

OHIO DEPARTMENT OF AGRICULTURE

General information (AGR)

Duties

The Ohio Department of Agriculture ensures the safety of Ohio's food supply for consumers. It protects food, animals, and plant life through scientific research and conservation. It also supports agribusiness in Ohio by providing economic opportunities to farmers and food processors.

Membership *(Current members, chairperson and other officers, and selection process.)*

There is no membership

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

The Ohio Department of Agriculture (ODA) has a budget of \$165.8 million in FY 2023. Of this amount \$50.2 million (30%) is from GRF, \$23.2 million (14%) is federal funding and \$92.4 million (56%) is from dedicated purpose funds. The Department budgets for 15 unique programs. Of these, the Division of Soil and Water, which includes the H2Ohio program has the largest budget.

The budget process for ODA begins with the preparation of a biennial budget request in accordance with the guidance provided by the Office of Budget and Management (OBM). The budget request is then reviewed by OBM and the Governor's Office. After funding decisions are made, ODA's budget is incorporated into the Executive Biennial Budget request which is submitted to the Legislature. The House and the Senate review the Executive Budget and make changes as appropriate and pass the final biennial budget by June 30th of each odd numbered year. After the budget is passed by the Legislature, ODA annually allots the funded amounts across payroll, contracts, maintenance,

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

equipment, and subsidy, for each program. The budget for each program is monitored over the course of the fiscal year and adjustments are made as needed to ensure the programs have the needed funding and the budget remains in balance. If additional federal or dedicated purpose funding becomes available during the biennium, ODA will seek Controlling Board Approval to increase appropriation in those funds.

In FY 2023 ODA is requesting increases in appropriation from the Controlling Board which will increase the budget noted above. The largest of these increases is a \$3 million request for appropriation to expend emergency federal funding in response to an outbreak of Highly Pathogenic Avian influenza at a chicken farm in Ohio. ODA's budget in FY 2024 will be determined through the biennium budget process which is currently underway.

Workload *(Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?)*

Workload has increased in the past 6 years because of various items. Federal and state legislation and grant programs have brought new programs and responsibilities to ODA (H2Ohio, Auctioneers, Tyler's Law, Beginning Farm Tax Credit, FDA/USDA programs, etc.), and growth in the agribusiness industry in Ohio and Ohio's population have also driven growth in workload. Additional growth in workload is expected because there is an anticipated increase in foreign animal diseases which threaten Ohio's pork and poultry industries, anticipated increase in the meat processing industry as additional facilities open and demand for meat continues, and it is anticipated that additional innovations in plant and farming practices will continue to improve water quality and environmental health (H2Ohio) which requires continued work with Ohio's farming industry.

Staffing *(How many staff are currently employed by the Department? What are their roles? Are staffing levels proportionate to the Department's current and anticipated workload?)*

ODA has 453 permanent employees in various occupations dependent upon the program. About half of the workforce is inspectors working in the field inspecting food production processes, plant health and farming establishments, water quality and environmental health, and testing scales and amusement rides. The other half of the workforce is on ODA's campus in Reynoldsburg, Ohio working in the animal disease, consumer protection, and horse racing laboratories and performing administrative functions. While the department is successfully maintaining program operations with the current workforce, we will likely be seeking funding for additional staff in the next operating budget to support the growth and activity in Ohio's top industry, food, and agriculture.

Administrative hearings and public complaints *(Describe the Department’s processes for administering discipline and addressing complaints. Assess the efficiency of the processes.)*

The administrative process for ODA begins with an inspection (by an ODA inspector) with noted violations, or upon receipt of a complaint by a member of the public (which then receives follow-up by division staff). The violation is first discussed with the inspector or staff and the division chief. The division chief decides whether the matter should be referred to ODA Enforcement for further investigation, or whether it should be referred to legal to approve a Notice of Opportunity for Hearing or a different permitted legal action. ODA inspectors, division chiefs, and legal team work together to ensure that referred matters are processed in a timely manner.

Livestock manager

Survey responses (AGR)

Description

Any individual in the state of Ohio that land applies, brokers, transports, or manages at least 4,500 dry tons of solid manure or 25 million gallons of liquid manure within a calendar year must obtain a Certified Livestock Manager certification. Additionally, livestock facilities that are considered major concentrated animal feeding facilities are required to employ at least one Certified Livestock Manager on staff. Certified Livestock Managers are regulated by ODA’s Division of Livestock Environmental Permitting (“ODA-DLEP”). ODA-DLEP will inspect certified livestock managers at least once annually for compliance with Ohio Administrative Code 901:10.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Government certification

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	36 (2016-2020 average)
Number renewed annually	44 (2016-2020 average)
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant increases. There was a significant decrease in new and renewal applicants in 2021, but this was mainly due to the limited availability of training opportunities during the COVID pandemic, specifically in the latter half of 2020 and all of 2021.
Education or training requirements	10 hours of approved continuing education units. All CEUs are approved by ODA-DLEP. 10 hours of CEUs for new and renewing certified livestock managers.
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	<p>Yes & No – The Department may offer a training program and an examination for a livestock manager certification. ODA-DLEP has elected to include a variety of questions on the certified livestock manager application form to verify that an applicant has demonstrated the knowledge required to be a certified livestock manager. ODA-DLEP personnel review all certified livestock manager applications, and any approvals would also come from the division.</p> <p>As mentioned, the CLM application (and renewal) fee is \$50. The fees are collected and transferred to the Livestock Management Fund (Ohio Revised Code 903.19). Money credited to this fund are used solely in the administration of ODA’s Division of Livestock Environmental Permitting.</p>
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	<p>10 hours of approved continuing education units. All CEUs are approved by ODA-DLEP. 10 hours of CEUs for new and renewing certified livestock managers.</p> <p>Training requirements are outlined in Ohio Administrative Code 901:10-1-06 <i>Certified Livestock Manager</i>. All certified livestock managers must receive training in three core topics (Manure</p>

If the regulation is a registration, certification, or license requirement, please complete the following:	
	<p>Storage and Handling, Nutrient Management, and Ohio Rules and Regulations specific to CLMs) and a minimum of three elective topics (including, but not limited to: Water Quality Issues, Soil Testing, Stockpiling of Manure, Emergency Action Plans, Agronomic Value of Manure Nutrients, Record Keeping, Biosecurity, Liability, Application of manure to growing crops, etc.).</p> <p>ODA-DLEP holds a two-day, annual training for current and prospective certified livestock managers. The curriculum for this annual training will require the three core topics mentioned above and then fill in the remaining hours with at least three elective topics. The training will provide 10 hours of continuing education units minimum.</p>
Initial fee	\$50.00
Duration	3 full calendar years
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$50.00
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Yes. For example, the State of Indiana has a certification program for manure and commercial fertilizer applicators called a Category 14 license. Ohio recognizes the Category 14 for training and certification purposes. However, those individuals with a Category 14 must also obtain a Certified Livestock Manager certificate through ODA-DLEP.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	Yes. For example, if an individual land applies less than 25 million gallons of liquid manure in a given calendar year and does not land apply any manure generated by a permitted concentrated animal feeding facility, they will not need to be a certified livestock manager.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>As of September 19, 2022, there are 235 certified livestock managers in Ohio. About half of the 235 certified livestock managers manage 4,500 dry tons or more of solid manure or 25 million gallons of liquid manure or more, and will be inspected by ODA-DLEP at least once annually.</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

ORC Section 903.16 provides enforcement authority to the Ohio Department of Agriculture, as well as the Ohio Attorney General if necessary. OAC 901:10-1-06 also provides enforcement authority to ODA and is more specific to certified livestock managers.

At least annually, ODA-DLEP Inspectors inspect all certified livestock managers that manage 4,500 dry tons of solid manure or 25 million gallons of liquid manure in a calendar year for compliance with Ohio Administrative Code 901:10. Those certified livestock managers that voluntarily become certified livestock managers, meaning they handle less volume or weight of manure as described in the previous sentence, will get inspected by ODA-DLEP inspectors at least once every three years if they actively manage any volume or weight of manure. Those certified livestock managers that voluntarily become certified livestock managers, but do not handle any volume of manure, do not get inspected by ODA-DLEP on any routine basis.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Approx. \$4,000.00 per year (2016-2020 average).

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

A federal regulation for this occupation does not exist.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

These regulations seek to prevent surface and groundwater pollution. Manure nutrients, particularly nitrogen and phosphorus, can become pollutants to Ohio's waterways if not managed properly. This certification program is needed to ensure that individuals handling these large quantities of manure demonstrate professionalism, demonstrate knowledge in manure and nutrient management, and respond appropriately to emergency situations (such as a manure discharge to surface waters of the state).

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

In general, yes. Certified Livestock Managers are generally in compliance with state regulations and the state regulations are designed to be protective of Ohio's water quality. With ODA's enforcement capabilities, those Certified Livestock Managers that have had significant compliance issues are no longer Certified Livestock Managers.

There aren't less restrictive ways to prevent the harm. These regulations are vital to ensuring the protection of Ohio's water quality.

Are there any changes the Department would like to see implemented?

Yes, a complete overhaul of the Department’s enforcement capabilities in regards to certified livestock managers. Currently, the director of agriculture can only suspend or revoke a current certified livestock manager’s certificate if they are not in compliance with OAC 901:10. The director may also deny an applicant if the applicant provides fraudulent information in the application or does not demonstrate the knowledge necessary to become a certified livestock manager. The director can also request the Attorney General to bring a civil penalty against individuals that are found to be in violation of ORC 903.07, which basically means that ODA can seek a penalty from individuals that are managing 4,500 dry tons or more of solid manure or 25 million gallons or more of liquid manure without a certified livestock manager certificate.

The department should have the capability to require corrective actions should a current certified livestock manager violate OAC 901:10-2-10, 901:10-2-13, 901:10-2-14, and/or 901:10-2-16, and to seek civil and administrative penalties if there is history of noncompliance. Suspending or revoking a certified livestock manager certificate should only be used in extreme circumstances and currently, it is the only effective way of dealing with certified livestock managers violations, no matter how severe and regardless of compliance history.

Surrounding state comparison (LSC)

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification (<i>R.C. 903.07; O.A.C. 901:10-1-06</i>).	Voluntary certification (<i>Indiana State Dept. of Agriculture, Certified Livestock Producer Program</i>).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Ten hours of training offered by the Department of	Applicants are provided a Certified Livestock Producer Program	N/A	N/A	N/A	N/A

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>Agriculture or an entity approved by the Department on various topics, including calculating nutrient values in manure and devising and implementing a manure management plan (<i>O.A.C. 901:10-1-06(D); Ohio Dept. of Agriculture, Certified Livestock Manager</i>).</p>	<p>manual that contains educational materials, sample action plans, and self-assessments. The self-assessments discuss environmental issues, food safety and animal welfare, emergency plans, and biosecurity issues. Finally, the applicant’s farm must be reviewed and verified by a representative of the Indiana State Department of Agriculture. (<i>Indiana State Dept. of Agriculture, Application for the Certified Livestock</i></p>				

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<u>Producer Program (DOC).</u>				
Experience	N/A	Applicant's farm must be in good standing with the Indiana Department of Environmental Management and the Board of Animal Health (<i>Indiana State Dept. of Agriculture, <u>Certified Livestock Producer Program</u></i>).	N/A	N/A	N/A	N/A
Exam	Successful understanding of training materials (<i>O.A.C. 901:10-1-06(D)</i>).	N/A	N/A	N/A	N/A	N/A
Continuing education	Ten hours of continuing education every three years (<i>Ohio Dept. of Agriculture,</i>	N/A	N/A	N/A	N/A	N/A

Livestock Manager Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<u>Certified Livestock Manager</u> .					
Initial licensure fee	\$50 (O.A.C. 901:10-1-04(B)).	Unclear.	N/A	N/A	N/A	N/A
License duration	Three years (O.A.C. 901:10-1-06(B)(3)).	Five years (Indiana State Dept. of Agriculture, <u>Certified Livestock Producer Program</u>).	N/A	N/A	N/A	N/A
Renewal fee	\$50 (O.A.C. 901:10-1-04(B)).	N/A	N/A	N/A	N/A	N/A

Fertilizer application for agricultural production

Survey responses (AGR)

Description
<p>Chapter 905. 321</p> <p>(A) Beginning September thirtieth of the third year after the effective date of this section, no person shall apply fertilizer for the purposes of agricultural production unless that person has been certified to do so by the director of agriculture under this section and rules or is acting under the instructions and control of a person who is so certified.</p>

Description

(B) A person shall be certified to apply fertilizer for purposes of agricultural production in accordance with rules. A person that has been so certified shall comply with requirements and procedures established in those rules.

(C) A person that has been licensed as a commercial applicator under section 921.06 of the Revised Code or as a private applicator under section 921.11 of the Revised Code may apply to be certified under this section, but shall not be required to pay the application fee for certification established in rules adopted under section 905.322 of the Revised Code.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

Certification to apply fertilizer to over 50 acres for agricultural production.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

In 2021: 193 (new)

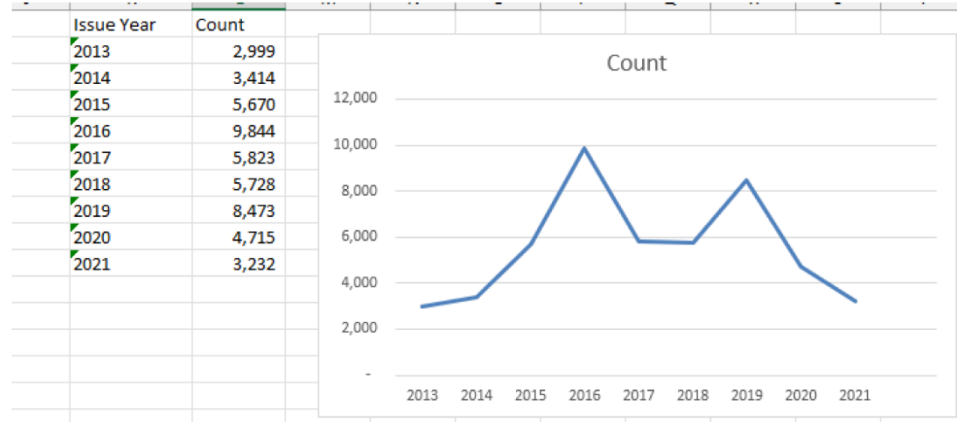
Number renewed annually

In 2021: 3,039 (renewed)

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?



Education or training requirements

Take the fertilizer applicator certification exam or attend a three-hour fertilizer training program initially.

Experience requirements

N/A

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

ODA Pesticide & Fertilizer inspectors proctor the fertilizer certification exams in correlation with pesticide exams. Exams are given at the OSU Extension offices, govt. facilities, or colleges who have applied to host an exam site. No fees are charged to test unless a facility charges for parking. ODA does not receive any exam proceeds.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

Certificate holders must obtain one-hour of fertilizer recert (Continuing Education Credit) during their three-year recert cycle; otherwise, re-testing is required, or an individual must go through the 3-hour initial training program again.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$30 if they do not hold a current pesticide applicator license. If they hold a current pesticide applicator license, then the cost for the fertilizer certification is zero.
Duration	The fertilizer certification certificate is valid annually for commercial applicators and for three years for private applicators. If the individual does not hold a pesticide applicator's license, the certificate is valid for three years.
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Fertilizer Certification holder w/ a commercial pesticide license: zero Fertilizer Certification holder w/ a private applicator license: zero Fertilizer Certification only: \$30
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No reciprocity for fertilizer certification. We are one of the only states that is currently requiring the fertilizer certification for agricultural production.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	If they are applying less than 50 acres for agricultural production, then the certification would not be required.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

N/A

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Chapter 905 Agricultural Additives & Lime: Fertilizer (Ohio Revised Code)

Chapters 901:5-1, 901:5-2, 901:5-3, and 901:5-4

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Certifications are renewed every three years. Revenue figures vary based on when the initial certification was issued and when renewal is required. In FY 23, revenue is expected to be around \$16,000. Revenue is used to support Pesticide/Fertilizer Inspectors who inspect for proper certifications.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Protecting the Lake Erie Watershed and Lake Erie. Also combating blue-green algae problems.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Phosphorus tonnage sales and uses are being reduced (trending down).

Soil testing levels are showing a reduction in phosphorus levels.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

Fertilizer Application for Agricultural Production Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certification (<i>R.C. 905.321</i>).	Certification (<i>355 Ind. Admin. Code 7-4-1</i>).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	Agricultural nutrient training course or demonstrate adequate knowledge of the fertilizer training requirements by exam (<i>O.A.C. 901:5-4-03(B)</i>).	Examination (<i>355 Ind. Admin. Code 7-4-1</i>).	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Fertilizer Application for Agricultural Production Certification

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes, if demonstrating knowledge by exam (<i>O.A.C. 901:5-4-03(B)</i>).	Yes (<i>355 Ind. Admin. Code 7-4-1</i>).	N/A	N/A	N/A	N/A
Continuing education	One hour of agricultural nutrient training or demonstrate knowledge by exam; required every three years (<i>O.A.C. 901:5-4-02(E)</i>).	Three fertilizer material training courses may be taken in lieu of the exam every five years (<i>355 Ind. Admin. Code 7-4-2</i>).	N/A	N/A	N/A	N/A
Initial licensure fee	\$30 unless applicant holds a valid private or commercial applicator license (<i>O.A.C. 901:5-4-02(D)</i>).	\$20 for private applicator and \$45 for all other license types (<i>355 Ind. Admin. Code 7-4-5</i>).	N/A	N/A	N/A	N/A
License duration	Three years, unless applicant holds a valid private or commercial applicator license	Five years (<i>355 Ind. Admin. Code 7-4-5(g)</i>).	N/A	N/A	N/A	N/A

Fertilizer Application for Agricultural Production Certification						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 901:5-4-02(E)).</i>					
Renewal fee	\$30 unless applicant holds valid private or commercial applicator license <i>(O.A.C. 901:5-4-02(D)).</i>	\$20 for private applicator and \$45 for all other license types <i>(355 Ind. Admin. Code 7-4-5).</i>	N/A	N/A	N/A	N/A

Seed labeler

Survey responses (AGR)

Description
All persons labeling seed to be sold in or into Ohio as defined is required to apply for an Ohio seed labelers permit. Seed labeler permits are generally issued to company's rather than individuals.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License known as an Ohio seed labelers permit.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	450
Number renewed annually	420
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	When the hemp program was established under ODA, approximately 75 new seed labelers registered to sell hemp seed into Ohio. More than 30% have now cancelled their permit and a large percentage of those that continue their permit don't report any sales in Ohio.
Education or training requirements	None
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>The annual fee is \$10.00 per permit. Each permit holder is also required to pay seed sales fees semi-annually based on the seed types that they sell. Minimum semi-annual seed sales fees are \$5.00 per reporting period.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>\$10.00</p>
<p>Duration</p>	<p>One year or portion of one year to expire December 31st of every year.</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>Same</p>
<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, ODA can suspend, revoke or refuse to register an applicant once an opportunity for a hearing has been provided.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Stop sale orders can be placed on seed that is found to be outside of tolerance when compared to the label. Stop sale orders can be placed on seed found in Ohio without a current seed labeler's permit in place. Permits can be suspended or revoked for violating ORC 907 once a hearing is offered.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Annual Permit revenue \$4,500.00 based on 450 applications.

Annual seed sales fees collected \$372,712.08 in 2021.

Late filing penalty fees collected \$6,766.36 in 2021

Program operations, inspections, and sample processing.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation provides truth in labeling of seed protecting consumers from purchasing seed that is below tolerance levels. This regulation also helps reduce the amount of noxious weed seed distributed into Ohio that may otherwise be included in out of state lots distributed into Ohio.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. Not known.

Are there any changes the Department would like to see implemented?

No.

Surrounding state comparison (LSC)

LSC staff determined that a seed labeler permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Legume inoculator

Survey responses (AGR)

Description
A legume applicator permit is issued to individuals or companies that apply legume inoculant to seed to be sown. Most of these permits are issued to companies rather than individuals.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License known as a legume applicator permit.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	45
Number renewed annually	40

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$5.00
Duration	One year or portion of one year to expire January 31 st every year.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$5.00

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Unknown</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The ODA can refuse to register or revoke an existing permit for violations of ORC 907.27-907.35.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

No inspection conducted

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$225.00 per year

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Not known

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Legume inoculant could be applied by individuals that aren't registered.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Not likely

Are there any changes the Department would like to see implemented?

This regulation could likely be removed from the statute as its cost prohibitive to perform inspections of any type without losing money and it is unclear what an inspection would accomplish.

Surrounding state comparison (LSC)

LSC staff determined that a legume inoculator permit is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Apiary registration

Survey responses (AGR)

Description
All apiaries in the state of Ohio must be registered with ODA as required by ORC 909.02. Registration expires on May 31 annually.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	9800
Number renewed annually	~8000

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	The numbers of registered apiaries have been steadily rising over the past six years.
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$5.00 per location
Duration	Annual (Jan. 1 – Dec. 31)
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Same as initial fee

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Other state apiary certifications are recognized, however apiary located in Ohio must be registered in Ohio.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Yes, an individual could work with bees on their property if they were registered by a different individual. Or someone assist with an apiary registered by another person.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, ODA may revoke for cause according to 909.13</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

(A)(1) Whoever violates sections [909.03](#) and [909.10](#) of the Revised Code is guilty of a misdemeanor of the third degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the second degree.

(2) Any person who violates division (D) of section [909.10](#) of the Revised Code also shall not be remunerated for the eradication of his Africanized honeybees.

(B) Whoever violates any section of Chapter 909. of the Revised Code for which no penalty otherwise is provided is guilty of a misdemeanor of the fourth degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the third degree.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Approximately \$49,000 is generated annually and is used to fund program activities.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Apiary Program coordinates the state and county inspection services that help identify and prevent the spread of serious bee diseases and pests, as well as to control Africanized bees. The Apiary Program works with several national groups and the USDA in providing samples for the study of Colony Collapse Disorder which caused massive colony deaths in various parts of the nation, including Ohio.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The program is effective.

No. There are no alternative methods defined in ORC or OAC.

Are there any changes the Department would like to see implemented?

Yes

Surrounding state comparison (LSC)

LSC staff determined that an apiary registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Bakery registration

Survey responses (AGR)

Description

Bakery means a building or part of a building wherein is carried on the production, preparation, packing, storing, display, or sale to other than the ultimate consumer of bread, stuffed breads, cake, pies, cookies, crackers, doughnuts, noodles, waffle cones, pizza crusts, or other bakery products, whether frozen, fried, deep fried, or partially or completely baked, including any separate room used for the convenience or accommodation of the workers.

Each person, firm, partnership, or corporation that owns or operates a bakery shall register each bakery that it owns or operates with the director of agriculture. For the registration, the owner or operator of each bakery shall pay an annual fee of thirty dollars for a production capacity of one thousand pounds of bakery product per hour or less and an annual fee of thirty dollars for each one thousand pounds of bakery product per hour capacity, or part thereof, in excess of one thousand pounds of bakery product per hour.

Any person who owns or operates a home bakery with only one oven, in a stove of ordinary home kitchen design and located in a home, used for the baking of baked goods to be sold, shall pay a sum of ten dollars annually for registration regardless of the capacity of the home bakery oven. The registration shall be renewed annually by the thirtieth day of September and shall be renewed according to the standard renewal procedure of Chapter 4745. of the Revised Code. The registration of the bakery shall show the location, including municipal corporation, street, and number, the name of the owner, and the name of the operator. The application for registration shall be made on a form prescribed and provided by the director. All moneys received from registration fees and fines collected under sections [911.01](#) to [911.20](#) of the Revised Code shall be deposited with the treasurer of state to the credit of the food safety fund created in section [915.24](#) of the Revised Code. All annual renewal registration fees required by this section shall be paid by the applicant for the renewal to the treasurer of state for deposit into the food safety fund.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

There is a commercial bakery registration and a home bakery registration and an out of state bakery registration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	In 2021 there were 466 commercial bakery registrations issued, 995 home bakery registrations issued and 112 out of state bakery registrations issued.
Number renewed annually	In 2021 410 commercial bakery registrations, 844 home bakery registrations and 112 out of state bakery registrations were renewals.
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Since 2017 through 2021 there has been a ten percent increase in the number of bakery registrations issued.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$10 for home bakery registration. \$30/1,000 pounds of bakery products produced/hour for commercial registration. \$30 for out of state bakery registration.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	One year, October 1 through September 30
Renewal fee <i>(If different from initial fee, please explain why.)</i>	Same
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Commercial bakeries must comply with Federal regulations which have been adopted by the State of Ohio. Home bakeries must be clean. Reciprocity is allowed but there is none with other states.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	There is a cottage food exemption. The baking of bakery products that do not require refrigeration may be produced in a regular home kitchen and there is no inspection or registration required.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	The registered entity must meet rules that apply to all food manufacturers. If the bakery cannot meet those requirements a registration will not be issued.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	Retail bakeries, those that sell the majority of their production directly to the end consumer are regulated by local health department. ODA Food Safety only regulates those bakeries that wholesale 51% or more of their production. Home bakeries are always regulated by ODA Food Safety.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Ohio Revised Code 911.02 identifies bakeries as needing to be registered with the Ohio Department of Agriculture. Much of ORC 911 identifies sanitation and processing requirements for bakeries. Ohio Revised Code 911.17 allows the department to close a bakery if it is unfit for the production or selling of food. Ohio Revised Code 911.99 provides for a penalty if a bakery does not maintain sanitation.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

In 2021 revenue totaled \$37,020. This was used to cover the cost of running the division of Food Safety.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Commercial bakeries must comply with FDA's processing rule, 21 CFR 117. Ohio has adopted this rule. Federal law does not require a state to regulate a bakery.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The law provides oversight of bakeries to ensure safe, wholesome food is produced and that it is honestly presented to the consumer. This is done through inspections that verify the sanitation, processing and labeling of foods produced at a bakery.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

This law has been shown to be effective. There is not another way to ensure the safety of the foods produced.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a bakery registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Milk producer

Survey responses (AGR)

Description
License for any individual or business that wants to be a licensed milk producer in Ohio. To sell milk to a licensed processor, you need to obtain a Milk Producer license.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	57
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. A milk producer license is for a physical address located within the state of Ohio.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Not legally. They must have a license to be a milk producer.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. If the facility meets all the requirements of the regulations, they will be licensed.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$15/license.

\$855 for 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

If a Grade "A" farm wants to ship milk across state lines or into a Grade "A" IMS listed facility, then a milk producer must adhere to the requirements of the Pasteurized Milk Ordinance, which is developed by FDA, State Regulatory and Industry.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Food borne outbreaks in milk and/or milk products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. The Pasteurized Milk Ordinance and the dairy industry has had a very successful track record in preventing food borne outbreaks in relation to dairy products.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a milk producer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Milk processor

Survey responses (AGR)

Description
License for any individual or business that wants to be a licensed milk processor in Ohio. For someone to be able to sell finished dairy products to consumers in Ohio, they must be a licensed Milk Processor.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	20
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No. A milk processor license is for a physical address located within the state of Ohio.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Not legally. They must have a license to be a milk processor.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes. If the facility meets all the requirements of the regulations, they will be licensed.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$15/license

\$300 for 2021.

All processors are charged a total pro-rated fee of \$146,000 per month. That total is divided up amongst all licensed locations. This is a total of \$1,752,000. The money collected is deposited into the 4r20 fund and is used to pay for expenses for the dairy division.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

If a Grade "A" milk processor wants to ship milk across state lines, then the processor must adhere to the requirements of the Pasteurized Milk Ordinance, which is developed by FDA, State Regulatory and Industry.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Food borne outbreaks in milk and/or milk products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. The Pasteurized Milk Ordinance and the dairy industry has had a very successful track record in preventing food borne outbreaks in relation to dairy products.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a milk processor license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Milk dealer

Survey responses (AGR)

Description
This is a license for any individual or company that is buying milk directly from a dairy farm. It is to guarantee payment to the producer for the milk purchased in the event the person or company buying the milk does not pay for the milk.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Not legally. They must have a license to be a milk dealer.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$15/license.

\$15 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation is to ensure dairy producers are paid for the milk purchased from the farm.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the regulation ensures dairy producers get paid for the milk purchased.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that milk dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (*See, R.C. 103.27 and 4798.01.*)

Raw milk retailer

Survey responses (AGR)

Description
A license for anyone selling raw milk to the ultimate consumer. However, unless you were in business prior to October 31, 1965, you cannot obtain this license anymore. See ORC 917.04.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

None

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Foodborne outbreaks in milk and/or milk products due to consuming raw dairy products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a raw milk retailer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (*See, R.C. 103.27 and 4798.01.*)

Milk weigher, tester, or sampler

Survey responses (AGR)

Description
License for any individual that is weighing, sampling, or testing milk for official regulatory purposes within the state of Ohio. This could be on-farm and in-plant.

Type <i>(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)</i>
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	710
Number renewed annually	0. These licenses don't get renewed. Once you have it, it remains valid unless revoked.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Required to pass a written exam within 90 days of applying for the license. Dairy Division employees administer the exam at a mutually agreeable location. No fees are charged for the exam.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Yes
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Nothing nationally, but we do recognize a similar license from other states.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$15/license

\$10,650 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The Pasteurized Milk Ordinance requires all individuals weighing and/or sampling milk to have a license.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The intent of the regulation is to ensure all individuals performing these functions are doing them correctly. Dairy producers get paid on the components in their milk. For instance, if someone doesn't sample milk from a farm bulk tank properly, the dairy producer is not going to get paid correctly because the components of the sample could be out of normal range.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

Milk Weigher, Tester, Sampler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 917.09</i>).	Tester license (<i>Ind. Code 15-18-2-19</i>). Sampler and weigher license (<i>Ind. Code 15-18-2-20</i>).	Tester license (<i>Ky. Rev. Stat. 260.800</i>). Sampler or weigher license (<i>Ky. Rev. Stat. 260.805</i>).	Sampler/hauler license (<i>Mich. Comp. Laws 288.503</i>).	Tester certification (<i>31 P.S. 700j-602</i>). Weighers and samplers certification (<i>31 P.S. 700j-603</i>).	Tester and weigher and sampler licenses (<i>W. Va. Code 19-11-5</i>).

Milk Weigher, Tester, Sampler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	Must study training manual (<i>Michigan Dept. of Agriculture and Rural Development, Dairy Hauler/ Sampler</i>).	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	Yes, covers sanitation and personal cleanliness; sampling and weighing procedures; milk or cream testing procedures; proper use, care, and cleaning of equipment; and record keeping (<i>R.C. 917.08; O.A.C. 901:11-4-02</i>).	Yes for tester, determines if applicant is competent to test milk and cream (<i>Ind. Code 15-18-2-19</i>). Yes for sampler and weigher, determines if applicant is competent to sample milk and cream (<i>Ind. Code 15-18-2-20</i>).	Yes for tester (<i>Ky. Rev. Stat. 260.800</i>). Yes for sampler or weigher (<i>Ky. Rev. Stat. 260.805</i>).	Yes (<i>Mich. Comp. Laws 288.503</i>).	Yes for tester (<i>31 P.S. 700j-602</i>). Yes for weigher/sampler (<i>31 P.S. 700j-603</i>).	Yes, certification of successful exam completion is a prerequisite of licensure (<i>W. Va. Code 19-11-4</i>).
Continuing education	N/A	N/A	N/A	Must be in-person or via online	N/A	N/A

Milk Weigher, Tester, Sampler

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				training (<i>Michigan Dept. of Agriculture and Rural Development, Dairy Hauler/Sampler</i>).		
Initial licensure fee	\$15 (<i>R.C. 917.09; O.A.C 901:11-4-02</i>).	\$30 for tester; \$20 for sampler and weigher (<i>Ind. Code 15-18-2-21</i>).	\$15 for both license categories (<i>Ky. Rev. Stat. 260.815</i>).	\$50 (<i>Mich. Comp. Laws 288.503</i>).	\$25 for tester (<i>31 P.S. 700k-7; 7 Pa. Code 150.62</i>). \$25 for weigher and sampler (<i>31 P.S. 700k-8; 7 Pa. Code 150.72</i>).	\$10 (<i>W. Va. Code 19-11-5</i>).
License duration	Valid unless suspended, revoked, or canceled (<i>O.A.C. 901:11-4-02</i>).	One year (<i>Ind. Code 15-18-2-26</i>).	One year (<i>Ky. Rev. Stat. 260.815</i>).	Two years (<i>Mich. Comp. Laws 288.503</i>).	One year (<i>31 P.S. 700j-602 and 603; 7 Pa. Code 150.2a</i>).	One year (<i>W. Va. Code 19-11-5</i>).
Renewal fee	N/A	\$15 for tester (<i>Ind. Code 15-18-2-24</i>). \$10 for sampler and weigher (<i>Ind. Code 15-18-2-25</i>).	\$15 for all license categories (<i>Ky. Rev. Stat. 260.815</i>).	\$50 (<i>Mich. Comp. Laws 288.503</i>).	\$25 (<i>31 P.S. 700k-7 and 700k-8; 7 Pa. Code 150.72</i>).	\$10 (<i>W. Va. Code 19-11-5</i>).

Milk hauler

Survey responses (AGR)

Description
License for any individual or company to haul milk within the state of Ohio. A milk hauler will have permits issued for milk conveyance vessels (example would be a tanker) they own.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	96 haulers will renew approximately 670 milk tanker permits

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	This has remained about the same.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$15.00
Duration	Perpetual for the Milk Hauler License. Tanker permits are yearly.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$15.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Yes, we recognize milk haulers licensed in other states.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.
Dairy Division

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$15/license; \$15/tanker permit renewal

\$10,075 in 2021.

Revenue is deposited into the 4r20 fund that is used to pay for expenses for the division.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

The Pasteurized Milk Ordinance requires all milk haulers to be licensed.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation is to ensure the vessels used to move milk and/or milk products are properly constructed, clean and maintained in good condition. This helps to ensure high quality and safe dairy products make it to the consumer.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a milk hauler license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Commercial pesticide applicator

Survey responses (AGR)

Description

ORC 921.06

(A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section [3701.01](#) of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section [5104.01](#) of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) State institutions of higher education as defined in section [3345.011](#) of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section [3332.05](#)

Description

of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section [3333.046](#) of the Revised Code;

(ix) Food processing establishments as defined in section [3715.021](#) of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections.

(2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.

(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.

(C) If the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section [921.12](#) of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent. If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application. The applicant may resubmit the application without payment of any additional fee.

(D)(1) A person who is a commercial applicator shall be deemed to hold a private applicator's license for purposes of applying pesticides on agricultural commodities that are produced by the commercial applicator.

(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.

Description

(E) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section [921.22](#) of the Revised Code.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

In 2021: 1,217 (new)

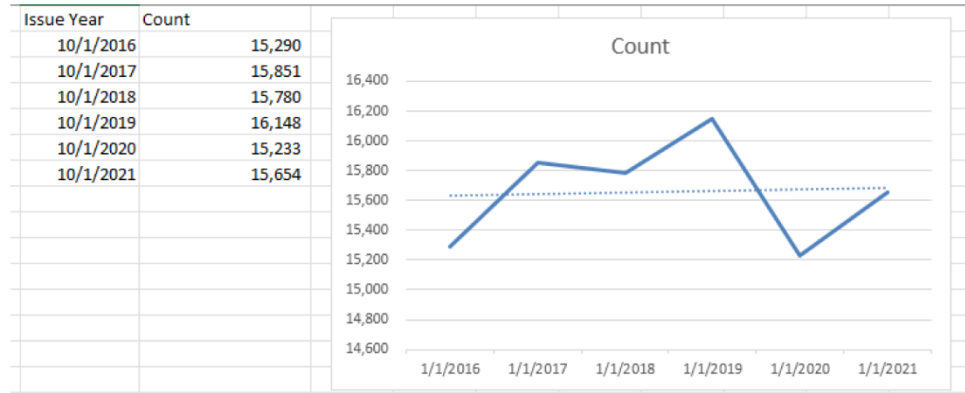
Number renewed annually

In 2021: 14,496 (renewed)

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?



Education or training requirements

Must pass core exam (general law) and pesticide category exams.

Experience requirements

None

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

Pesticide and Fertilizer inspectors proctor the examinations in the state. Exams are given at Ohio State Extension offices, govt. Facilities, and colleges. No fees are charged by ODA to take the examinations. Some onsite hosting facilities may require parking charges, but no proceeds go to ODA.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

5 hours of recert credit during a three-year recertification cycle. 1 hour must be in C-Core, ½ hour in each category on the applicator’s license, and the remaining hours to meet the 5-hour minimum can be in categories of the applicator’s choosing.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$35.00 / annually
Duration	Licensing period 10/1/year to 09/30/following calendar year
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$35 renewal fee After 09/30/renewing year = \$17.50 late fee applies (total to renew is \$52.50)
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Reciprocity is allowed with the following states currently: Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, New York, Pennsylvania, Virginia, Texas, and West Virginia.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only in association with Felonies/Crimes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	None

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Chapter 921 Pesticides – Ohio Revised Code

Chapter 901:5-11 Pesticides – Ohio Administrative Code

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

With approximately 15,000 licensees – new and renewed – annually, the program generates around \$525,000 in revenue. This revenue is used to support all aspects of the Pesticide/Fertilizer Regulation Program including examinations, routine inspections, and pesticide complaint investigations.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act) applies to the occupation. Federal law does not require the state to regulate the occupation, but Federal primacy give Ohio the authority to regulate pesticide licensing, use, and distribution in the state.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Protects the public & environment from unreasonable adverse effects of pesticides.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

Commercial Pesticide Applicator License ⁴						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 921.06; O.A.C. 901:5-11-04</i>).	License (<i>Ind. Code 15-16-5-45 and 15-16-5-49; 355 Ind. Admin. Code 4-1-1.1</i>).	License (<i>Ky. Rev. Stat. 217B.060; 302 Ky. Admin. Regs. 27:050</i>).	Certification (<i>Mich. Comp. Laws 324.8312</i>).	License (<i>3 Pa. Cons. Stat. 111.35a</i>).	License (<i>W. Va. Code 19-16A-12</i>).
Education or training	N/A	N/A	N/A	N/A	N/A	Complete one year of (1) experience as a full-time registered technician, (2) education, training, or experience in a field such as biology, chemistry, or forestry, or (3) a combination of education and experience (<i>W. Va. Code 19-</i>

⁴ Commercial pesticide applicator licenses generally appear to require an individual to receive both a certification and a license. That is, an applicant generally must pass a certification exam, or series of exams, to qualify for a one-year license that may be renewed as long as the applicant is certified. Depending on the state, certification lasts either three or five years and may be renewed by meeting prescribed continuing education criteria.

Commercial Pesticide Applicator License⁴

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
						<i>16A-12(d); W. Va. Code R. 61-12A-3).</i>
Experience	N/A	18 years of age (<i>Ind. Code 15-16-5-45(d)</i>).	N/A	N/A	18 years of age (<i>7 Pa. Code 128.44(a)</i>).	N/A
Exam	Complete a general core exam and an additional exam for each applicable pesticide-use category (<i>R.C. 921.12; O.A.C. 901:5-11-08(A)</i>).	Complete a core exam and an exam in each pesticide-use category, except that a core exam is not required for aerial application and wood destroying pest inspection categories (<i>Ind. Code 15-16-5-45(b); 355 Ind. Admin. Code 4-1-2.1 and 4-1-3</i>).	Complete a certification exam in the category or categories in which certification is requested (<i>Ky. Rev. Stat. 217B.060(3); 302 Ky. Admin. Regs. 27:050, Section 3</i>).	Complete a certification exam (<i>Mich. Comp. Laws 324.8311(3); Mich. Admin. Code R. 285.636.4</i>).	Complete a core exam and a minimum of one exam in a pesticide-use category (<i>3 Pa. Cons. Stat. 111.36a; 7 Pa. Code 128.42 and 128.43</i>).	Complete an exam in the use and handling of pesticides (<i>W. Va. Code 19-16A-12(d); W. Va. Code R. 61-12A-3</i>).

Commercial Pesticide Applicator License⁴

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Every three years either retake the appropriate exams (see above) or complete at least five approved training hours, including at least one-half hour in training specific to each pesticide-use category (<i>R.C. 921.12(D), (E), and (F); O.A.C. 901:5-11-08(B)(1)</i>).	Every five years either retake the appropriate exams (see above) or a minimum number of continuing certification hours dependent on which pesticide-use categories the individual is certified in (<i>Ind. Code 15-16-5-45(c); 355 Ind. Admin. Code 4-7-2</i>).	Every three years attend at least 12 continuing education units (<i>302 Ky. Admin. Regs. 27:050(3)</i>).	Complete training, an exam, or both, as required by the Michigan Director of Agriculture and Rural Development (<i>Mich. Comp. Laws 324.8312(6); Mich. Admin. Code R. 285.636.7(4)</i>).	Every three years complete approved training in core and category-specific areas (<i>3 Pa. Cons. Stat. 111.36a(2); 7 Pa. Code 128.45</i>).	Every three years complete 20 continuing education units (<i>W. Va. Code 19-16A-12(b); W. Va. Code R. 61-12A-7</i>).
Initial licensure fee	\$35 (<i>O.A.C. 901:5-11-04(A)</i>).	\$45 (<i>Ind. Code 15-16-5-52(a)</i>).	\$25 (<i>Ky. Rev. Stat. 217B.080</i>).	\$75 (<i>Mich. Comp. Laws 324.8317(1)(a)</i>).	\$25 (<i>3 Pa. Cons. Stat. 111.35a(e) and 111.57a</i>).	\$20 (<i>W. Va. Code 19-16A-12(a)(5); W. Va. Code R. 61-12-4</i>).
License duration	One year (<i>O.A.C. 901:5-11-04(B)</i>).	One year (<i>Ind. Code 15-16-5-52(e)</i>).	One year (<i>Ky. Rev. Stat. 217B.080</i>).	Three years (<i>Mich. Comp. Laws 324.8317(2); Mich. Admin. Code R. 285.636.7(1)</i>).	One year (<i>3 Pa. Cons. Stat. 111.35a(i)</i>).	One year (<i>W. Va. Code 19-16A-13</i>).

Commercial Pesticide Applicator License ⁴						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$35 (<i>R.C. 921.12(B); O.A.C. 901:5-11-04(A)</i>).	\$45 (<i>Ind. Code 15-16-5-52(e)(2)(B)</i>).	\$25 (<i>Ky. Rev. Stat. 217B.080</i>).	\$75 (<i>Mich. Comp. Laws 324.8317(1)(a)</i>).	\$25 (<i>3 Pa. Cons. Stat. 111.35a(e) and 111.57a</i>).	\$20 (<i>W. Va. Code 19-16A-12(a)(5); W. Va. Code R. 61-12-4</i>).

Private pesticide applicator

Survey responses (AGR)

Description
<p>The Private Pesticide Applicator license is for:</p> <ul style="list-style-type: none"> Any individual who uses or directly supervises the use of any restricted use pesticide for purposes of producing any agricultural commodity on property owned or rented by him or his employer. <p>Relevant ORC Section: 921.11</p> <p>(A)(1) No individual shall apply restricted use pesticides unless the individual is one of the following:</p> <p>(a) Licensed under section 921.06 of the Revised Code;</p> <p>(b) Licensed under division (B) of this section;</p> <p>(c) A trained serviceperson who is acting under the direct supervision of a commercial applicator;</p> <p>(d) An immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.</p> <p>(2) No individual shall directly supervise the application of a restricted use pesticide unless the individual is one of the following:</p> <p>(a) Licensed under section 921.06 of the Revised Code;</p> <p>(b) Licensed under division (B) of this section.</p>

Description

(B) The director of agriculture shall adopt rules to establish standards and procedures for the licensure of private applicators. An individual shall apply for a private applicator license to the director, on forms prescribed by the director. The individual shall include in the application the pesticide-use category or categories of the license for which the individual is applying and any other information that the director determines is essential to the administration of this chapter. The fee for each license shall be established by rule. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. If a license is not issued or renewed, the state shall retain any fee submitted as payment for reasonable expenses of processing the application.

(C) An individual who is licensed under this section shall use or directly supervise the use of a restricted use pesticide only for the purpose of producing agricultural commodities on property that is owned or rented by the individual or the individual's employer.

(D) All money collected under this section shall be credited to the pesticide, fertilizer, and lime program fund created in section [921.22](#) of the Revised Code.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

In 2021: 952 (new)

Number renewed annually

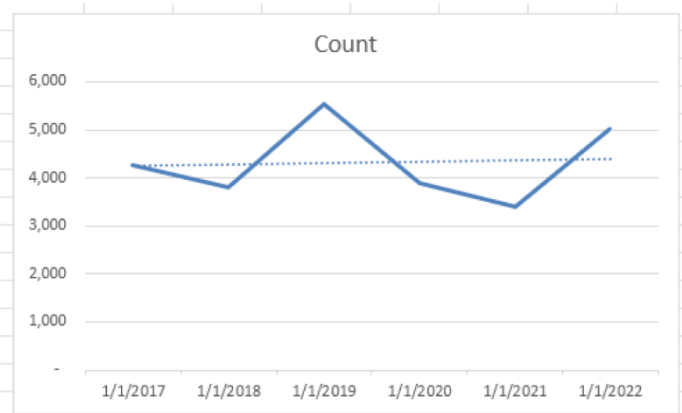
In 2021: 2,765 (renewed)

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?

Issue Date	Count
4/1/2017	4,273
4/1/2018	3,812
4/1/2019	5,544
4/1/2020	3,889
4/1/2021	3,406
4/1/2022	5,029



Education or training requirements

Must pass core exam (general law) and pesticide category exams.

Experience requirements

None

Examination requirements (*Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?*)

Pesticide and Fertilizer inspectors proctor the examinations in the state. Exams are given at Ohio State Extension offices, govt. Facilities, and colleges. No fees are charged by ODA to take the examinations. Some onsite hosting facilities may require parking charges, but no proceeds go to ODA.

Continuing education requirements (*Including a description of the curriculum and the process of setting it.*)

3 hours of recert credit during a three-year recertification cycle. 1 hour must be in C-Core, ½ hour in each category on the applicator’s license, and the remaining hours to meet the 3-hour minimum can be in categories of the applicator’s choosing.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Initial fee	\$30
Duration	Licensing period 4/1/year to 03/31/following three calendar years (3 year cycle).
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$30 (No Late Fee)
Does the Department recognize uniform licensure requirements or allow for reciprocity?	Reciprocity is allowed with the following states currently: Alabama, Florida, Georgia, Illinois, Indiana, Louisiana, Michigan, Minnesota, Mississippi, New York, Pennsylvania, Virginia, Texas, and West Virginia.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Only in association with Felonies/Crimes
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	No

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Chapter 921 Pesticides – Ohio Revised Code
Chapter 901:5-11 Pesticides – Ohio Administrative Code

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Annual revenue varies based on the 3-year renewal cycle. In FY22, there were approximately 5,000 new applicants and renewals for a total of \$150,000 in revenue. This revenue is used to support the Pesticide/Fertilizer Regulation Section and enforcement of the Pesticide Law

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act) applies to the occupation. Federal law does not require the state to regulate the occupation, but Federal primacy give Ohio the authority to regulate pesticide licensing, use, and distribution in the state.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Protect the public & environment from unreasonable adverse effects of pesticides.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 921.11</i>).	Certificate/permit (<i>Ind. Code 15-16-5-54</i>).	Certificate (<i>Ky. Rev. Stat. 217B.050 and 217B.060; 302 Ky. Admin. Regs. 27:050, Section 7</i>).	Certificate (<i>Mich. Comp. Laws 324.8317</i>).	Private applicator certificate; private applicator permit in fumigation (<i>3 P.S. 111.37b</i>).	License/certificate (<i>W. Va. Code 19-16A-12</i>).
Education or training	Three hours, minimum of one hour of core training (<i>R.C. 921.11; O.A.C. 901:5-11-08(B)(2)</i>).	N/A	Competence of a private applicator verified by a training program administered by county extension agents (<i>302 Ky. Admin. Regs. 27:050, Section 7</i>).	Methods of certification must include one of the following: <ol style="list-style-type: none"> 1. Self-study and examination; 2. Classroom training and examination; or 3. An oral fact-finding interview administered by the Director of Agriculture's authorized representative when a person is 	N/A	One year of education in a field such as, but not limited to, biology, chemistry, or forestry; one year of experience as a full-time registered technician; or a combination of one year of education and training specified above (<i>W. Va. Code R. 61-12A-3</i>).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
				unable to demonstrate competence by examination or classroom training. <i>(Mich. Comp. Laws 324.8311.)</i>		
Experience	N/A	N/A	Must possess a practical knowledge of the pest problems and pest control practices <i>(302 Ky. Admin. Regs. 27:050, Section 7).</i>	N/A	At least 16 years of age <i>(7 Pa. Code 128.62).</i>	Must show that they possess a practical knowledge of the pest problems and pest control practices associated with his or her agricultural operation <i>(W. Va. Code 19-16A-12; W. Va. Code R. 61-12A-3).</i>
Exam	General core examination and additional exam for each applicable	Yes, core and category of pesticide exams <i>(Ind. Code 15-16-5-44 and 15-16-5-</i>	Self-administered quizzes; following completion of training, instructor signs	70% or higher score on written exam or correct answering of oral questions	Written examination that includes specified areas of knowledge and	Examination approved by the Commissioner of Agriculture with a required score of

Private Pesticide Applicator License

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	pesticide-use category (<i>R.C. 921.12; O.A.C. 901:5-11-08</i>).	<i>45; 355 Ind. Admin. Code 4-1-4</i>).	certification competency statement containers (<i>302 Ky. Admin. Regs. 27:050, Section 7</i>).	(number unspecified) during fact-finding interview (<i>Mich. Comp. Laws 324.8314; Mich. Admin. Code R. 285.636.6</i>).	information on transportation, storage, security, and disposal (<i>7 Pa. Code 128.61</i>). An applicant that wishes to receive an additional private applicator permit in fumigation must pass an additional written examination specifically relating to each type of fumigant the applicant intends to use (<i>7 Pa. Code 128.64</i>).	at least 70% (<i>W. Va. Code R. 61-12A-2, 61-12A-3, and 61-12A-6</i>).
Continuing education	Three hours, minimum of one hour of core training (<i>O.A.C. 901:5-11-08(B)(2)</i>).	Three class credits or passage of examination for initial certification (<i>Ind. Code 15-16-5-54; 355 Ind. Admin. Code 4-7-5</i>).	12 continuing education units for agriculture-related categories (nine general and three specific) or a total of 15 continuing	As determined by the Director, applicator may need additional training or re-examination on changes in pesticide	Update training credits, six core and six category credits relating to the proper and safe use of pesticides (<i>3 Pa. Cons. Stat.</i>	Must accrue ten continuing certification units (five hours) every three years (<i>W. Va. Code 19-16A-12; W. Va. Code R. 61-12A-7</i>).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			education units for structural licenses (<i>Kentucky Dept. of Agriculture, Pesticide Training and Testing</i>).	application technology or use patterns (<i>Mich. Admin. Code R. 285.636.7</i>).	<i>111.37b; 7 Pa. Code 128.63</i> . For a private applicator permit in fumigation – at least two credits of category-specific education relating to the appropriate area of fumigation in which the applicator is certified (<i>7 Pa. Code 128.64</i>).	
Initial licensure fee	\$30 (<i>O.A.C. 901:5-11-05</i>).	\$20 (<i>Ind. Code 15-16-5-54</i>).	N/A	\$50 (<i>Mich. Comp. Laws 324.8317</i>).	\$10 for private applicator certification (<i>3 Pa. Cons. Stat. 111.37b</i>). No fee for private applicator permit in fumigation (<i>7 Pa. Code 128.64</i>).	\$20 (<i>W. Va. Code R. 61-12A-3; Certified Training Institute, West Virginia Pesticide Applicator Requirements and FAQs</i>).
License duration	Three years (<i>O.A.C. 901:5-11-05</i>).	Five years (<i>Ind. Code 15-16-5-54; 355 Ind. Admin.</i>).	Three years (<i>302 Ky. Admin. Regs. 27:050, Section 7</i>).	Three years (<i>Mich. Comp. Laws 324.8317</i>).	Three years for both private applicator certification and	Three years (<i>W. Va. Code R. 61-12A-7</i>).

Private Pesticide Applicator License						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		<i>Code 4-1-4 and 4-7-5).</i>			private applicator permit in fumigation (3 Pa. Cons. Stat. 111.37b; 7 Pa. Code 128.64).	
Renewal fee	\$30 (O.A.C. 901:5-11-05).	\$20 (Ind. Code 15-16-5-54).	N/A	\$50 (Mich. Comp. Laws 324.8317).	\$10 (3 Pa. Cons. Stat. 111.37b; 7 Pa. Code 128.3).	\$20 (W. Va. Code R. 61-12-3; Certified Training Institute, West Virginia Pesticide Applicator Requirements and FAQs).

Grain commodity handler

Survey responses (AGR)

Description
Is a license issued to companies to handle agricultural commodities from depositors as defined. This license is issued primarily to companies. Depositors that deal with licensed commodity handlers can file claims against the agricultural commodity depositors fund in the event of a handler failure.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

This is a license known as an agricultural commodity handler license.

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	360
Number renewed annually	360
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>None</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>None</p>
<p>Initial fee</p>	<p>\$200.00 for the main location, \$100.00 for each additional branch and an examination fee based off the bushel capacity of the facilities.</p>
<p>Duration</p>	<p>One year</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$200.00 for the main location, \$100.00 for each additional branch and an examination fee based off the bushel capacity of the facilities.</p>
<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Federal licenses only cover one minor aspect and could not substitute for this license. The federal license is limited on the amount of coverage to depositors based on binding requirements.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, ODA can suspend, revoke, or refuse applications based on failure to comply with ORC 926.
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	No

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

On site physical and perpetual grain inventory comparisons along with grain record audits. Each applicant also provides an annual financial statement prepared on a review or audit level used to prove financial compliance.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

License fees \$51,558.33 in 2021.

Exam fees \$94,723.33 in 2021.

The fees collected are used to administer the program including field auditing staff.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Depositors would have no recourse on the proceeds they are owed from licensed handlers in the event of a handler failure.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, since the inception of the program in 1983, the fund has paid out \$19,404,043.92 in claims to 1,543 claimants from 41 failures. Not that we are aware of.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a grain commodity handler license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Grain commodity tester

Survey responses (AGR)

Description
A commodity tester certificate is issued to individuals who work for licensed handlers. These individuals pull samples from all loads of grain received and test the samples for applicable factors. Once the factors are determined applicable discounts are applied.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License known as a commodity tester certificate.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Annual average 340 certificates issued
Number renewed annually	Estimated 80%

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	Successfully complete the written open book test to acquire the initial certificate. 3 hour training course or successful completion of the written test for renewal.
Experience requirements	No
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Open book 50 question test. Must get 40 out 50 or 80% correct to pass.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	No
Initial fee	\$25.00
Duration	Balance of the application year plus 3 years
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$25.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	Official weigher and grader certificate issued by the federal government is similar but not a substitute.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, a certificate can be refused or revoked for non-compliance with ORC 926.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	None

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

The director may determine that retraining is necessary because of changes or amendments of the U.S. Grain Standards, or a complaint is received indicating a tester is not applying tests accurately according to the U.S. Grain Standards. A tester certificate can be suspended or revoked in accordance with 119 for failure or inability of a tester to apply the official grain standards when testing commodities.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Approximately \$8,500.00 per year.

Used to administer the program.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Incorrect grading factors and discounts could be applied if the tester is not trained properly and certified.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

- 1) Yes
- 2) No

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

Grain Commodity Tester						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	Certificate (<i>R.C. 926.30</i>).	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A

Grain Commodity Tester						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Exam	Yes (<i>R.C. 926.30(A)</i>).	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$25 (<i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i>).	N/A	N/A	N/A	N/A	N/A
License duration	Three years (<i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i>).	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$25 (<i>R.C. 926.30(B)</i> ; <i>O.A.C. 901:7-2-11(A)</i>).	N/A	N/A	N/A	N/A	N/A

Nursery dealer

Survey responses (AGR)

Description
Required for any person who sells or distributes nursery stock in the state of Ohio.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	4647
Number renewed annually	~4500

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No, the numbers have been very steady.
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$125.00
Duration	1 year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$125.00

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Yes</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>There is an exemption in place for operations that are non-profit and make no more than \$2000 per year.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Not upon initial application. Yes, the Director can suspend or revoke a certification for violations of nursery stock laws and regulations.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Nursery Dealers must only purchase stock from growers who are licensed and have passed inspected.</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

(A) The director of agriculture or his authorized representative may prosecute any violation of sections [927.51](#) to [927.72](#), inclusive, of the Revised Code, in any court of competent jurisdiction.

(B) Upon request of the director, the prosecuting attorney of the county, or the prosecuting officer of any other political subdivision, in which any such prosecution is pending, shall aid in any investigation, prosecution, hearing, or trial had under sections [927.51](#) to [927.73](#), inclusive, of the Revised Code, and shall institute and prosecute such actions or proceedings for the enforcement of such sections and the punishment of all violations thereof as the director may request.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Whoever violates sections [927.51](#) to [927.72](#) of the Revised Code is guilty of a misdemeanor of the third degree on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the second degree.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$580,875 – pays for personnel and expenses of specialists involved in the inspection of nursery stock, quarantine compliance assistance, and insect and disease monitoring, and associated administrative expenses throughout the state.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are federal quarantines in place that require inspection and certification of nursery stock to move from area to area in some cases i.e., quarantine for Gypsy Moth a.k.a. spongy moth.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The regulation seeks to prevent the movement of plant pests and diseases on the wide range of horticultural species that are sold as ornamentals to prevent those pests from cause additional harm in a new area or on a different crop, such as a food crop or our natural resources like standing timber.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, registering and inspecting facilities that are involved in the movement of nursery stock allows the Department to both prevent and react to pest problems. Our inspectors are a resource for these businesses in finding pest problems and giving them access to the latest information to control these problems. The program is not restrictive.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a nursery dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. (See, R.C. 103.27 and 4798.01.)

Garbage feeder

Survey responses (AGR)

Description
(A) No person shall feed on the person's premises, or permit the feeding of, treated garbage to swine without a license to do so issued by the department of agriculture.
(A) No person shall feed or permit the feeding of garbage to swine unless it is treated garbage and the person treating the garbage holds a valid license issued under section 942.02 of the Revised Code.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	0

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Decreases
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$100.00
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$100.00

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$0.00

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Swine Health Protection CFR Part 166.

No.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

To protect the commerce of the United States and the health and welfare of the people of the United States by ensuring that food waste fed to swine does not contain active disease organisms that pose a risk to U. S. swine.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a garbage feeder license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Livestock broker/dealer

Survey responses (AGR)

Description
(A) No person shall act as a small dealer, dealer, or broker without first being licensed. No person shall be an employee of more than one small dealer, dealer, or broker. Except as provided in division (B) of this section, no person holding a license as a small dealer, dealer, or broker shall be an employee. No employee shall act for any small dealer, dealer, or broker unless the small dealer, dealer, or broker is licensed, and has designated the employee to act in the small dealer's, dealer's, or broker's behalf and has notified the department of agriculture in the application for license or has given official notice in writing of the appointment of the employee. The small dealer, dealer, or broker shall be accountable and responsible for all contracts pertaining to the purchase, exchange, or sale of livestock made by the employee. The small dealer, dealer, or broker who terminates the services of an employee shall notify the department in writing of the employee's termination. No person who is a licensed small dealer, dealer, or broker shall have livestock exempted pursuant to divisions (B)(1) to (6) of section 943.01 of the Revised Code.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	209 in 2021
Number renewed annually	209

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No significant changes.
Education or training requirements	No requirements.
Experience requirements	No experience requirements
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	No exam requirements.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	NO CE needed.
Initial fee	\$25.00, \$50.00, \$125.00. \$250.00 respectively. (Fee is determined by headage bought and sold)
Duration	1 year. (Annually)
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Renewal is the same as initial fee. (Fee dependent upon the headage of animals bought and sold)

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Yes, registration through USDA Packers and Stockyards Administration. No, Packers and Stockyards Administration does not cover as many requirements at the State of Ohio.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Yes, individuals can buy and sell livestock in the state of Ohio but must meet the movement and ownership requirements.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$33,760.00

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

USDA Packers and Stockyards Act.

No.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Financial Hardship, and prevent animal disease, and monitor traceability of animal diseases. Unfair trade practices.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes.

No.

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a livestock broker/dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Small livestock dealer

Survey responses (AGR)

Description

(D) "Small dealer" means any person found by the department buying, receiving, selling, slaughtering, with the exception of those persons designated by division (B)(1) of section 918.10 of the Revised Code, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any animals in an amount of two hundred fifty head or less of cattle, horses, or other equidae or five hundred head or less of sheep, goats, or other bovidae, swine or other suidae, poultry, alpacas, llamas, or monitored captive deer, captive deer with status, or captive deer with certified chronic wasting disease status during any one year.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	67 in 2021
Number renewed annually	67

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$25.00
Duration	1 Year/Annually
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Same as above

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>Individuals can buy and sell livestock but must maintain ownership for more than 30 days to not be considered a Livestock Dealer.</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>N/A</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$1,675.00

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Prevention of animal disease and monitor traceability of animal diseases.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

No

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a small livestock dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Livestock weigher

Survey responses (AGR)

Description
<p>A) Each person maintaining and operating any weighing facilities used for, in connection with, or incident to the purchase or sale of livestock at any auction market, concentration yard, stockyard, packing plant, or place for assembling livestock in the state, shall do both of the following:</p> <p>(1) Maintain and operate all the weighing facilities so as to ensure accurate weights.</p> <p>(2) Be licensed as a weigher or employ one or more weighers licensed by the department of agriculture, and require that all livestock handled for purchase, sale, or exchange be accurately weighed by the licensed weighers upon scales approved by the department and inspected, tested, maintained, and operated in accordance with this section. This section does not prevent such weighers from performing other duties not inconsistent with this section.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	500 in 2021
Number renewed annually	500

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	No
Experience requirements	No
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	No
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$10.00
Duration	Expire March 31 st of the year. Annually.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$10.00

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>A current scale test needs to be submitted for any scale that will be weighing livestock for commerce.</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$5,000.00

(F) All money collected under section 943.03 of the Revised Code and under this section shall be credited to the animal and consumer protection laboratory fund created in section 901.43 of the Revised Code.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

No weigher shall improperly weigh any livestock, or give any false certificate of weight, or accept directly or indirectly money or other consideration for any neglect or improper performance of duty, and no person shall wrongfully influence or interfere, or attempt to so influence or interfere, with any such weigher in the performance of his duty or attempt to do so

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

No

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that a livestock broker/dealer license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Transporter of raw rendering material

Survey responses (AGR)

Description
(1) The license fee for a person applying for an annual license to pick up or collect raw rendering material and dispose of the material to a licensee or in accordance with divisions (B) and (C) of section 953.26 of the Revised Code, or to transport raw rendering material to a composting facility, is twenty-five dollars per conveyance that is used to pick up or collect and dispose of or to transport raw rendering material. A late fee of ten dollars per conveyance shall be charged for each application that is received after the thirtieth day of November each year.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	Approximately 100 Collectors with a total of 901 conveyances
Number renewed annually	Approximately 100 Collectors with a total of 901 conveyances.

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	No
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$25.00 per conveyance
Duration	1 Year/Annually
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$25.00

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$22,520.00

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None

No

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Sanitary and proper disposal of inedible products.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

No

No

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that the license for transporting raw rendering material is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

High volume dog breeder

Survey responses (AGR)

Description

“High volume breeder” means an establishment that keeps, houses, and maintains six or more breeding dogs and does at least one of the following:

- (1) In return for a fee or other consideration, sells five or more adult dogs or puppies in any calendar year to dog brokers or pet stores;
- (2) In return for a fee or other consideration, sells forty or more puppies in any calendar year to the public; or
- (3) Keeps, houses, and maintains, at any given time in a calendar year, more than forty puppies that are under four months of age, that have been bred on the premises of the establishment, and that have been primarily kept, housed, and maintained from birth on the premises of the establishment.

Type (*License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.*)

- 5 or more to Broker/Pet Store
- 40 or more bred on premise
- 40 to 60 puppies
- 61 to 150 puppies
- 151 to 250 puppies
- 251 to 350 puppies
- 351 or more puppies

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	571 in 2021
Number renewed annually	571 in 2021
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Significant increase annually in the last 6 years
Education or training requirements	N/A
Experience requirements	N/A
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$150.00-\$750.00 depending on license type
Duration	Calendar Year

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150.00-\$750.00 depending on license type
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	Yes, if individuals have less than 6 breeding females and less than 40 dogs less than 4 months on the premise, they may still breed and sell dogs without a license
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	<p>(A) The director of agriculture shall deny an application for a license that is submitted under section 956.04 or 956.05 of the Revised Code for either of the following reasons:</p> <p>(1) The applicant for the license has violated any provision of this chapter or a rule adopted under it if the violation materially threatens the health or welfare of a dog.</p> <p>(2) The applicant has been convicted of or pleaded guilty to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p> <p>(B) The director may suspend or revoke a license issued under this chapter for violation of any provision of this chapter or a rule adopted, or order issued under it if the violation materially threatens the health and welfare of a dog.</p>
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	BCI required on initial licensing, bond/insurance policy must be in place

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

At least once annually, the director of agriculture or the director's authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section [956.03](#) of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating division (A), (B), or (C) of section [956.20](#) of the Revised Code or division (E) of section [956.21](#) of the Revised Code.

(B) The person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the pet store license fund created under section [956.181](#) of the Revised Code.

Whoever violates division (A), (B), or (C) of section [956.051](#) of the Revised Code, division (A), (B), or (C) of section [956.20](#) of the Revised Code, or division (E) of section [956.21](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$149,480 (From this amount we refunded \$30,835 in Kennel reimbursements to the counties and \$7880.00 in BCI reimbursements)

The director shall use the money in the fund for the purpose of administering sections [956.01](#) to [956.18](#) of the Revised Code and rules adopted under section [956.03](#) of the Revised Code that apply to those sections.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Animal welfare issues with larger operations; consumer protection

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

Give kennel registration back to the counties and remove the county kennel reimbursement regulation.

Surrounding state comparison (LSC)

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 956.04</i>).	Registration (<i>345 Ind. Code 13-1-3(a)</i>). ⁵	No clear equivalent. ⁶	Registration (<i>Mich. Comp. Laws 287.336</i>). ⁷	License (<i>3 P.S. 459-206</i>). ⁸	Permit (<i>W. Va. Code 19-20-26</i>). ⁹

⁵ A person must register as a commercial dog breeder if the person maintains more than 20 unaltered female dogs that are at least 12 months of age. 345 Ind. Code 13-1-3(a).

⁶ There does not appear to be a state law regulating commercial dog breeders, but it appears that Kentucky counties may so regulate. For example, Henderson County, Kentucky requires a breeding permit to breed dogs. Henderson County, Kentucky, [Article II, Licenses and Breeding Permits](#).

⁷ A kennel must register as a large-scale dog breeding kennel if the kennel houses or keeps 15 female intact dogs over four months old. Mich. Comp. Laws 287.331.

⁸ A kennel must apply for a commercial kennel license if the kennel breeds or whelps dogs and (1) sells or transfers any dog to a dealer or pet shop kennel or (2) sells or transfers more than 60 dogs per calendar year. 3 P.S. 459-102.

⁹ Generally, a person must obtain a commercial dog breeder permit if the person (1) maintains 11 or more unsterilized dogs older than one year for the exclusive purpose of actively breeding and (2) is engaged in the business of breeding dogs as household pets for sale or exchange in return for consideration. W. Va. Code 19-20-26.

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$150 to \$750 depending on the number of puppies annually sold to the public. If the numbers do not apply, \$150 if a certain number of adult dogs are sold to a dog broker or pet store or the breeder maintains a certain number of puppies under specified circumstances. (R.C. 956.07(A).)	\$75 to \$500 depending on the number of unadulterated female dogs maintained (345 Ind. Code 13-1-3).	N/A	\$500 (Mich. Comp. Laws 287.336).	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year (3 P.S. 459-206(a)).	\$250 to \$500, as established by the county commission and depending on the number of dogs kept exclusively for breeding (W. Va. Code 19-20-26(c)(1)).

High-Volume Dog Breeder						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 956.04(D)</i>).	One year (<i>345 Ind. Code 13-1-4</i>).	N/A	One year (<i>Mich. Comp. Laws 287.336</i>).	One year (<i>3 P.S. 459-206(a)</i>).	One year (<i>W. Va. Code 19-20-26</i>).
Renewal fee	Same as initial licensure application fees (<i>R.C. 956.07(A)</i>).	Same as initial registration application fees (<i>345 Ind. Code 13-1-4</i>).	N/A	Same as initial registration application fees (<i>Mich. Comp. Laws 287.336</i>).	Same as initial licensure application fees (<i>3 P.S. 459-206(a)</i>).	Same as initial permit fees (<i>W. Va. Code 19-20-26</i>).

Dog broker

Survey responses (AGR)

Description
<p>“Dog broker” means a person who buys, sells, or offers to sell dogs at wholesale for resale to another or who sells or gives one or more dogs to a pet store annually. “Dog broker” does not include an animal rescue for dogs, an animal shelter for dogs, a humane society, a medical kennel for dogs, a research kennel for dogs, a pet store, or a veterinarian.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	595 in 2021
Number renewed annually	595 in 2021
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Significant increase annually in the last 6 years
Education or training requirements	N/A
Experience requirements	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$500.00
Duration	Calendar year
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$500.00
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>The director of agriculture shall deny an application for a license that is submitted under section 956.04 or 956.05 of the Revised Code for either of the following reasons:</p> <p>(1) The applicant for the license has violated any provision of this chapter or a rule adopted under it if the violation materially threatens the health or welfare of a dog.</p> <p>(2) The applicant has been convicted of or pleaded guilty to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>BCI required on initial licensing</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

At least once annually, the director of agriculture or the director’s authorized representative shall inspect a high volume breeder that is subject to licensure under this chapter and rules adopted under section [956.03](#) of the Revised Code to ensure compliance with this chapter and rules adopted under it, including the standards of care established in rules adopted under that section.

The director of agriculture, after providing an opportunity for an adjudication hearing under Chapter 119. of the Revised Code, may assess a civil penalty against a person who has violated or is violating division (A), (B), or (C) of section [956.20](#) of the Revised Code or division (E) of section [956.21](#) of the Revised Code.

(B) The person who is assessed a civil penalty under this section is liable for a civil penalty of not more than two thousand five hundred dollars for a first violation, not more than five thousand dollars for a second violation, and not more than ten thousand dollars for a third or subsequent violation.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

(C) Any person assessed a civil penalty under this section shall pay the amount prescribed to the department of agriculture. The department shall remit all money collected under this section to the treasurer of state for deposit in the pet store license fund created under section [956.181](#) of the Revised Code.

Whoever violates division (A), (B), or (C) of section [956.051](#) of the Revised Code, division (A), (B), or (C) of section [956.20](#) of the Revised Code, or division (E) of section [956.21](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$297,500 (From this amount we refunded \$15,996.00 in BCI reimbursements)

The director shall use the money in the fund for the purpose of administering sections [956.01](#) to [956.18](#) of the Revised Code and rules adopted under section [956.03](#) of the Revised Code that apply to those sections

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Animal welfare issues with larger operations; consumer protection

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes

Are there any changes the Department would like to see implemented?

N/A

Surrounding state comparison (LSC)

Dog Broker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 956.05</i>).	Registration (<i>345 Ind. Code 13-1-2</i>).	No clear equivalent.	No clear equivalent.	License (<i>3 P.S. 459-209(A.1)</i>).	No clear equivalent.
Education or training	N/A	N/A	N/A	N/A	N/A	N/A
Experience	N/A	N/A	N/A	N/A	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$500 (<i>R.C. 956.07(A)(2)</i>).	\$1,000 (<i>345 Ind. Code 13-1-2</i>).	N/A	N/A	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year (<i>3 P.S. 459-206(a) and 459-209(A.1)</i>).	N/A
License duration	One year (<i>R.C. 956.07(A)</i>).	One year (<i>345 Ind. Admin. Code 13-1-4</i>).	N/A	N/A	One year (<i>3 P.S. 459-209(A.1)</i>).	N/A

Dog Broker						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$500 (<i>R.C. 956.07(A)(2)</i>).	\$1,000 (<i>345 Ind. Admin. Code 13-1-2</i>).	N/A	N/A	\$75 to \$750 depending on the number of dogs of any age kept during a calendar year (<i>3 P.S. 459-209(A.1)</i>).	N/A

Animal rescue for dogs

Survey responses (AGR)

Description
<p>“Animal rescue for dogs” means an individual or organization recognized by the director of agriculture that keeps, houses, and maintains dogs and that is dedicated to the welfare, health, safety, and protection of dogs, provided that the individual or organization does not operate for profit, does not sell dogs for a profit, does not breed dogs, does not sell dogs to a dog broker or pet store, and does not purchase more than nine dogs in any given calendar year unless the dogs are purchased from a dog warden appointed under Chapter 955. of the Revised Code, a humane society, or another animal rescue for dogs. “Animal rescue for dogs” includes an individual or organization that offers spayed or neutered dogs for adoption and charges reasonable adoption fees to cover the costs of the individual or organization, including, but not limited to, costs related to spaying or neutering dogs.</p>

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

Registration

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	378 in 2021
Number renewed annually	378 in 2021
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Steady increase
Education or training requirements	N/A
Experience requirements	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:

Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$0.00
Duration	Calendar
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$0.00
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	N/A

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

N/A

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$0.00

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

N/A

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

N/A

Are there any changes the Department would like to see implemented?

No

Surrounding state comparison (LSC)

LSC staff determined that an animal rescue for dogs registration is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Concession operator

Survey responses (AGR)

Description

ODA licenses “concessions” at county and independent agricultural fairs. A concession is defined as “any show, amusement other than an amusement ride as defined in section 993.01 of the Revised Code, game, or novelty stand operation at a fair or exposition, but does not include food or drink operations.” ODA issues a license in the name of the concessionaire – and – the name of the concession. One license does not cover all the concessionaire’s activities. ODA has specific rules on how these concessions are to be played to ensure fair play to the players. Classic examples of these concessions are Bust a Balloon, Milk Can Toss, and Ring the Bottle. ODA’s regulatory focus is on the concession itself. Most concessionaires have multiple licenses issued by ODA.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

2021 – 334; 2022 - 390

Number renewed annually

Approximately the same.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2020, many county and independent fairs only held livestock competitions and did not have rides or games at their fairs. Therefore, there was a significant decrease in concessions in 2020. ODA has seen a return to normal levels of licenses in 2021 and 2022.
Education or training requirements	N/A (ODA licenses the concession/game, not the operator).
Experience requirements	N/A (ODA licenses the concession/game, not the operator).
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A (ODA licenses the concession/game, not the operator).
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A (ODA licenses the concession/game, not the operator).
Initial fee	\$70
Duration	Expires on December 31 st of each year.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$70

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	ODA only regulates these activities in the confines of county and independent agricultural societies. ODA does not have jurisdiction over games at local carnivals and festivals.
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No. ORC 1711.11 requires that the concession be licensed by ODA.
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

ORC 1711.11 states that no person shall operate any concession at any fair or exposition conducted by a county or independent ag society without first obtaining from the director a license to do so. If the director finds that this section has been violated or that the licensee has been dishonest or has been fraudulent in dealings with the public, the director, in accordance with Chapter 119. of the Revised Code, shall revoke the licensee’s license or fine the licensee not more than one thousand dollars, or both. See ORC 1711.11(G).

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

In 2021, ODA generated \$24,010 in revenue from concession licenses. In 2022, the number was \$27,300. ODA uses these funds to employ Amusement Ride and Game Inspectors which inspect all the amusement rides and concessions throughout the state.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Pursuant to ORC Chapter 1711, it is the Department's regulatory mission to protect the public from dishonest and fraudulent dealings with regards to concessions. To accomplish this mission, the Department has created a specific set of administrative code rules which outline the way each game shall be played, the way prizes are offered and displayed, and the signage requirements for each game.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

All concessions covered by the rules adopted by ODA are inspected and any complaints regarding unfair operations are investigated. The rules are judged as being successful when inspections find few violations, and when there is no increase in the number of complaint reports filed with the Department. ODA has received very few complaints over the last few years regarding concessions. This shows that the regulations are successful in preventing the harm identified above.

Are there any changes the Department would like to see implemented?

Not currently.

Surrounding state comparison (LSC)

LSC staff determined that a concession operator license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Amusement ride operator

Survey responses (AGR)

Description
ODA does not permit amusement ride operators. ODA inspects and permits amusement rides themselves. See ORC 993.04(A)(2), "For each amusement ride found to comply with the rules . . . the director shall issue an annual permit."

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
Permit

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	
Number renewed annually	

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	In 2020, many county and independent fairs only held livestock competitions and did not have rides or games at their fairs. Therefore, there was a significant decrease in concessions in 2020. ODA has seen a return to normal levels of licenses in 2021 and 2022.
Education or training requirements	N/A (ODA permits the amusement ride itself, not the operator)
Experience requirements	N/A (ODA permits the amusement ride itself, not the operator)
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A (ODA permits the amusement ride itself, not the operator)
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A (ODA permits the amusement ride itself, not the operator)
Initial fee	Permit \$225 Inspection Fees: Kiddie rides \$100; Roller coaster \$1,200; Aerial lifts or bungee jumping facilities \$450; Go karts, per kart \$5; Other rides \$160; Inflatables \$104.
Duration	Hard rides (non-inflatables) expire on December 31 st of each year. Inflatable devices expire 365 from licensure.
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Same as initial.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>No</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

ODA has the authority to issue penalties against individuals operating a permitted (or unpermitted) amusement ride in violations of Ohio's laws and rules. Additionally, it has the authority to place a stop operation order on the ride which prohibits the operation of the ride until certain conditions are met.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

2020: \$769,452 (COVID)

2021: \$547,210 (COVID)

2022: \$1,083,167.

ODA uses these funds to employ ride and game inspectors which inspect all amusement rides in the state of Ohio.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations pertaining to amusement rides.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The purpose of these regulations is to ensure continued public safety on amusement rides by setting minimum safety standards for all amusement rides in the state.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

All amusement rides in the state of Ohio are inspected and any complaints regarding unsafe operations are investigated. The rules are judged as being successful when inspections find few violations and when there are few accidents related to mechanical or operational errors.

Are there any changes the Department would like to see implemented?

No substantive changes currently.

Surrounding state comparison (LSC)

LSC staff determined that an amusement ride operator license is not an “occupational regulation” under the state’s general policy enacted by S.B. 255 of the 132nd General Assembly and is, therefore, beyond the scope of this report. *(See, R.C. 103.27 and 4798.01.)*

Auctioneer

Survey responses (AGR)

Description

“Auctioneer” means any person who engages, or who by advertising or otherwise holds the person out as being able to engage, in the calling for, recognition of, and the acceptance of, offers for the purchase of real or personal property, goods, or chattels at auction either directly or using other licensed auctioneers.

“Auction” means a method of sale of real or personal property, goods, or chattels, at a predetermined date and time, by means of a verbal exchange, regular mail, telecommunications, the internet, an electronic transmission, or a physical gesture between an auctioneer and members of the audience or prospective purchasers, the exchanges and gestures consisting of a series of invitations for offers made by the auctioneer and offers by members of the audience or prospective purchasers, with the right to acceptance of offers with the auctioneer.

“Auction” includes a sale of real or personal property, goods, or chattels in which there has been a solicitation or invitation by advertisement to the public for an advance in bidding using sealed bidding, provided that the bids are opened and there is a call for an advancement of the bids.

“Auction services” means arranging, managing, and sponsoring a personal property auction. “Auction services” includes the taking and advertising of personal property on consignment to be sold at an online or live auction by a licensed auctioneer for a fee or other consideration.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	In 2021, there were 59 new auctioneer licenses issued.
Number renewed annually	Approx. 1200
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yes, largely due to the number of baby boomers retiring and the shift to online auctions due to COVID.
Education or training requirements	In 2021, licensees were required to serve a twelve-month apprenticeship, act as a bid caller in twelve auctions, and attend an approved auction school prior to application for licensure. HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement and an individual can test for the auctioneer exam upon completion of an approved auction school.
Experience requirements	In 2021, licensees were required to serve a twelve-month apprenticeship and act as a bid caller in twelve auctions. HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Written license exams administered by the Ohio Department of Agriculture, Auctioneer Program. There is a bank of exam questions drafted and questions for the exam are pulled from the bank of questions. \$25.00 exam fee as permitted in statute. The fees are deposited in the Auctioneer Operating Fund 5B80. The Verbal exam was administered by the Ohio Auctioneer Commissioners who are licensed auctioneers. § 4707.08 Examinations. (A) The department of agriculture shall hold written examinations twelve times each year for obtaining a license under section 4707.07 of the Revised Code and for unlicensed auction firm managers as required under division (D) of section 4707.074 of the Revised Code. The

If the regulation is a registration, certification, or license requirement, please complete the following:

written examination shall be held at the department or at an alternative location determined by the department. An examination shall not be required for the renewal of any license unless the license has been revoked, or allowed to expire without renewal, in which case the applicant shall take and pass the appropriate examinations examination offered by the department.

An examination fee of twenty-five dollars shall be collected from each person taking the auctioneer examination and fifteen dollars from each person taking the auction firm manager examination to defray expenses of holding the examinations.

- (B) All applications and proofs shall be filed by each applicant before the scheduled date of examination and shall be accompanied by proof of financial responsibility and a license fee. In order to be seated for an examination held under this section, an applicant shall have a complete application on file with the department not later than fourteen days prior to the examination date.
- (C) If a court of competent jurisdiction or the department, at an administrative hearing, has found that an applicant conducted an auction, provided auction services, or acted as an auctioneer without a license issued under this chapter, the department may refuse to allow the applicant to take an examination under this section or may deny the issuance of a license to the applicant for a period of two years.
- (D)(1) If an applicant for a license fails to pass the examination, the applicant may take the examination on the next scheduled date for the examination. If an applicant fails to pass the examination on the second consecutive attempt, the applicant shall not take the examination on the next scheduled date for the examination.
- (2) If an applicant for a license fails to pass the examination on the third attempt, the applicant shall attend auction school a second time before the applicant may take the examination. If an applicant for a license fails to pass the examination on the fourth attempt, the applicant shall not take the examination for at least one year from the date of the last failed attempt.

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(3) If an individual who is taking the examination for an auction firm manager fails to pass the examination on the third attempt, the individual shall not take the examination for one year from the date of the last failed attempt.</p> <p>§ 4707.04 Organization of commission.</p> <p>[* * *]</p> <p>(C) Members of the commission who are licensed auctioneers under this chapter shall administer the oral licensing examination required under section 4707.08 of the Revised Code.</p> <p>(D) Each commissioner shall receive the commissioner’s actual and necessary expenses incurred in the discharge of the commissioner’s duties. Each commissioner also shall receive a per diem salary from the auctioneers fund created in section 4707.05 of the Revised Code for each meeting attended. The director of agriculture shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the per diem salary.</p> <p>HB 321 (eff. 09/13/2022) eliminates the verbal licensing exam and moves the test to monthly offerings.</p>
<p>Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i></p>	<p>In 2021, there were no continuing education requirements.</p> <p>HB 321 (eff. 09/13/2022) creates 8 hours of continuing education for every two-year renewal period. The criteria are established in the statute:</p> <p>§ 4707.101. Continuing Education.</p> <p>(A) A licensed auctioneer shall complete eight hours of continuing education in accordance with this section prior to renewal of the license under section 4707.10 of the Revised Code. The auction firm manager of a licensed auction firm shall complete eight hours of continuing education in accordance with this section prior to the renewal of the auction firm license under section 4707.10 of the Revised Code.</p> <p>(B)(1) Except as provided in division (B)(2) of this section, a licensed auctioneer and an auction firm manager shall complete the eight hours of continuing education as follows:</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(a) Three of the hours shall include areas of instruction in any of the following areas: an overview of this chapter and rules adopted under it, including any recent amendments to that chapter or rules; contract law; the uniform commercial code; auction ethics; or trust or escrow accounts.</p> <p>(b) Five of the hours shall include areas of instruction in any of the following areas: advertising and marketing; business math and accounting; insurance and liability; federal firearms law; business management; motor vehicle auctions; real estate auctions; or personal property auctions.</p> <p>(2) If a licensed auctioneer has been issued a license with a period of validity of twelve months or less, the auctioneer shall complete four hours of continuing education as follows:</p> <p>(a) One hour in the areas of instruction described in division (B)(1)(a) of this section;</p> <p>(b) Three hours in the areas of instruction described in division (B)(1)(b) of this section.</p> <p>(C) A licensed auctioneer or an auction firm manager of a licensed auction firm may complete an area of instruction for continuing education hours in another state if both of the following apply:</p> <p>(1) The area of instruction has been approved by the appropriate state governing body in the other state.</p> <p>(2) The Ohio auctioneers commission approves the completion of the area of instruction by the auctioneer or an auction firm manager in the other state</p> <p>The Ohio Auctioneer Commission establishes the requirements and standards for continuing education providers.</p>
Initial fee	\$200.00 biennial license fee, \$25.00 exam fee
Duration	Two-year licenses July 1-June 30

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$200.00 renewal fee
Does the Department recognize uniform licensure requirements or allow for reciprocity?	<p>Ohio has reciprocal agreements that waive the apprenticeship and testing requirements because the other states have similar licensing requirements with the following: AL, AR, FL, GA, IL, IN, KY, LA, MS, NC, PA, SC, TN, TX, VA, WI, and WV. Auctioneers from reciprocal states still need to obtain an auctioneer license in Ohio and pay the appropriate fee. We permit third party reciprocity which means the licensee does not have to live in the reciprocal state.</p> <p>For individuals who are not licensed in a reciprocal licensing state, a one-time license is available.</p>
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	<p>There are exemptions to the licensure requirement within Chapter 4707.02 of the Revised Code</p> <p style="padding-left: 40px;">(A) No person shall act as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.</p> <p style="padding-left: 40px;">Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.</p> <p style="padding-left: 40px;">(B) Division (A) of this section does not apply to any of the following:</p> <p style="padding-left: 80px;">(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;

(3) An auction mediation company;

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section [4707.03](#) of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

If the regulation is a registration, certification, or license requirement, please complete the following:

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.

(C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.

(2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.

(D) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?

(A) The department of agriculture may grant auctioneer's licenses to those individuals who are determined to be qualified by the department. Each individual who applies for an auctioneer's license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

(1) Has attained the age of at least eighteen years;

(2) Has done one of the following:

If the regulation is a registration, certification, or license requirement, please complete the following:

- (a) Met the apprenticeship requirements set forth in section [4707.09](#) of the Revised Code;
- (b) Met the requirements of section [4707.12](#) of the Revised Code.
- (3) Has a general knowledge of the following:
 - (a) The requirements of the Revised Code relative to auctioneers;
 - (b) The auction profession;
 - (c) The principles involved in conducting an auction;
 - (d) Any local and federal laws regarding the profession of auctioneering.
- (4) Has satisfied the financial responsibility requirements established under section [4707.11](#) of the Revised Code if applicable.
 - (B) Auctioneers who served apprenticeships and who hold licenses issued before May 1, 1991, and who seek renewal of their licenses, are not subject to the additional apprenticeship requirements imposed by section [4707.09](#) of the Revised Code.
 - (C) A licensee may do business under more than one registered name, but not to exceed three registered names, provided that the names have been approved by the department. The department may reject the application of any person seeking licensure under this chapter if the name or names to be used by the applicant are likely to mislead the public, or if the name or names do not distinguish the applicant from the name or names of any existing person licensed under this chapter. If an applicant applies to the department to do business under three names, the department may charge a fee of ten dollars for the third name.
 - (D) The department, in its discretion, may waive the schooling and apprenticeship requirements for a resident of this state, provided that the resident holds a valid auctioneer's license that was issued by a state with which the department has entered into a reciprocal licensing agreement and the resident is in good standing with that state. The applicant shall provide proof that is satisfactory to the department that the applicant has had two years of experience as an auctioneer immediately preceding the date of application that includes at a minimum twelve auctions in which the applicant was a bid caller in the reciprocal state.

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

The Department of Agriculture has sole regulatory authority over auctions in the State of Ohio. Disciplinary actions are in accordance with Chapter 119 of the Revised Code under Chapter 4707.15, 4707.19, and 4707.99 of the Ohio Revised Code. The agency has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with Ohio's auction laws and rules through periodic inspection and complaint investigations. The department may refuse to issue or renew, or may suspend, revoke, or impose civil penalties under Chapter 4707.19 of the Revised Code. The Department may also seek injunctive relief under R.C. 4707.16 and seek criminal action under ORC 4707.99.

One of the Auctioneer program's main objectives is voluntary compliance with Chapter 4707 of the Ohio Revised Code. When compliance issues arise, the program will, depending on the severity of the violation(s), attempt to educate the licensee of the non-compliance issue and give them the opportunity to correct the problem before taking any future administrative action in the form of a civil penalty, suspension or revocation on future violations.

§ 4707.15 Disciplinary actions.

(A) The department of agriculture may deny, refuse to renew, suspend, or revoke the license of any auction firm or auctioneer for any of the following causes:

- (1) Obtaining a license through false or fraudulent representation;
- (2) Making any substantial misrepresentation in an application for a license;
- (3) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (4) Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;
- (5) Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee's possession, and for commingling funds of others with the licensee's own, or failing to keep funds of others in an escrow or trust

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account, except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section [4735.18](#) of the Revised Code;

- (6) Paying valuable consideration to any person who has violated this chapter;
- (7) Except as provided in division (B) of this section, conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;
- (8) Violation of this chapter or rules adopted under it;
- (9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;
- (10) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;
- (11) Any other conduct of a person that is licensed under this chapter that constitutes improper, fraudulent, or dishonest dealings;
- (12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;
- (13) The use of any power of attorney to circumvent this chapter;
- (14) Failure to display either of the following:
 - (a) The sign required under section [4707.22](#) of the Revised Code; or
 - (b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.
- (15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;
- (16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;
- (17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;
- (18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;
- (19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

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(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

(21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

§ 4707.16 Complaints.

(A) The department of agriculture may, upon its own motion, and shall, upon the verified written complaint of any person, investigate the actions of any auction firm or auctioneer, any applicant for an auction firm's, auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case. If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to the applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the license. Any auction firm or auctioneer who has had the auction firm's or auctioneer's, license revoked shall not be issued another such license for a period of two years from the date of revocation.

(B) The department may investigate complaints concerning the violation of sections 4707.02 and 4707.15 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in this section. The department may make application to the court of common pleas for an order enjoining the violation of sections 4707.02 and 4707.15 of the Revised Code, and upon a showing by the department that any licensed auction firm or auctioneer has violated or is about to violate section 4707.15 of the Revised Code, or any person has violated or is about to violate section 4707.02 of the Revised Code, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

(C) The department may compel by subpoena the attendance of witnesses to testify in relation to any matter over which it has jurisdiction and that is the subject of inquiry and investigation by it, and require the production of any book, paper, or document pertaining to that matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by such a subpoena, the court of common pleas of any county in the state, upon application made to it by the department, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court, or a refusal to testify therein.

(D) When the department determines that a person not licensed under this chapter is engaged in or is believed to be engaged in activities for which a license is required under this chapter, the department may issue an order to that person requiring the person to show cause as to why the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order that shall

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describe the person and activities that are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

- (E) In addition to the remedies provided under this section and irrespective of whether an adequate remedy at law exists, the department may apply to a court of common pleas for a temporary or permanent injunction or other appropriate relief for continued violations of this chapter. For purposes of this division, the court of common pleas shall be the court of common pleas of Licking county or the court of common pleas of the county where the violation occurs.
- (F) For purposes of this section, investigative costs incurred by the department are recoverable either by the issuance of an administrative order of the department or by an order of a court of competent jurisdiction.

§ 4707.19 Administrative rules.

- (A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

- (B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, rules adopted under it, or orders issued under it. The rules shall provide that the civil penalty for the first violation of this chapter, rule, or order shall not exceed five thousand dollars and the civil penalty for each subsequent offense shall not exceed ten thousand dollars. In addition, the director, in establishing the schedule of civil penalties in the rules, shall consider past violations of this chapter and rules adopted under it, the severity of a violation, and the amount of actual or potential damage to the public or the auction profession.
- (C) The department of agriculture may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director may administer oaths. The department may require other proof of the honesty and truthfulness of any person named in the application for an auction firm's or auctioneer's license before admitting the applicant to an examination or issuing a license.

§ 4707.99 Penalty.

- (A) Whoever violates section 4707.02 of the Revised Code is guilty of a misdemeanor of the first degree on the first offense and a felony of the fifth degree on each subsequent offense.
- (B) Whoever violates this chapter or any rule adopted by the department of agriculture in the administration of this chapter, for the violation of which no penalty is provided, is guilty of a misdemeanor of the first degree.

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- (C) Whoever violates section 4707.151 of the Revised Code is guilty of a felony of the fifth degree on the first offense and a felony of the fourth degree on each subsequent offense.
- (D) Notwithstanding section 1901.31, 1907.20, or 2335.37 of the Revised Code, the clerk of the court shall transmit to the treasurer of state for deposit into the state treasury to the credit of the auction education fund created in section 4707.171 of the Revised Code fifty per cent of any fine imposed under this section.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

In 2021, the total revenue from all license types under Chapter 4707 was \$264,977.

The Auctioneer program is a self-funded program whose only source of funding are licensing fees. Since 1991, the licensing fees have remained the same (\$100.00 per year). The auction recovery fund was created from the auctioneer program operating fund in 2003. No GRF monies are utilized. Any civil penalties that are collected are deposited into the auction education fund and the auction recovery fund to fund educational programs for the auctioneers and auction going public and to provide additional source of revenue for the recovery fund.

The auction recovery fund was created in 2003 from monies in the operating fund for the auctioneers. \$500,000 was transferred into a rotary account that acts as an indemnity fund for the public who has had actual and direct financial loss because of a licensee's violation of the Ohio Auction Law. To assist the public in recouping their losses, they have two avenues for making a claim 1. Via the judicial system and 2. Via the administrative process. Each licensee is covered for a maximum liability of \$50,000. There are mechanisms in place that if the fund would fall below \$500,000 for the assessment of a fee to the licensees to bring the fund balance back to \$500,000. The fund has been in place since 2003 and there has never been the need for an assessment. All payouts from the auction recovery fund must go before the controlling board for approval.

\$7.50 of every \$100 license fee paid is deposited into the auction education fund which is overseen by the Ohio Auctioneer Commission. Its statutory purpose is to underwrite education and research in the auction field for the benefit of those licensed under Chapter 4707 and the auctioneering public. The auction education fund provides free educational seminars several times throughout the year for licensees and the public.

The State Auctioneer Commission serves to advise the Department on the auction profession, oversees the approval of auction schools and auction school curriculum, and oversees the auction education fund. The auction education fund was developed to provide for the education and promotion of the auction profession for the licensees and the auction going public.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There are no federal regulations to the occupation.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Ohio Department of Agriculture's chief mission is to protect consumers. The Department protects not only the buyers and sellers of goods at auction but also the public at large through the establishment of minimum requirements of auctioneer candidates and licensees and establishes a standard of professional conduct for all auctioneers. The Department's Auctioneers Program ensures that all auctions are open to the public and free of bidding restrictions. Additionally, regulations prevent against fraud and abuses of power and ensures that the profession remains in good standing by ensuring that all auctioneers are experienced, educated, and bound to a code of ethics.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. The regulations are effective at preventing harm especially with the recent passage of HB 321, which removed barriers to licensure while still provide consumer protection to ensure that the auctions in Ohio are conducted in a fair and honest manner. The program offers a recovery fund for those who are financially harmed by a licensee. Each licensee is covered up to \$50,000 under the auction recovery fund. If a licensee violates Ohio law and it causes financial harm to an individual, they can make claim to the indemnity fund for their actual and direct losses. The recovery fund is derived from monies transferred from the operating fund in 2003 and from 50% of all fines collected. If the balance of the fund falls below a required balance, there is an assessment against all licensees to ensure viability of the fund.

Are there any changes the Department would like to see implemented?

HB 321 provided for removal of barriers to entry into the profession. The effective date of this bill is 09/13/2022.

Surrounding state comparison (LSC)

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 4707.02 and 4707.07</i>).	License (<i>Ind. Code 25-6.1-3-2(a)</i>).	License (<i>Ky. Rev. Stat. 330.030(1)</i>).	No state licensing requirement.	License (<i>63 Pa. Cons. Stat. 734.3(a)</i>).	License (<i>W. Va. Code 19-2C-2</i>).
Education or training	Must successfully complete a course of study in auctioneering at an institution approved by the State Auctioneers Commission (<i>R.C. 4707.07</i>).	Must successfully complete 80 hours of course instruction from a course provider approved by the Indiana Auctioneer Commission (<i>Ind. Code 25-6.1-3-2(b)</i>).	Must successfully complete 80 hours of classroom instruction approved by the Kentucky Board of Auctioneers (<i>831 Ky. Admin. Regs. 1:030, Section 3(3)</i>).	N/A	Must successfully complete 20 hours of instruction in the following areas of study: 1. Audience communications; 2. Procurement of merchandise for auction;	N/A

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					3. Appraisal; 4. Auction law; 5. Preparation for auction; and 6. Conducting an auction. <i>(49 Pa. Code 1.11)</i>	
Experience	Must be at least 18 and have a general knowledge of the following: 1. The requirements of the Revised Code relative to auctioneers; 2. The auction profession; 3. The principles involved in conducting an auction; and	Must be at least 18 and have knowledge of the following: 1. The value of real estate and of various goods commonly sold at an auction; 2. Bid calling; 3. Sale preparation, sale advertising, and sale summary;	Must be an apprentice auctioneer, be at least 18, and show proof of a high school diploma or equivalent (may be waived by the Board if the applicant demonstrates sufficient life experience and competency) <i>(Ky. Rev. Stat. 330.060(1)(a) and (b) and 330.070)</i> .	N/A	Must do one of the following: 1. Serve as a licensed apprentice auctioneer for at least two years and participate in at least 30 auctions; 2. Successfully complete a prescribed course of study in auctioneering	Must be at least 18, meet the apprenticeship requirements, if applicable, and have a general knowledge of the auctioneering profession and the principles involved in conducting an auction <i>(W. Va. Code 19-2C-5; W. Va. Code R. 61-11B-3)</i> .

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>4. Any local and federal laws regarding the profession of auctioneering. (R.C. 4707.07.)</p>	<p>4. Mathematics; 5. The provisions of this article and the Commission's rules; and 6. Any other subject matter approved by the Commission. (Ind. Code 25-6.1-3-2(c).)</p>			<p>at a qualified school; 3. Successfully complete a prescribed course of study in auctioneering at a qualified auction school and serve an apprenticeship for at least one year and participate in at least 15 auctions; 4. Be licensed in good standing by another state to engage in auctioneering for at least two years; or 5. Demonstrate that the</p>	

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
					individual has conducted auctioneering for at least two years in a state that does not require a license. <i>(63 Pa. Cons. Stat. 734.3(d).)</i>	
Exam	Examination required <i>(R.C. 4707.08)</i> .	Examination that covers subjects and topics of knowledge required to practice as an auctioneer, held as the Commission prescribes <i>(Ind. Code 25-6.1-3-2(h))</i> .	Examination required <i>(Ky. Rev. Stat. 330.060(3))</i> .	N/A	Examination required <i>(63 Pa. Cons. Stat. 734.5(c))</i> .	Written and oral examination <i>(W. Va. Code 19-2C-5a)</i> .
Continuing education	Eight hours every two years. Three hours in any of the following areas:	16 hours every four years. At least six hours in one of the	Six hours per license year on auctions and auction law and must attend the	N/A	N/A	Six hours every year. Three hours from core subjects, which are:

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> ▪ Overview of the Ohio Auctioneer Law; ▪ Contract law; ▪ Uniform Commercial Code; ▪ Auction ethics; or ▪ Trust or escrow accounts. <p>Five hours in any of the following areas:</p> <ul style="list-style-type: none"> ▪ Advertising and marketing; ▪ Business math and accounting; ▪ Insurance and liability; ▪ Federal firearms law; 	<p>following core subjects:</p> <ul style="list-style-type: none"> ▪ Indiana rules and statutes governing auctioneering; ▪ Federal statutes governing auctioneering; ▪ Auctioneering ethics; ▪ Escrow and trust funds; ▪ Contracts; or ▪ Any other subject matter approved by the Commission. <p>At least ten hours of courses in any of the following elective subjects:</p> <ul style="list-style-type: none"> ▪ Agency; 	<p>Kentucky Auction Core Course at least once every four years if the person has been licensed for less than 25 continuous years. (<i>831 Ky. Admin. Regs. 1:030, Section 4</i>).</p>			<ul style="list-style-type: none"> ▪ West Virginia statutes and rules governing auctioneering; ▪ Federal statutes and rules governing auctioneering; ▪ Auctioneering ethics; ▪ Escrow, trust, and custodial accounts; ▪ Advertising; ▪ Contracts; and ▪ Other subjects approved by the Commissioner of Agriculture of West Virginia.

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<ul style="list-style-type: none"> ▪ Business management; ▪ Motor vehicle auctions; ▪ Real estate auctions; or ▪ Personal property auctions. <p><i>(R.C. 4707.10 and 4707.101.)</i></p>	<ul style="list-style-type: none"> ▪ Business courses related to auctioneering; ▪ Auction management; ▪ Bid calling; ▪ Public speaking; ▪ Advertising; ▪ Specialty auction topics; or ▪ Any other subject matter approved by the Commission <p><i>(Ind. Code 25-6.1-9-1)</i></p>				<i>(W. Va. Code R. 61-11B-6.)</i>
Initial licensure fee	\$200 <i>(R.C. 4707.10).</i>	\$105 plus a surcharge if the Auctioneer Recovery Fund balance is less	\$125 <i>(831 Ky. Admin. Regs. 1:010(1)).</i>	N/A	\$50 plus \$15 verification fee <i>(49 Pa. Code 1.41).</i>	\$150 <i>(W. Va. Code R. 61-11B-16).</i>

Auctioneer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
		than \$360,000 (<i>Ind. Code 25-6.1-3-5 and 25-6.1-8-2; Indiana Professional Licensing Agency, Auctioneers Licensing Information</i>).				
License duration	Two years (<i>R.C. 4707.10</i>).	Four years (<i>Ind. Code 25-6.1-3-2(j)</i>).	Two years (<i>Ky. Rev. Stat. 330.070(6)(a)</i>).	N/A	Two years (<i>63 Pa. Cons. Stat. 734.5(e)</i>).	One year (<i>W. Va. Code 19-2C-3(d)</i>).
Renewal fee	\$200 plus an assessment if the Auction Recovery Fund balance is less than \$400,000 (<i>R.C. 4707.091 and 4707.25</i>).	\$105 plus a surcharge if the Auctioneer Recovery Fund balance is less than \$360,000 (<i>Ind. Code 25-6.1-3-5 and 25-6.1-8-2; Indiana Professional Licensing Agency, Auctioneers Licensing Information</i>).	\$125 (<i>831 Ky. Admin. Regs. 1:010(2)</i>).	N/A	\$260 plus \$15 verification fee (<i>49 Pa. Code 1.41</i>).	\$100 (<i>W. Va. Code R. 61-11B-16</i>).

Apprentice auctioneer

Survey responses (AGR)

Description

As defined in ORC 4707.01:

“Apprentice auctioneer” means any individual who is sponsored by an auctioneer to deal or engage in any activities mentioned in division (A) of this section.

“Auction” means a method of sale of real or personal property, goods, or chattels, at a predetermined date and time, by means of a verbal exchange, regular mail, telecommunications, the internet, an electronic transmission, or a physical gesture between an auctioneer or apprentice auctioneer and members of the audience or prospective purchasers, the exchanges and gestures consisting of a series of invitations for offers made by the auctioneer and offers by members of the audience or prospective purchasers, with the right to acceptance of offers with the auctioneer or apprentice auctioneer. “Auction” includes a sale of real or personal property, goods, or chattels in which there has been a solicitation or invitation by advertisement to the public for an advance in bidding using sealed bidding, provided that the bids are opened and there is a call for an advancement of the bids.

Type *(License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	37 in 2021
Number renewed annually	127 in 2021
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yes, decreases due to the shift to online auctions with the onset of COVID.
Education or training requirements	In 2021, licensees were required to attend an approved auction school prior to application for licensure. HB 321 (eff. 09/13/2022) eliminates the apprenticeship requirement and an individual can test for the auctioneer exam upon completion of an approved auction school.
Experience requirements	
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	The license exam is offered monthly at the Ohio Department of Agriculture by the Auctioneer Program. The fee is \$15.00. HB 321 eliminates the apprenticeship requirement, and the apprentice license is no longer available to new licensees.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$100.00

If the regulation is a registration, certification, or license requirement, please complete the following:	
Duration	Licensing year is July 1-June 30
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$100.00
Does the Department recognize uniform licensure requirements or allow for reciprocity?	The Department has reciprocal agreements with several states in which we waive the auction school requirements and testing if they have an apprentice license issued from a reciprocal state.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	There is no federal regulation of the auction profession.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	<p>(A) No person shall act as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department.</p> <p>Except as provided in division (D) of this section, the department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal.</p> <p>(B) Division (A) of this section does not apply to any of the following:</p> <p>(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority;</p> <p>(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale;</p> <p>(3) An auction mediation company;</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section [4707.03](#) of the Revised Code for purposes of student training and is supervised by a licensed auctioneer;

(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction;

(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit.

(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

If the regulation is a registration, certification, or license requirement, please complete the following:

- (8) Sales of real or personal property conducted by means of the internet, provided that they are not conducted in conjunction with a live auction;
- (9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state;
- (10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:
 - (a) The champion is not paid a commission.
 - (b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that the champion complies with this chapter and rules adopted under it.
- (C)(1) No person shall advertise or hold oneself out as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer without a license issued by the department of agriculture.
- (2) Division (C)(1) of this section does not apply to an individual who is the subject of an advertisement regarding an auction conducted under division (B)(5)(b) of this section.
- (D) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?

§ 4707.09 Apprentice auctioneer’s license qualifications.

The department of agriculture may grant apprentice auctioneers’ licenses to those persons that are determined to be qualified by the department. Every applicant for an apprentice auctioneer’s license shall pass an examination relating to the skills, knowledge, and statutes and rules governing auctioneers. Every applicant for an apprentice auctioneer’s license shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

- (A) Has attained the age of at least eighteen years;
- (B) Has obtained a written promise of a licensed auctioneer to sponsor the applicant during the applicant’s apprenticeship;

If the regulation is a registration, certification, or license requirement, please complete the following:

	<p>(C) Has satisfied the financial responsibility requirements established under section 4707.11 of the Revised Code if applicable;</p> <p>(D) Has successfully completed a course of study in auctioneering at an institution that is approved by the state auctioneers commission.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>This license type is no longer required after 09/13/2022 under HB 321.</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

The Department of Agriculture has sole regulatory authority over auctions in the State of Ohio. Disciplinary actions are in accordance with Chapter 119 of the Revised Code under Chapter 4707.15, 4707.16, 4707.19, and 4707.99 of the Ohio Revised Code. The agency has testing authority to ensure minimum competence prior to licensure, and oversight over compliance with Ohio’s auction laws and rules through periodic inspection and complaint investigations. The department may refuse to issue or renew, or may suspend, revoke, or impose civil penalties under Chapter 4707.19 of the Revised Code. The Department may also seek injunctive relief under R.C. 4707.16 and seek criminal action under ORC 4707.99.

§ 4707.15 Disciplinary actions.

(A) The department of agriculture may deny, refuse to renew, suspend, or revoke the license of any auction firm or auctioneer for any of the following causes:

- (1) Obtaining a license through false or fraudulent representation;
- (2) Making any substantial misrepresentation in an application for a license;
- (3) A continued course of misrepresentation or for making false promises through agents, advertising, or otherwise;
- (4) Specifying that an auction is a reserve auction, absolute auction, multi-parcel auction, or estate auction, but not conducting the auction as specified;
- (5) Failing to account for or remit, within a reasonable time, any money or property belonging to others that comes into the licensee’s possession, and for commingling funds of others with the licensee’s own, or failing to keep funds of others in an escrow or trust account,

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

except that in the case of a transaction involving real estate, such funds shall be maintained in accordance with division (A)(26) of section [4735.18](#) of the Revised Code;

(6) Paying valuable consideration to any person who has violated this chapter;

(7) Except as provided in division (B) of this section, conviction in a court of competent jurisdiction of this state or any other state of a criminal offense involving fraud, forgery, embezzlement, false pretenses, extortion, conspiracy to defraud, or another similar offense or a felony;

(8) Violation of this chapter or rules adopted under it;

(9) Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by the auctioneer or auction firm;

(10) Any conduct of a person that is licensed under this chapter that demonstrates bad faith, dishonesty, incompetency, or untruthfulness;

(11) Any other conduct of a person that is licensed under this chapter that constitutes improper, fraudulent, or dishonest dealings;

(12) Failing prior to the sale at public auction to enter into a written contract with the owner or consignee of any property to be sold, containing the terms and conditions upon which the licensee received the property for auction;

(13) The use of any power of attorney to circumvent this chapter;

(14) Failure to display either of the following:

(a) The sign required under section [4707.22](#) of the Revised Code; or

(b) A notice conspicuously at the clerk's desk or on a bid card that clearly states the terms and conditions of the auction and, if applicable, an explanation of the multi-parcel auction process.

(15) Failure to notify the department of any conviction of a felony or crime involving fraud within fifteen days of conviction;

(16) Aiding an unlicensed person in the performance of services or acts that require a license under this chapter;

(17) The suspension or revocation of a license to engage in auctioneering or other disciplinary action by the licensing authority of another state;

(18) The refusal or disapproval by the licensing authority of another state of an application for a license to engage in auctioneering;

(19) Failure of a licensee to notify the department of agriculture within fifteen days of a disciplinary action against the licensee by another state's applicable governing authority;

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

(20) Engaging in auctioneering or providing auction services without a license or during the suspension of a license;

(21) Attempting to cheat or cheating on an auctioneer examination or aiding another to cheat on an examination.

(B) The department shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section [9.79](#) of the Revised Code.

§ 4707.16 Complaints.

(A) The department of agriculture may, upon its own motion, and shall, upon the verified written complaint of any person, investigate the actions of any auction firm or auctioneer, any applicant for an auction firm's, auctioneer's license, or any person who assumes to act in that capacity, if the complaint, together with other evidence presented in connection with it, makes out a prima-facie case. If the department determines that any such applicant is not entitled to receive a license, a license shall not be granted to the applicant, and if the department determines that any licensee is guilty of a violation of section 4707.14 or 4707.15 of the Revised Code, the department may suspend or revoke the license. Any auction firm or auctioneer who has had the auction firm's or auctioneer's, license revoked shall not be issued another such license for a period of two years from the date of revocation.

(B) The department may investigate complaints concerning the violation of sections 4707.02 and 4707.15 of the Revised Code and may subpoena witnesses in connection with such investigations as provided in this section. The department may make application to the court of common pleas for an order enjoining the violation of sections 4707.02 and 4707.15 of the Revised Code, and upon a showing by the department that any licensed auction firm or auctioneer has violated or is about to violate section 4707.15 of the Revised Code, or any person has violated or is about to violate section 4707.02 of the Revised Code, an injunction, restraining order, or other order as may be appropriate shall be granted by the court.

(C) The department may compel by subpoena the attendance of witnesses to testify in relation to any matter over which it has jurisdiction and that is the subject of inquiry and investigation by it, and require the production of any book, paper, or document pertaining to that matter. In case any person fails to file any statement or report, obey any subpoena, give testimony, or produce any books, records, or papers as required by such a subpoena, the court of common pleas of any county in the state, upon application made to it by the department, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court, or a refusal to testify therein.

(D) When the department determines that a person not licensed under this chapter is engaged in or is believed to be engaged in activities for which a license is required under this chapter, the department may issue an order to that person requiring the person to show cause as to why the person should not be subject to licensing under this chapter. If the department, after a hearing, determines that the activities in which the person is engaged are subject to licensing under this chapter, the department may issue a cease-and-desist order that

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

shall describe the person and activities that are subject to the order. A cease-and-desist order issued under this section shall be enforceable in and may be appealed to the common pleas courts of this state under Chapter 119. of the Revised Code.

(E) In addition to the remedies provided under this section and irrespective of whether an adequate remedy at law exists, the department may apply to a court of common pleas for a temporary or permanent injunction or other appropriate relief for continued violations of this chapter. For purposes of this division, the court of common pleas shall be the court of common pleas of Licking county or the court of common pleas of the county where the violation occurs.

(F) For purposes of this section, investigative costs incurred by the department are recoverable either by the issuance of an administrative order of the department or by an order of a court of competent jurisdiction.

§ 4707.19 Administrative rules.

(A) The director of agriculture may adopt reasonable rules necessary for the implementation of this chapter in accordance with Chapter 119. of the Revised Code. In addition, the director shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the portion of license fees collected under this chapter that are to be deposited into the auction recovery fund under section 4707.25 of the Revised Code.

No person shall fail to comply with a rule adopted under this chapter.

(B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, rules adopted under it, or orders issued under it. The rules shall provide that the civil penalty for the first violation of this chapter, rule, or order shall not exceed five thousand dollars and the civil penalty for each subsequent offense shall not exceed ten thousand dollars. In addition, the director, in establishing the schedule of civil penalties in the rules, shall consider past violations of this chapter and rules adopted under it, the severity of a violation, and the amount of actual or potential damage to the public or the auction profession.

(C) The department of agriculture may hear testimony in matters relating to the duties imposed on it, and any person authorized by the director may administer oaths. The department may require other proof of the honesty and truthfulness of any person named in the application for an auction firm's or auctioneer's license before admitting the applicant to an examination or issuing a license.

§ 4707.99 Penalty.

(A) Whoever violates section 4707.02 of the Revised Code is guilty of a misdemeanor of the first degree on the first offense and a felony of the fifth degree on each subsequent offense.

(B) Whoever violates this chapter or any rule adopted by the department of agriculture in the administration of this chapter, for the violation of which no penalty is provided, is guilty of a misdemeanor of the first degree.

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

(C) Whoever violates section 4707.151 of the Revised Code is guilty of a felony of the fifth degree on the first offense and a felony of the fourth degree on each subsequent offense.

(D) Notwithstanding section 1901.31, 1907.20, or 2335.37 of the Revised Code, the clerk of the court shall transmit to the treasurer of state for deposit into the state treasury to the credit of the auction education fund created in section 4707.171 of the Revised Code fifty per cent of any fine imposed under this section.

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

All revenue for the auctioneer program is derived from initial license and renewal fees and civil penalties collected by the agency. There are no GRF funds utilized. 2021, the total revenue from all license types under Chapter 4707 was \$264,977.

Most of the fees collected are deposited into the auctioneer operating fund which is used to fund the auctioneer program. There are no GRF monies utilized by the agency for this program. \$ 15.00 from each \$200.00 license fee is deposited into an auction education fund which is overseen by the Auctioneer Commission. This fund is available to fund educational opportunities for licensees and the auction going public. Additionally, in 2003, monies were transferred from the operating fund to create the auction recovery fund which covers licensees up to \$50,000 for actual and direct losses that they may cause the public during their business. There has never been a fee assessed to the licensees to maintain the balance of the fund but there are provisions within statute if the fund balance would fall below the required threshold. 50% of the civil penalties that are assessed for violations of the statute are deposited into the recovery fund and the other 50% are deposited into the auction education fund. There are also provisions within the statute that would allow the department to fund educational opportunities and research in the profession if the fund reaches a required threshold.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

There is no federal regulation of the auction profession.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The Ohio Department of Agriculture's chief mission is to protect consumers. The Department protects not only the buyers and sellers of goods at auction but also the public at large through the establishment of minimum requirements of auctioneer candidates and licensees and establishes a standard of professional conduct for all auctioneers. The Department's Auctioneers Program ensures that all auctions are open to the public and free of bidding restrictions. Additionally, regulations prevent against fraud and abuses of power and ensures that the profession remains in good standing by ensuring that all auctioneers are experienced, educated, and bound to a code of ethics.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes. The regulations are effective at preventing harm especially with the recent passage of HB 321, which removed barriers to licensure while still provide consumer protection to ensure that the auctions in Ohio are conducted in a fair and honest manner. The program offers a recovery fund for those who are financially harmed by a licensee. Each licensee is covered up to \$50,000 under the auction recovery fund. If a licensee violates Ohio law and it causes financial harm to an individual, they can make claim to the indemnity fund for their actual and direct losses. The recovery fund is derived from monies transferred from the operating fund in 2003 and from 50% of all fines collected. If the balance of the fund falls below a required balance, there is an assessment against all licensees to ensure viability of the fund.

Are there any changes the Department would like to see implemented?

HB 321 provided for removal of barriers to entry into the profession and this license type is no longer required effective 09/13/2022.

Surrounding state comparison (LSC)

See **Auctioneer**, above.

Hemp cultivator

Survey responses (AGR)

Description
All entities wanting to grow hemp in Ohio are required to obtain a Hemp Cultivation License and register their growing locations. License can be issued to individual or businesses.

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	License is a 3-year license but they are required to register growing locations annually. In 2021, 179 applicants registered growing locations and 65 of those were new licenses
Number renewed annually	N/A

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yes, significant decreases each year. 195 in 2020, 179 in 2021 and 118 in 2022
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	N/A
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	N/A
Initial fee	\$100 every 3 years for the application fee plus \$500 per growing location annually.
Duration	3 years for the license, 1 year for the growing location registration
Renewal fee (<i>If different from initial fee, please explain why.</i>)	Same

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Department recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>Currently Ohio regulates the cultivation of hemp via a State Approved Plan with USDA. If Ohio wanted to turn the regulation of hemp cultivation over to USDA, then the cultivators would need to comply with the USDA licensing/registration requirements.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?</p>	<p>No</p>
<p>Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>No, it is a mandatory denial of licensure if the applicant has been convicted of a felony involving controlled substances in the previous 10 years</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>Applicants must not have any Felony convictions concerning controlled substances in the previous 10 years</p>

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Director can suspend or revoke licensure for violations of Chapter 901:14-1 of the Administrative Code and can seek criminal prosecution against anyone who recklessly violates section 928.04 of the Revised Code

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$146,800 was generated in 2021. Revenue is used to partially fund 4.5 FTE's for the program, pay for laboratory services and one vehicle for Inspections.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

USDA 2018 Farm Bill requires hemp cultivators to apply to and be licensed or authorized under its State's authorized hemp program if the State has one. If the State does not have an authorized program then the cultivators must apply for a USDA hemp production license. Ohio has an authorized program.

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Production and distribution of a schedule 1 controlled substance

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Yes, the program is effective at preventing the harm.
 No there are no other less restrictive ways to prevent the harm.

Are there any changes the Department would like to see implemented?

Yes, the Department would like to see the rules updated to reflect changes in Federal Law and reduce the burden on licensees to file annual reports if they are not going to grow hemp.

Surrounding state comparison (LSC)

Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 928.04</i>).	License (<i>Ind. Code 15-15-13-7</i>).	License (<i>302 Ky. Admin. Regs. 50:021</i>).	Registration (<i>Mich. Comp. Laws 286.846</i>).	General permit (<i>Pennsylvania Dept. of Agriculture, General Permit Standards and Requirements for Hemp (PDF)</i>).	License (<i>W. Va. Code 19-12E-5</i>).

Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Education or training	N/A	N/A	Applicants must complete a mandatory orientation course (302 Ky. Admin. Regs. 50:021, Section 4(5)).	N/A	N/A	N/A
Experience	N/A	Must be at least 18 years old (LSA Document #22-68(E) Section 32 (PDF)).	Must be at least 18 years old (302 Ky. Admin. Regs. 50:021, Section 2(4)).	Must be at least 18 years old (Mich. Comp. Laws 286.848).	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$100 for license application; \$500 annual fee for each growing location (O.A.C. 901:14-1-04).	\$1,000 (LSA Document #22-68(E) Section 38(a) (PDF)).	No application fee if submitted online; \$200 if submitted on paper. Additional \$400 annual fee for each growing location. (302 Ky. Admin. Regs. 50:060, Section 1.)	\$100 (Mich. Comp. Laws 286.856).	\$150; additional fees may apply (3 Pa. Cons. Stat. 1520).	\$100 application fee per location. Additional \$100 license fee plus \$5.00 per acre included on the application if approved. (W. Va. Code R. 61-29-3 (3.5 and 3.7).)

Hemp Cultivator						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	Three years (<i>R.C. 928.02(B); O.A.C. 901:14-1-02(B)</i>).	One year (<i>Ind. Code 15-15-13-8(c)</i>).	One year (<i>302 Ky. Admin. Regs. 50:021, Section 7</i>).	One year (<i>Mich. Comp. Laws 286.846</i>).	One year (<i>Pennsylvania Dept. of Agriculture, General Permit Standards and Requirements for Hemp Art. II(c) (PDF)</i>).	One year (<i>W. Va. Code 19-12E-5(d)</i>).
Renewal fee	\$100 triennially; \$500 annual growing location fee (<i>R.C. 928.02(B); O.A.C. 901:14-1-02(B)</i>).	\$1,000 (LSA Document #22-68(E) Section 38(a) (PDF)).	No application fee if submitted online; \$200 if submitted on paper. Additional \$400 annual fee for each growing location (<i>302 Ky. Admin. Regs. 50:060, Section 1</i>).	\$100 grower registration (<i>Mich. Comp. Laws 286.856</i>).	\$50; additional fees may apply (<i>3 Pa. Cons. Stat. 1520</i>).	\$100 application fee per location. Additional \$100 license fee plus \$5.00 per acre included on the application if approved. (<i>W. Va. Code R. 61-29-3 (3.5 and 3.7)</i> .)

Hemp processor

Survey responses (AGR)

Description
License is required to make consumable products out of Hemp

Type (License, specialty license for medical reimbursement, government certification, registration, bonding or insurance, inspection, or process regulation. See R.C. 4798.01 for relevant definitions.)
License allows the production of hemp products and inspections by ODA Food Safety Program

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	49
Number renewed annually	46

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Yes, significant increases. This program is only in its 3 rd year and the number of licenses doubled from 2020 to 2021
Education or training requirements	Yes, but only for a processor using hydrocarbon solvent-based or carbon dioxide extraction methods. They must have an employee that has a bachelor's degree in engineering or physical sciences from an accredited university, or at least three years of experience in the operation of the equipment being used
Experience requirements	No
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Department receive any proceeds of those fees? If so, how are the proceeds used?</i>)	No
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	No
Initial fee	\$100 every 3 years for the application fee plus annual fees depending on the type of processing. Raw Flower and/or Extraction \$3,000/ yr, Wholesale food/product \$500/yr, Retail food/product \$250/yr, Raw Hemp Grain \$500/yr, Raw Hemp Fiber \$500/yr
Duration	3 years for the license, 1 year for the individual registrations

If the regulation is a registration, certification, or license requirement, please complete the following:

Renewal fee <i>(If different from initial fee, please explain why.)</i>	Same
Does the Department recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	No
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the Department?	No
Is the Department permitted to exercise discretion in determining whether to register, certify, or license an individual?	No, it is a mandatory denial of licensure if the applicant has been convicted of a felony involving controlled substances in the previous 10 years
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	

Oversight and disciplinary authority of the Department respecting individuals engaged in the occupation.

Director can suspend or revoke licensure for violations of Chapter 901:14-2 of the Administrative Code and can seek criminal prosecution against anyone who recklessly violates section 928.04 of the Revised Code

How much revenue is derived from fees charged by the Department to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$82,050 was generated in 2021. Fees were used to cover Food Safety Inspection costs and Hemp Program administration review.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

N/A

What is the harm that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

The distribution of adulterated products

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The consumption of adulterated products

Are there any changes the Department would like to see implemented?

Yes, the Department would like to move these rules over to the authority of the Food Safety Program and switch the 3 year license to an annual registration with the Food Safety Program.

Surrounding state comparison (LSC)

Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Type of regulation	License (<i>R.C. 928.04</i>).	License (<i>Ind. Code 15-15-13-7</i>).	License (<i>302 Ky. Admin. Regs. 50:031</i>).	License (<i>Mich. Comp. Laws 286.847</i>).	General permit (<i>Pennsylvania Dept. of Agriculture, General Permit Standards and Requirements for Hemp (PDF)</i>).	License (<i>W. Va. Code R. 61-29-6</i>).
Education or training	N/A	N/A	Applicants must complete a mandatory orientation course (<i>302 Ky. Admin. Regs. 50:031, Section 4(5)</i>).	N/A	N/A	N/A
Experience	N/A	Must be at least 18 years old (LSA Document #22-68(E) Section 32 (PDF)).	Must be at least 18 years old (<i>302 Ky. Admin. Regs. 50:031, Section 2(5)</i>).	Must be at least 18 years old (<i>Mich. Comp. Laws 286.848</i>).	N/A	N/A
Exam	N/A	N/A	N/A	N/A	N/A	N/A
Continuing education	N/A	N/A	N/A	N/A	N/A	N/A

Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$100 license application fee; additional \$500 or \$250 annual fee depending on components processed (<i>O.A.C. 901:14-2-04</i>).	\$1,000 (<i>LSA Document #22-68(E) Section 38(a) (PDF)</i>).	No application fee if submitted online; \$200 if submitted on paper. Additional annual fees apply depending on components processed. (<i>302 Ky. Admin. Regs. 50:060, Section 2.</i>)	\$1,350 (<i>Mich. Comp. Laws 286.856</i>).	\$150; additional fees may apply (<i>3 Pa. Cons. Stat. 1520</i>).	\$100 application fee per location. Additional \$500 license fee per processing facility if approved. (<i>W. Va. Code R. 61-29-6 (6.5 and 6.7)</i> .)
License duration	Three years (<i>R.C. 928.02(B)</i> ; <i>O.A.C. 901:14-2-02(B)</i>).	One year (<i>Ind. Code 15-15-13-8(c)</i>).	One year (<i>302 Ky. Admin. Regs. 50:031, Section 7</i>).	One year (<i>Mich. Comp. Laws 286.847</i>).	One year (<i>Pennsylvania Dept. of Agriculture, General Permit Standards and Requirements for Hemp Art. II(c) (PDF)</i>).	One year (<i>W. Va. Code R. 61-29-6 (6.8)</i>).
Renewal fee	\$100 license application fee; additional \$500 or \$250 annual fee depending on components processed (<i>O.A.C. 901:14-2-04</i>).	\$1,000 (<i>LSA Document #22-68(E) Section 38(a) (PDF)</i>).	No application fee if submitted online; \$200 if submitted on paper. Additional annual fees apply depending on components	\$1,350 (<i>Mich. Comp. Laws 286.856</i>).	\$50; additional fees may apply (<i>3 Pa. Cons. Stat. 1520</i>).	\$100 application fee plus \$500 license fee per processing facility (<i>W. Va. Code R. 61-29-6 (6.5 and 6.7)</i>).

Hemp Processor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			processed. (302 Ky. Admin. Regs. 50:031, Section 7(4)) and 50:060, Section 2.)			