring the licensure of animal preserves with captive deer and captive deer propagators. It establishes the amount of the civil penalties as follows:

(1) If, within five years of the violation, the Director has not assessed a civil penalty against the person who committed the violation, up to \$500.

(2) If, within five years of the violation, the Director has assessed one civil penalty against the person who committed the violation, up to \$2,500.

(3) If, within five years of the violation, the Director has assessed two or more civil penalties against the person who committed the violation, up to \$10,000.

Civil penalties must be credited to the Captive Deer Fund, which the Director uses to administer the captive deer program.

Food regulation

Food processing establishment enforcement

(R.C. 3715.041)

Law unchanged by the act requires a food processing establishment to annually register with the Director. The act enhances the Director's enforcement authority regarding the registration by authorizing the Director to assess a civil penalty against a food processing establishment that is not registered. A food processing establishment is a premises or part of a premises where food is processed or otherwise held or handled for distribution to another location or for sale at wholesale. Confectioneries, canneries, and bottlers are examples of food processing establishments.

Under the act, if the Director finds that a person is operating a food processing establishment without registering it, the Director must issue a letter of warning and give the person ten days to register the establishment. If the person fails to register the establishment within the ten-day period, the Director may assess a civil penalty against the person. If the Director assesses a civil penalty, the Director must do so as follows:

(1) If, within five years of the issuance of the warning letter, the Director has not previously assessed a civil penalty against the person, up to \$500;



(2) If, within five years of the issuance of the warning letter, the Director has previously assessed one civil penalty against the person, up to \$1,500; or

(3) If, within five years of the issuance of the warning letter, the Director has previously assessed two or more civil penalties against the person, up to \$5,000.

Bakeries

(R.C. 3715.041)

The act exempts all bakeries from the requirement to pay the registration fee for registering as a food processing establishment. Under prior law, the exemption applied only to home bakeries.

Apple syrup and apple butter processors

(R.C. 3715.021 and 3717.22)

The act exempts a processor of apple syrup or apple butter who directly harvests from trees at least 75% of the apples used to produce the apple syrup or butter from:

(1) The law governing retail food establishments; and

(2) The Director's rules governing standards and good manufacturing practices for food processing establishments.

Wine tax diversion to Grape Industries Fund

(R.C. 4301.43)

The act extends through June 30, 2019, 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.

Ohio Agriculture Scholarships – Agro Ohio Fund

(R.C. 901.04, 4503.503, and 4503.77; repealed R.C. 901.90)

The act alters the law governing Ohio Agriculture license plates by doing all of the following:



(1) Requiring the Director to use money generated from the registration and renewal of the license plates solely for promoting agriculture in Ohio rather than for the Ohio Agriculture License Plate Scholarship Program as under prior law;

(2) Eliminating the Ohio Agriculture License Plate Scholarship Program, which benefited students enrolled at Ohio institutions of higher learning in programs related to agriculture;

(3) Eliminating the Ohio Agriculture License Plate Scholarship Board, which governed the Scholarship Program, including the awarding of scholarships;

(4) Eliminating the Ohio Agriculture License Plate Scholarship Fund; and

(5) Requiring money generated from the license plates to be deposited in the existing Agro Ohio Fund.

Uses of money in the Agro Ohio Fund

The act revises the allowable uses of money credited to the Agro Ohio Fund by first eliminating the Director's authority to use money in the Fund to administer a grant program to promote agriculture in Ohio. Second, it eliminates the requirement that money in the Fund that is derived from the proceeds of land escheated to the state in rural areas be used for the "benefit of agriculture." Finally, it specifies that money deposited in the Fund, that is not otherwise allocated under continuing law, must be used for the purpose of promoting agriculture in Ohio, as determined by the Director.

Animal and Consumer Protection Laboratory Fund

(R.C. 947.06 and 901.43)

The act allocates money generated from the registration and renewal of livestock brands to the Animal and Consumer Protection Laboratory Fund, rather than to the Brand Registration Fund. It also eliminates the Brand Registration Fund, which was used to pay the costs and expenses of administering the Department's livestock brand registration program. The Animal and Consumer Protection Laboratory Fund is used by the Department to pay the expenses necessary to operate the animal industry laboratory and the consumer protection laboratory, including the purchase of supplies and equipment.



Matching funds, soil and water conservation districts

(R.C. 940.15)

The act alters the law that requires the Department, within the limits of funds appropriated to it, to pay to a soil and water conservation district a matching amount of up to \$1 for every \$1 raised from any of four local sources. Specifically, it eliminates the requirement that the Department match money received by a district from a contract entered into between the district and a board of county commissioners to carry out projects related to Phase II of the federal storm water program. It also eliminates a cap on the matching amounts related to the federal program (effective through 2017), which was set at the amount a district received during calendar year 2013.

