
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;
 - Allowing the Director of Agriculture (ODA Director) to establish an examination fee by rule for applicants for pesticide applicator licenses; 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.

Hemp Cultivation and Processing Program

- Grants authority to the 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.

Amusement rides

- Alters the current amusement ride classifications for purposes of the annual inspection and reinspection fee.
- Increases various inspection and reinspection fees for certain amusement rides, but decreases fees for inflatable rides.

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 apiary (beekeeping) registration, including:

- Increasing, 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; and
- Eliminating the \$5 annual registration fee and the \$10 late fee.
- Makes changes to the law governing the sale or gift of queen bees, including:
 - Expanding the law to include the sale of packaged bees, nucs, and bee colonies and the trade and distribution of bees; and
 - Requiring 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 the person's queen rearing apiaries for which certification is requested, rather than filing a request for inspection as under current law.
- Makes changes to the law governing deputy apiarists, including:
 - Allows a board of county commissioners to appoint multiple deputy apiarists, rather than only one as under current law;
 - Requires boards 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 boards to pay for each day or half day of inspection work done as under current law; and
 - Allowing 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 current law.
- 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, and generally applies the same procedures, requirements, and other provisions that exist for the Grain and Soybean Marketing Programs.
- Requires the Pork Marketing Program Operating Committee to consist of six elected members and four members appointed by the Governor.
- Requires the six members to be 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, and divides the state into six districts for operating committee elections.

- Requires the Director to levy an assessment on pork producers at 35¢ per \$100 of value at the first point of sale, but specifies that assessments cannot be collected if assessments are levied under the National Pork Checkoff Program created under federal law.

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 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.

High volume dog breeder kennel 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.

Captive cervid licensing

- Creates a new regulatory scheme for those who propagate or own any type of cervid (deer, moose, and elk and their hybrids) instead of requiring those owners to be licensed as a livestock dealer.

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.

High Blend Ethanol Rebate Program

- Requires ODA to create and administer a pilot High Blend Ethanol Rebate Program to support new construction of E15 or higher blend ethanol pumps at motor fuel retailer locations across Ohio.
- Provides a rebate of 5¢ per gallon of blended fuel sold, up to \$100,000 per fiscal year, to a retailer that meets the program's conditions.

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, 921.24, and 921.26)

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 bill 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 which 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 existing \$150 pesticide registration and inspection fee required for each product name and brand registered by a company, makes the fee nonrefundable;

5. Allows the Director of Agriculture (ODA Director) to establish an examination fee by rule for applicants for pesticide applicator licenses;

6. 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

7. 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 bill 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.

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 authority to the ODA Director to transfer jurisdiction to implement the hemp cultivation licensure program in Ohio to the U.S. Department of Agriculture. However, it retains the requirement that ODA implement a hemp processing licensure program.

Amusement rides

(R.C. 993.04, conforming change in R.C. 993.01)

Reclassification

The bill alters the current amusement ride classifications for purposes of the annual amusement ride inspection and reinspection fees. The current classifications are “kiddie rides,” “roller coasters,” “aerial lifts or bungee jumping facilities,” and “other rides.” It expands the classifications to:

1. Kiddie ride;
2. Family ride;
3. Major ride;
4. Spectacular ride;
5. Family/portable roller coaster;
6. Tower ride; and
7. Large roller coaster.

Accordingly, it also requires the ODA Director to define “inflatable ride,” “kiddie ride,” “family ride,” “major ride,” “spectacular ride,” “family/portable roller coaster,” “tower ride,” and “large roller coaster” in rules.

Fee changes

The bill retains the \$225 annual permit fee for each amusement ride (other than an inflatable ride). For an inflatable ride, the bill decreases the annual permit fee from \$225 to \$100. It also makes the following inspection and reinspection fee changes as follows:

Amusement ride inspection and reinspection fee changes			
Type of amusement ride	Current fee per ride	New fee per ride under H.B. 96	Amount of change
Family ride	\$160	\$200	\$40 increase
Major ride	\$160	\$300	\$140 increase
Spectacular ride	\$160	\$400	\$240 increase
Family/portable roller coaster	\$1,200	\$1,200	No change
Tower ride	\$160	\$1,800	\$1,640 increase
Large roller coaster	\$1,200	\$4,000	\$2,800 increase
Inflatable ride – for three or fewer inflatable rides that are inspected at the same time at the same location and that are owned by the same owner	\$104	\$100	\$4 decrease
Inflatable ride – for four to ten inflatable rides that are inspected at the same time at the same location and that are owned by the same owner	\$104	\$75	\$29 decrease
Inflatable ride – for 11 or more inflatable rides that are inspected at the same time at the same location and that are owned by the same owner	\$104	\$50	\$54 decrease

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.

Apiaries

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

Current law establishes requirements and procedures regarding apiaries (beekeeping) and requires ODA to oversee those requirements and procedures. The requirements include annually registering an apiary, inspections, and tracking sales of bees. Current law also allows a board of county commissioners to appoint a deputy apiarist to assist the ODA Director in inspecting apiaries.

Apiary registration

The bill 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 such posting when the person is maintaining an apiary on a premises other than the person's residence as under current law.

Sale or gift of queen bees

The bill 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 current 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, but at least once each year, rather than requiring inspections once each year with no authority for the Director to alter inspection frequency as under current law;

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

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 enough to develop into a full-sized colony.

7. Makes conforming changes.

Deputy apiarist

The bill 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 current law;

2. For purposes of 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 current 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 current 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. Current 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

Finally, the bill 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 apiary inspections

The bill 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. 924.212)

The bill establishes the Pork Marketing Program to promote the sale of pork. It generally applies the same procedures, requirements, and other provisions that exist for the Grain and Soybean Marketing Programs to the new Pork Marketing Program. As part of the Pork Marketing Program, the bill provides for the establishment of an Operating Committee consisting of the following ten members:

1. Four members appointed by the ODA 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.
2. 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 district. 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.

All ten members of the Operating Committee are voting members.

With regard to levying assessments to fund the Pork Marketing Program, the bill requires the Director to levy an assessment on pork producers at the rate of 35¢ per \$100 of value at the first point of sale. However, if assessments are levied under the National Pork Checkoff Program created under federal law, no assessments can be levied for the Pork Marketing Program. The bill prohibits the Operating Committee from refunding to a producer any assessments that it collects from the producer.

Food processing establishment exemption

(R.C. 3715.021)

The bill 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, current 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 processing establishments in rules. Those rules must conform with federal regulations.

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.

Current 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) 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 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. As a result of the elimination of the annual tonnage report, it 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 annually within 40 days of December 31.

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 ODA Director must adopt and enforce rules in accordance with the Administrative Procedure Act 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 program fund administered by ODA.

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 the Division of Markets of ODA; 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.

High-volume dog breeder kennel 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. Thus, 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.

Current 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.

Captive cervid licensing

(R.C. Chapter 944, including renumbering R.C. 943.20 to 943.25, 943.01, and 943.26; conforming changes in R.C. 1533.71, 1533.721, 1533.731, and 1533.77)

The bill eliminates the requirement that owners who propagate captive deer in a facility be licensed as a livestock dealer and instead creates a new regulatory scheme for these facility owners and owners of any type of cervid (which is defined as deer, moose, and elk, and their hybrids) as follows:

1. Requires all owners of a captive cervid facility to be licensed annually by the ODA Director if they own or propagate cervids;
2. Requires the Director, prior to issuing a license, to inspect the applicant's facility and specifies appeal procedures if the applicant fails the inspection;
3. Establishes an annual \$50 license and renewal fee for each captive cervid facility, which is deposited into the existing Animal and Consumer Protection Fund; and
4. Allows the existing Animal and Consumer Protection Fund to be used for captive cervid regulatory purposes.

However, the bill also generally retains all the following current law authority and requirements:

- Rulemaking authority that currently applies to captive cervids, including authority to adopt rules governing health monitoring, disease testing, and recordkeeping of monitored captive cervid, captive cervid with status, and captive cervid with certified chronic wasting disease status;
- All testing requirements applicable to captive cervid;
- The requirement that the ODA Director take actions that the Director determines are necessary to mitigate or eliminate the presence of chronic wasting disease or other disease at a facility owned by a captive whitetail cervid licensee under certain conditions;
- The requirement that a facility owner obtain both a captive cervid facility license under the bill's new regulatory scheme in addition to a captive whitetailed deer propagation license if the person owns or propagates captive cervid with status or captive cervid with certified chronic wasting disease;
- The requirement that a facility owner obtain both a captive cervid facility license under the bill's new regulatory scheme in addition to a wild animal hunting preserve license if the person operates a wild animal hunting preserve on which monitored captive cervid,

captive cervid with status, or captive cervid with certified chronic wasting status are released and hunted;

- Civil penalties; and
- The authority for the ODA Director or the Director’s authorized representative to enter at reasonable times on the premises of a captive whitetail cervid licensee to conduct investigations and inspections or to otherwise execute duties that are necessary for the administration and enforcement of the law governing captive cervids.

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 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

Livestock dealer and broker fee changes			
Type of fee	Current fee	New fee under H.B. 96	Amount of change
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, livestock dealers, and captive cervid.

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.

High Blend Ethanol Rebate pilot

(Sections 211.10, 211.20, and 757.100)

The bill requires ODA to create and administer a pilot High Blend Ethanol Rebate Program to incentivize the sale of gasoline blended with 15% ethanol or higher by volume (“qualifying blended fuel”). The program applies to qualifying blended fuel that is sold by a motor fuel retailer after the bill’s effective date at locations that have not sold that type of fuel previously. Under the program, a motor fuel retailer may receive a rebate of 5¢ per gallon of qualifying blended fuel sold, up to \$100,000 per fiscal year.

ODA must develop an application process for the rebates and establish any required supporting documents. Additionally, it may adopt rules as necessary to implement and administer the program, in accordance with the Administrative Procedure Act (R.C. Chapter 119). Any motor fuel retailer that receives a rebate through the program must provide quarterly reports to ODA, including the volume of qualifying blended fuel sold and any other information necessary for evaluation and oversight.

The bill appropriates \$10 million in FY 2026 for the program and reappropriates any unexpended and unencumbered portion for the same purpose in FY 2027.