

AN ACT

To amend sections 917.23, 918.02, 918.04, 918.08, 918.22, 918.25, 918.28, 921.02, 921.021, 921.06, 921.07, 921.08, 921.09, 921.10, 921.12, 921.13, 921.16, 924.52, 926.18, 926.20, and 1327.50 and to enact sections 924.521 and 926.141 of the Revised Code to revise the statutes governing agriculture.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 917.23, 918.02, 918.04, 918.08, 918.22, 918.25, 918.28, 921.02, 921.021, 921.06, 921.07, 921.08, 921.09, 921.10, 921.12, 921.13, 921.16, 924.52, 926.18, 926.20, and 1327.50 be amended and sections 924.521 and 926.141 of the Revised Code be enacted to read as follows:

Sec. 917.23. (A) With respect to cooling and storage of manufacture milk, a manufacture milk producer shall do one of the following:

(1) In the case of manufacture milk that is stored in cans on the manufacture milk producer's farm, cool the milk to and store it at a temperature of sixty degrees fahrenheit, sixteen degrees celsius, or lower within two hours after completion of the milking;

(2) In the case of all other manufacture milk that is stored on the manufacture milk producer's farm, cool the milk and store it in accordance with rules adopted by the director of agriculture pursuant to section 917.02 of the Revised Code.

(B) Manufacture milk stored in accordance with division (A)(1) of this section shall be used exclusively in the manufacture of cheese. ~~The by-products created from the manufacture of cheese may be used to manufacture butter and dried whey products.~~

(C) This section does not apply to raw milk that is delivered to a manufacture milk plant not later than two hours after completion of milking.

Sec. 918.02. (A) The director of agriculture, or ~~his~~ the director's designee, shall provide ante-mortem inspections of all animals slaughtered at establishments licensed under division (A) of section 918.08 of the Revised Code where and to the extent ~~he~~ the director considers it necessary.

If, upon inspection, symptoms of disease or other abnormal conditions ~~which that~~ would render the animals unfit for human food are found, those animals shall be retained or permanently and conspicuously identified with an official mark indicating they have been condemned and shall be disposed of in a manner prescribed by the director.

(B) The director shall provide post-mortem inspection to the extent ~~he~~ the director considers necessary of all animals for human food in establishments licensed under division (A) of section 918.08 of the Revised Code. The head, tongue, tail, viscera, and other parts, and blood used in the preparation of meat products or medicinal products shall be retained in such a manner as to preserve their identity until the post-mortem examination has been completed. Wholesome carcasses shall be identified with an official mark indicating they have been approved. Each unwholesome carcass shall be marked conspicuously by the inspector at the time of inspection with an official mark indicating the carcass has been condemned; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the establishment in the presence of an inspector. If any carcass or any part thereof, upon examination and inspection subsequent to the first examination and inspection, is found to be adulterated, it shall be destroyed for food purposes by the establishment in the presence of an inspector. All unborn or stillborn animals shall be condemned. Carcasses of animals that have died by means other than slaughter shall not be brought into any room in which meat products are processed, handled, or stored.

(C) The director shall provide inspection of all processing operations at establishments licensed under division (A) of section 918.08 of the Revised Code where animal carcasses, parts thereof, or meat products may be brought in and further treated and prepared, and shall provide inspection and supervision in processing departments to ensure that controls are effective at all times.

(D) Establishments licensed under section 918.08 of the Revised Code shall furnish satisfactory facilities and assistance for ante-mortem and post-mortem inspections as required by the director. The director may require operations at the establishments to be conducted during reasonable hours. Licensees shall inform the director in advance of intended hours of operation. When one inspector is assigned to make inspections at two or more establishments where few animals are slaughtered, or where small quantities of meat products are prepared, the director may designate the hours of the day and the days of the week during which the establishment may be operated. No person shall deny access to any authorized inspector upon the presentation of proper identification at any reasonable time to such

establishments and to records pertaining to the source and sale of carcasses and meat products. The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing the rate at which an establishment shall reimburse the division of meat inspection for inspection services of more than eight hours in any given day, of more than forty hours in any given week Sunday through Saturday, or on any holiday as specified in division (A) of section 124.19 of the Revised Code.

(E) The director may limit the entry of animals, animal carcasses, or parts thereof, meat food products, and other materials into any establishment at which inspection is maintained under ~~Chapter 918. of the Revised Code,~~ this chapter to ensure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this chapter.

(F) All carcasses, parts thereof, and meat products inspected at any establishment under the authority of this chapter and found to be not adulterated, at the time they leave the establishment, shall bear, in distinctly legible forms directly thereon or on their containers, appropriate labeling as the director may require in accordance with rules adopted under this chapter. No article subject to this chapter shall be sold or offered for sale by any person, under any names or labeling that is false or misleading.

(G) The director shall adopt and enforce sanitation rules pursuant to this chapter, under which ~~such~~ establishments shall be maintained. Where the sanitary conditions of any such establishment are such that the meat product is rendered adulterated, the product shall be retained and not allowed to be labeled with an official mark. The rules pertaining to sanitary conditions shall conform with the sanitation standard operating procedures established in Title 9 of the Code of Federal Regulations and shall require that an establishment be evaluated by determining its compliance with those procedures. In addition, the rules shall require that if an establishment does not have a plan for a particular production process under its hazard analysis critical control point system as required in rules, the meat product of the process may be considered to be adulterated and shall be retained pending a production process review and not allowed to be labeled with an official mark.

Sec. 918.04. The director of agriculture shall, in accordance with Chapter 119. of the Revised Code, adopt, ~~promulgate,~~ and enforce ~~regulations as rules that~~ rules that are necessary to administer sections 918.01 to 918.11, ~~inclusive,~~ of the Revised Code. The rules shall meet or exceed the federal standards for meat inspection established in Title 9 of the Code of Federal Regulations.

Sec. 918.08. (A) Except as provided in division (E) of this section, no

person shall operate an establishment without first licensing the establishment with the department of agriculture. The owner of an establishment desiring a license with the department may make application therefor on forms provided by the department. If after inspection the director of agriculture finds that an establishment is in compliance with this chapter, ~~he~~ the director shall notify the owner of the establishment and, upon receipt of the required license fee, the establishment shall be permitted to operate. The license shall expire annually on the thirty-first day of March and shall be renewed according to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

(B) The annual license fee for each establishment, or a renewal thereof, is fifty dollars. All fees collected under this section shall be deposited into the poultry and meat products fund created in section 918.15 of the Revised Code.

(C) If the director determines that an establishment licensed under division (A) of this section is operating in violation of this chapter or the rules adopted thereunder, ~~he~~ the director shall notify the licensee in writing of the violation and give the licensee ten days from the date of notice to cease or correct the violation. If the violation continues after the expiration of the ten-day period, the director may withdraw inspection and order the establishment to cease those operations subject to this chapter. Any such order and the appeal therefrom shall be governed by Chapter 119. of the Revised Code.

(D) If an inspector determines that an establishment licensed under division (A) of this section is operating in violation of sections 918.01 to 918.12 of the Revised Code and rules adopted under those sections, the inspector shall notify the licensee in writing of the violation. The inspector immediately may impose progressive enforcement actions, including withholding the mark of inspection, suspension of inspection, and suspension of inspection held in abeyance. The progressive enforcement actions may be taken prior to affording the licensee an opportunity for a hearing. As authorized in division (C) of section 119.06 of the Revised Code, a decision to impose an enforcement action is immediately appealable to a higher authority within the department who is classified by the director as a district supervisor and who is designated by the director to hear the appeal. If the district supervisor affirms the enforcement action of the inspector, the licensee may appeal the enforcement action in accordance with Chapter 119. of the Revised Code.

As used in this division, "suspension of inspection held in abeyance" means a period of time during which a suspension of inspection is lifted

because an establishment has presented the director with a corrective action plan that, if implemented properly, would bring the establishment into compliance with this chapter.

(E) If in the opinion of the director the establishment is being operated under such insanitary conditions as to be a hazard to public health, or if the director determines that an establishment is not in compliance with its hazard analysis critical control point system as required by rules, the director may condemn or retain the product on hand and immediately withdraw inspection from the establishment until the insanitary conditions are corrected or until the establishment is in compliance with its hazard analysis critical control point system, as applicable.

~~(E)~~(F) Any person operating an establishment as defined in section 918.01 of the Revised Code who also operates on the same premises an establishment as defined in section 918.21 of the Revised Code shall apply either for licensure under section 918.08 of the Revised Code or for licensure under section 918.28 of the Revised Code, but not for both, as the director shall determine.

Sec. 918.22. (A) The director of agriculture shall provide inspection and supervision of all processing operations at establishments licensed under section 918.28 of the Revised Code and make ante-mortem inspections of poultry to the extent ~~he~~ the director considers necessary to assure a wholesome product.

Whenever processing operations are being conducted, the director shall make post-mortem inspection of the carcass of each bird processed at such establishment, and at any time may order such quarantine, segregation, retention, or reinspection as is determined necessary of poultry and poultry products capable of use as human food. If, upon inspection, symptoms of disease or other conditions are found ~~which~~ that would render the poultry or poultry products unwholesome or unfit for human food, such poultry or poultry products shall be condemned, identified, and disposed of as required by ~~regulations~~ rules adopted under section 918.25 of the Revised Code.

(B) Establishments licensed under section 918.28 of the Revised Code shall:

(1) Furnish satisfactory facilities and assistance for inspectors as required by the director;

(2) Operate such establishments during reasonable hours;

(3) Keep the director informed in advance of intended hours of operation;

(4) Accept times of operation as designated by the director when the volume processed at a plant is so small as to require only a part-time

inspector to be on duty at the plant;

(5) Reimburse the division of meat inspection for inspection services of more than eight hours in any given day, of more than forty hours in any given week Sunday through Saturday, or on any holiday as specified in division (A) of section 124.19 of the Revised Code at a rate established in rules adopted by the director under Chapter 119. of the Revised Code.

Sec. 918.25. The director of agriculture shall, ~~subject to~~ in accordance with Chapter 119. of the Revised Code, ~~promulgate, adopt, and enforce regulations~~ rules as necessary for the implementation, administration, and enforcement of sections 918.21 to 918.31, ~~inclusive~~, of the Revised Code. ~~Such regulations~~ The rules shall meet or exceed the federal standards for meat inspection established in Title 9 of the Code of Federal Regulations. The rules adopted under this section shall provide for the protection of the public health, safety, and welfare and for maximum coordination and cooperation between state and federal programs for regulation of poultry and poultry products, and may include the following:

(A) Exemption of certain products as "poultry products" under the definition in section 918.21 of the Revised Code;

(B) Provision for the retention, identification, and disposal of condemned poultry and poultry products and for the identification of approved products;

(C) Sanitary requirements for premises, facilities, and equipment, for the operation thereof, and for the storage and handling of poultry and poultry products in establishments licensed under section 918.28 of the Revised Code; The rules pertaining to sanitary conditions shall conform with the sanitation standard operating procedures in Title 9 of the Code of Federal Regulations and shall require that an establishment be evaluated by determining its compliance with those procedures.

(D) Requirements for maintenance of records under section 918.24 of the Revised Code;

(E) Procedures for application and licensing, and the revocation and suspension of licenses;

(F) Requirements for marking and attaching the information required by section 918.31 of the Revised Code, including specific styles, legibility and size of type, method of affixing, variations, and exemptions;

(G) ~~Such other regulations~~ rules as are necessary for the proper administration, implementation, and enforcement of sections 918.21 to 918.31, ~~inclusive~~, of the Revised Code, including rules requiring that an inspection of an establishment's slaughter and processing operations be conducted in accordance with the establishment's hazard analysis critical

control point system. In addition, the rules shall require that if an establishment does not have a plan for a particular production process under its hazard analysis critical control point system as required in rules, the poultry product of the process may be considered to be adulterated and shall be retained pending a production process review and not allowed to be labeled with an official mark.

Sec. 918.28. (A) Except as provided in division ~~(E)~~(F) of section 918.08 of the Revised Code, application for a license to operate an establishment shall be made to the director of agriculture on forms provided by the department. The director shall inspect the establishment and if, upon inspection, the establishment is found to be in compliance with sections 918.21 to 918.31 of the Revised Code, and rules ~~promulgated thereunder~~ adopted under it, the director shall so notify the owner of the establishment and, upon receipt of the annual license fee of fifty dollars, shall issue ~~him~~ the owner a license. The license shall expire on the thirty-first day of March of each year and shall be renewed according to the standard renewal procedures of sections 4745.01 to 4745.03 of the Revised Code.

(B) If the director determines that an establishment licensed under this section is operating in violation of sections 918.21 to 918.31 of the Revised Code, or a rule or order adopted or made under authority thereof, ~~he~~ the director shall notify the licensee in writing of the violation, giving ~~him~~ the licensee ten days from the date of the notice to correct the conditions causing the violation. If the conditions are not corrected within the ten-day period, the director may revoke or suspend the license in ~~conformance~~ accordance with Chapter 119. of the Revised Code.

(C) If an inspector determines that an establishment licensed under division (A) of this section is operating in violation of sections 918.21 to 918.31 of the Revised Code and rules adopted under those sections, the inspector shall notify the licensee in writing of the violation. The inspector immediately may impose progressive enforcement actions, including withholding the mark of inspection, suspension of inspection, and suspension of inspection held in abeyance. The progressive enforcement actions may be taken prior to affording the licensee an opportunity for a hearing. As authorized in division (C) of section 119.06 of the Revised Code, a decision to impose an enforcement action is immediately appealable to a higher authority within the department who is classified by the director as a district supervisor and who is designated by the director to hear the appeal. If the district supervisor affirms the enforcement action of the inspector, the licensee may appeal the enforcement action in accordance with Chapter 119. of the Revised Code.

As used in this division, "suspension of inspection held in abeyance" means a period of time during which a suspension of inspection is lifted because an establishment as presented the director with a corrective action plan that, if implemented properly, would bring the establishment into compliance with this chapter.

(D) If in the opinion of the director the establishment is being operated under such insanitary conditions as to be a hazard to public health, or if the director determines that an establishment is not in compliance with its hazard analysis critical control point system as required by rules, the director may condemn or retain the product on hand and immediately withdraw inspection from the plant until such time as the insanitary conditions are corrected or until the establishment is in compliance with its hazard analysis critical control point system, as applicable.

Sec. 921.02. (A) Each pesticide that is distributed within this state shall be registered with the director of agriculture subject to sections 921.01 to 921.29 of the Revised Code. ~~The holder of the registration shall renew his registration annually prior to the first day of January and each registration expires on the thirty first day of December of any one year~~ Registrations shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. Registration is not required if a pesticide is shipped from one plant or warehouse to another plant or warehouse operated by the same person and used solely at that plant or warehouse as a constituent part to make a pesticide ~~which that~~ is registered under sections 921.01 to 921.29 of the Revised Code, or if the pesticide is distributed under the provisions of an experimental use permit issued under section 921.03 of the Revised Code or an experimental use permit issued by the United States environmental protection agency.

(B) The applicant for registration of a pesticide shall file a statement with the director on a form provided by ~~him~~ the director, which shall include all of the following:

(1) The name and address of the applicant and the name and address of the person whose name will appear on the label, if other than the applicant's name;

(2) The brand and product name of the pesticide;

(3) Any necessary information required for completion of the department of agriculture's application for registration, including the agency registration number;

(4) A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in the federal act.

(C) The director, when ~~he~~ the director considers it necessary in the administration of sections 921.01 to 921.29 of the Revised Code, may require the submission of the complete formula of any pesticide including the active and inert ingredients.

(D) The director may require a full description of the tests made and the results thereof upon which the claims are based for any pesticide. The director shall not consider any data submitted in support of an application, without permission of the applicant, in support of any other application for registration unless the other applicant first has offered to pay reasonable compensation for producing the test data to be relied upon and the data are not protected from disclosure by section 921.04 of the Revised Code. In the case of a renewal of registration, a statement shall be required only with respect to information ~~which~~ that is different from that furnished when the pesticide was registered or last registered.

(E) The director may require any other information to be submitted with an application.

Any applicant may designate any portion of the required registration information as a trade secret or confidential business information. Upon receipt of any required registration information designated as a trade secret or confidential business information, the director shall consider the designated information as confidential and shall not reveal or cause to be revealed any such designated information without the consent of the applicants, except to persons directly involved in the registration process described in this section or as required by law.

(F) Each applicant shall pay ~~an annual~~ a registration and inspection fee of fifty dollars per year for each product name and brand registered for the company whose name appears on the label. If an applicant files for a renewal application of registration after ~~the thirty-first day of January of any year~~ the deadline established by rule, the applicant shall pay a penalty fee of twenty-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee and paid before the renewal registration is issued. In addition to any other remedy available under sections 921.01 to 921.29 of the Revised Code, if a pesticide that is not registered pursuant to this section is distributed within this state, the person required to register the pesticide shall do so and shall pay a penalty fee of twenty-five dollars for each product name and brand registered for the applicant. The penalty fee shall be added to the original fee and paid before the registration is issued.

(G) Provided that the state is certified by the administrator of the United States environmental protection agency to register pesticides to meet special

local needs, the director shall require the information set forth under divisions (B), (C), (D), and (E) of this section and shall register any such pesticide ~~if he determines~~ after determining that all of the following conditions are met:

- (1) Its composition is such as to warrant the proposed claims for it;
- (2) Its labeling and other material required to be submitted comply with the requirements of the federal act and of sections 921.01 to 921.29 of the Revised Code, and rules adopted thereunder;
- (3) It will perform its intended function without unreasonable adverse effects on the environment;
- (4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment;
- (5) The classification for general or restricted use is in conformity with the federal act.

The director shall not make any lack of essentiality a criterion for denying the registration of any pesticide. When two pesticides meet the requirements of this division, ~~he~~ the director shall not register one in preference to the other.

Sec. 921.021. (A) No person shall own or operate a pesticide application business without obtaining a license for each location owned or operated by ~~him~~ the person in the state from the director of agriculture. ~~The license shall be renewed annually prior to the first day of March and shall expire on the last day of February~~ licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule.

(B) Any person who owns or operates a pesticide application business outside of this state, but engages in the business of applying pesticides to properties of another for hire in this state, shall obtain a license for ~~his~~ the person's principal out-of-state location from the director.

(C) The person applying for a pesticide application business license shall file a statement with the director, on a form provided by the director, ~~which that~~ shall include any information that the director determines necessary and that ~~he~~ the director requires by rule. Each applicant shall pay ~~an annual~~ a license fee of twenty dollars per year for each pesticide application business license ~~he~~ the applicant is required to obtain.

(D) The owner or operator of a pesticide application business shall employ at least one licensed custom applicator for each pesticide application business location ~~he~~ the owner or operator owns or operates.

(E) The owner or operator of a pesticide application business is

responsible for the acts of each employee in the handling, application, and use of pesticides. The pesticide application business license is subject to denial, suspension, or revocation after a hearing for any violation of sections 921.01 to 921.29 of the Revised Code, if it is determined that the owner or operator ratified or knowingly or negligently permitted any officer, employee, or agent to commit the violations. The director also may levy against the owner or operator any civil penalties authorized by division (B) of section 921.16 of the Revised Code for any violation of sections 921.02 ~~through to~~ 921.29 of the Revised Code for any violation of those sections committed by the owner or operator or any officer, employee, or agent. For purposes of this division, an owner or operator is deemed to have ratified violations committed by any officer, employee, or agent if collectively ~~his~~ the officers, employees, or agents commit three violations of a high or moderate level of severity in accordance with established department enforcement guidelines that relate directly to the storage, preparation, handling, distribution, or application of pesticides, or any violation involving fraud, within a twenty-four-month period.

(F) The director may deny a pesticide application business license to any current owner, operator, officer, or agent whose pesticide application business license has been revoked within the previous thirty-six months.

(G) The director shall adopt any rules necessary to administer and enforce this section.

Sec. 921.06. (A) No individual shall act as or hold ~~himself~~ oneself out to the public as being a custom applicator without having a custom applicator license issued by the director of agriculture. The individual shall obtain an additional license for each pesticide application business location for which ~~he the individual~~ is the commercial applicator of record or from which he works issued by the director of agriculture. licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The ~~annual~~ fee for each such license is one hundred dollars per year to be submitted with the application. If a license is not issued or renewed, the application fee shall be retained by the state as payment for reasonable expense of processing the application. The director shall by rule classify by categories licenses to be issued under this section. No individual shall be required to pay an additional license fee if ~~he the individual~~ is licensed for more than one category, but he the individual shall pay a an additional license fee for each pesticide application business location for which ~~he works~~ the individual is the commercial applicator of record.

(B) Application for a custom applicator license shall be made on a form

prescribed by the director. Each application for a license shall state the ~~applicant's qualifications and proposed operation,~~ license category or categories for which the applicant is applying, and other information that the director determines essential to the administration of sections 921.01 to 921.29 of the Revised Code.

(C) If the director finds that the applicant is qualified to apply pesticides ~~and meets the requirements of section 921.10 of the Revised Code,~~ the director shall issue a custom applicator license limited to the categories for which the applicant is qualified. ~~Such a license expires annually on the last day of February.~~ Custom applicators, upon obtaining a valid license under this section, are certified applicators for the purpose of applying or directly supervising the use of restricted use pesticides pertinent to their respective categories.

Sec. 921.07. (A) No individual other than an individual licensed as a custom applicator shall act as a custom operator without having a custom operator license issued by the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The director shall by rule classify, by category, licenses to be issued under this section. No individual shall be required to pay an additional license fee if ~~he~~ the individual is licensed for more than one category. The ~~annual~~ fee for a custom operator license is thirty dollars per year and shall be submitted with the application. If a license is not issued or renewed, the fee submitted shall be retained by the state as payment for reasonable expenses of processing the application.

(B) Application for a custom operator license shall be made on a form prescribed by the director. Each application for a license shall state the ~~applicant's qualifications and the type of operation,~~ license category or categories for which the applicant is applying, and other information that the director determines essential to the administration of sections 921.01 to 921.29 of the Revised Code.

(C) If the director finds that the applicant is qualified, ~~he~~ the director shall issue a custom operator license limited to the category for which the applicant is qualified. ~~Each such license expires annually on the last day of February.~~ Custom operators, upon obtaining a valid license under this section, are certified applicators for the purpose of applying or directly supervising the use of restricted use pesticides pertinent to their respective categories.

Sec. 921.08. (A) Every state agency, municipal corporation, and every other governmental agency and political subdivision is subject to sections 921.01 to 921.29 of the Revised Code and the rules adopted thereunder with

respect to the application of pesticides.

(B) No individual shall act as a public operator without having a public operator license issued by the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The director shall by rule classify, by categories, licenses to be issued under this section.

(C) An individual shall apply to the director for a public operator license on a form prescribed by the director. Each application for a license shall state the license category or categories for which the applicant is applying, and any other information that the director determines essential to the administration of sections 921.01 to 921.29 of the Revised Code.

(D) ~~If the director finds~~ After finding that the applicant is qualified, upon payment of a twenty-dollar ~~annual~~ license fee per year, ~~he the director~~ shall issue a public operator license, limited to the category for which the applicant is qualified. The ~~twenty-dollar annual~~ license and renewal fee does not apply to any applicant who is an employee of the department of agriculture. ~~Each license shall expire annually on the last day of February.~~ If a license is not issued or renewed, the fee submitted shall be retained by the state as payment for reasonable expenses of processing the application. Public operators, upon obtaining a valid license under this section, are certified applicators for the purpose of applying or directly supervising the use of restricted use pesticides pertinent to their respective categories.

Sec. 921.09. (A) The director shall require each applicant for a license under sections 921.06, 921.07, 921.08, and 921.12 of the Revised Code to be examined on ~~his~~ the applicant's knowledge and competency in the proper use, handling, and application of pesticides in the categories for which ~~he the applicant~~ has applied.

(B) Each application for renewal of a license provided for in section 921.06, 921.07, 921.08, or 921.12 of the Revised Code, shall be filed prior to the ~~first day of March of any year~~ deadline established by rule. If filed thereafter, a penalty of fifty per cent shall be assessed the custom applicator and the custom operator and added to the original fee and shall be paid by the applicant before the renewal license is issued. However, if ~~the~~ a license or certification issued under ~~sections~~ section 921.06, 921.07, 921.08, ~~and or~~ 921.12 of the Revised Code is not renewed within one year of the date of expiration, then such licensee or certificate holder shall be required to take another examination.

(C) The holder of a custom applicator license, custom operator license, limited commercial applicator license, or public operator license may renew such license within one year of date of expiration without re-examination

unless the director determines that a new examination is necessary to insure that ~~they continue~~ the holder continues to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

(D) The director shall determine when re-examination for recertification of private applicators is required to insure that private applicators continue to meet the requirements of changing technology and to assure a continuing level of competence and ability to use pesticides safely and properly.

Sec. 921.10. (A) The director of agriculture shall not issue a ~~custom applicator license or limited commercial applicator license~~ pesticide application business license until the applicant has submitted to the director ~~either surety bond,~~ an effective liability insurance policy, or such other evidence of financial responsibility as the director determines necessary. The director shall establish by rule, in accordance with Chapter 119. of the Revised Code, the amount and condition of such ~~surety bond,~~ liability insurance, or other evidence of financial responsibility required. Such requirements shall be based upon the category and operation of the applicant.

(B) Should the evidence of financial responsibility expire without renewal prior to the expiration of the license, the license of the ~~custom applicator~~ pesticide application business is automatically suspended.

(C) Should the evidence of financial responsibility furnished become unsatisfactory, the ~~custom applicator~~ pesticide application business shall upon notice immediately execute evidence of financial responsibility meeting the requirements of this section or ~~its applicable~~ applicable rules, and should ~~he the pesticide application business~~ fail to do so, the director shall suspend ~~his the pesticide application business's~~ license and give ~~him~~ the business notice of such suspension.

(D) The licensee to whom a suspension order is issued shall be afforded a hearing in accordance with Chapter 119. of the Revised Code, after which the director shall reinstate or revoke the suspended license.

(E) Nothing in this chapter shall be construed to relieve any person from liability for any damage to the person or lands of another caused by the use of pesticides even though such use conforms to the rules.

Sec. 921.12. (A) No individual shall act as a limited commercial applicator without first having obtained a limited commercial applicator license from the director of agriculture. Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The ~~annual~~ fee for the license is fifty dollars per year and shall be submitted with the application. If the license is not

issued or renewed, the state shall retain the application fee as payment for reasonable expenses of processing the application. If the license is not renewed prior to the ~~first day of March each year~~ deadline established by rule, the licensee shall pay a penalty of twenty-five dollars for late filing. The categories of licenses shall be the same as for custom applicators, and the examinations shall be the same as or equivalent to those for custom applicators. No individual is required to pay an additional license fee if ~~he~~ the individual is licensed for more than one category.

(B) An individual shall apply to the director for a limited commercial applicator license, on a form prescribed by the director. Each application for a license shall state the ~~applicant's qualifications and proposed operation,~~ license category or categories for which the applicant is applying, and any other information that the director determines essential to the administration of sections 921.01 to 921.29 of the Revised Code.

(C) If the director finds that the applicant is qualified to apply pesticides and meets the requirements of section 921.10 of the Revised Code, ~~he~~ the director shall issue a limited commercial applicator license limited to the categories for which the applicant is qualified. ~~The license expires annually on the last day of February.~~ Limited commercial applicators, upon obtaining a valid license under this section, are certified applicators for the purpose of applying or directly supervising the manner of use and the type of general and restricted use pesticides pertinent to their respective categories.

(D) ~~The employer of a limited commercial applicator, or the limited commercial applicator himself, if he is self-employed, is subject to section 921.10 of the Revised Code; however, the director shall determine by rule the financial responsibility requirement for each category independently of those for custom applicators and he may waive that requirement for any or all categories.~~

(E) The director shall designate by rule the manners of use and types of restricted use pesticides and general use pesticides that an individual licensed as a limited commercial applicator may use.

Sec. 921.13. (A) Any person who is acting in the capacity of a pesticide dealer or who advertises or assumes to act as a pesticide dealer at any time shall obtain a pesticide dealer license from the director of agriculture. ~~The license expires on the last day of February of each year~~ Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. A license is required for each location or outlet within this state from which the person distributes pesticides.

Any pesticide dealer who has no pesticide dealer outlets in this state and

who distributes restricted use pesticides directly into this state shall obtain a pesticide dealer license from the director for ~~his~~ the pesticide dealer's principal out-of-state location or outlet and for each sales person operating in the state.

The applicant shall include a twenty-five dollar license fee with ~~his~~ the application for a license. The application shall be made on a form prescribed by the director.

Each pesticide dealer shall submit records to the director of all of the restricted use pesticides ~~he~~ the pesticide dealer has distributed, as specified by the director, and duplicate records shall be retained by the pesticide dealer for a period of time established by rules.

(B) This section does not apply to a custom applicator who exclusively sells pesticides only as an integral part of ~~his~~ the custom applicator's pesticide application business when the pesticides are dispensed only through equipment used for the pesticide application or to any federal, state, county, or municipal agency that provides pesticides for its own programs.

(C) Each licensed pesticide dealer is responsible for the acts of each employee in the solicitation and sale of pesticides and all claims and recommendations for use of pesticides. The pesticide dealer's license is subject to denial, suspension, or revocation after a hearing for any violation of sections 921.01 to 921.29 of the Revised Code whether committed by the pesticide dealer or by the pesticide dealer's officer, agent, or employee.

Sec. 921.16. (A) The director of agriculture shall adopt rules ~~he~~ the director determines necessary for the effective enforcement and administration of sections 921.01 to 921.29 of the Revised Code. The rules may relate to, but are not limited to, the time, place, manner, and methods of application, materials, and amounts and concentrations of application of pesticides, may restrict or prohibit the use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors that the director determines necessary to minimize or prevent damage to the environment. In addition, the rules shall establish the deadlines and time periods for registration and registration renewal under section 921.02 of the Revised Code, the deadlines and time periods for licensure and license renewal under sections 921.021, 921.06, 921.07, 921.08, 921.12, and 921.13 of the Revised Code, and the deadlines for certification under section 921.11 of the Revised Code.

(B) The director shall adopt rules that establish a schedule of civil penalties for violations of sections 921.01 to 921.29 of the Revised Code, or any rule or order adopted or issued under those sections, provided that the civil penalty for a first violation shall not exceed five thousand dollars and

the civil penalty for each subsequent violation shall not exceed ten thousand dollars. In determining the amount of a civil penalty for a violation, the director shall consider factors relevant to the severity of the violation, including past violations and the amount of actual or potential damage to the environment or to human beings.

(C) The director shall adopt rules that set forth the conditions under which ~~he~~ the director:

(1) Requires that notice or posting be given of a proposed application of a pesticide;

(2) Requires a permit to apply a restricted use pesticide;

(3) Requires inspection, condemnation, or repair of equipment used to apply a pesticide;

(4) Will suspend, revoke, or refuse to issue any pesticide registration for a violation of sections 921.01 to 921.29 of the Revised Code;

(5) Requires safe handling, transportation, storage, display, distribution, and disposal of pesticides and their containers;

(6) Ensures the protection of the health and safety of agricultural workers storing, handling, or applying pesticides, and all residents of agricultural labor camps, as that term is defined in section 3733.41 of the Revised Code, who are living or working in the vicinity of pesticide-treated areas;

(7) Requires a record to be kept of all pesticide applications made by each licensed custom applicator, limited commercial applicator, and public operator and of all restricted use pesticide applications made by each certified private applicator;

(8) ~~Determine~~ Determines those categories of applicators who conduct diagnostic inspections or who offer pest control services that must be performed by a certified commercial applicator and for which written records are required.

(D) The director shall prescribe standards for the certification of applicators of pesticides consistent with those prescribed by the federal act and the regulations adopted thereunder. The standards may relate to the use and handling of pesticides or to the use and handling of the pesticide or class of pesticide uses covered by the individual's certification, and shall relate to the hazards involved and the use experience.

The director shall take into consideration standards of the United States environmental protection agency.

(E) The director may adopt rules setting forth the conditions under which ~~he~~ the director will:

(1) Collect and examine samples of pesticides or devices;

(2) Specify classes of devices ~~which that~~ shall be subject to this chapter;

(3) Prescribe other necessary registration information.

(F) The director may adopt rules to designate, in addition to those restricted uses so classified by the administrator of the United States environmental protection agency, restricted uses of pesticides for the state or for designated areas within the state and, if ~~he~~ the director considers it necessary, to further restrict such use.

(G) The director shall not adopt any rule under sections 921.01 to 921.29 of the Revised Code that meets either of the following:

(1) Permits any pesticide use that is prohibited by the federal act and regulations or orders issued thereunder;

(2) As to certified applicators of restricted use pesticides as designated under the federal act, and rules adopted as to experimental use permits as authorized by the federal act, is inconsistent with the requirements of the federal act and regulations ~~promulgated~~ adopted thereunder.

(H) The director, after notice and opportunity for hearing, may declare as a pest any form of plant or animal life, other than ~~man~~ human beings and other than bacteria, viruses, and other microorganisms on or in living ~~man~~ human beings or other living animals, that is injurious to health or the environment.

(I) The director may make reports to the environmental protection agency, in the form and containing the information the agency may require.

(J) The director shall ~~establish~~ adopt rules for the application, use, storage, and disposal of pesticides if, in ~~his~~ the director's judgment, existing programs of the United States environmental protection agency, necessitate such rules or pesticide labels do not sufficiently address issues or situations identified by the department of agriculture or interested state agencies. The director may develop and enter into cooperative agreements with other state agencies for the purpose of developing and implementing voluntary or mandatory pesticide management plans that are designed to prevent unreasonable adverse effects on human health and the environment.

(K) The director shall adopt all rules under sections 921.01 to 921.29 of the Revised Code in accordance with Chapter 119. of the Revised Code.

Sec. 924.52. (A) The Ohio grape industries committee may:

(1) Conduct, and contract with others to conduct, research, including the study, analysis, dissemination, and accumulation of information obtained from the research or elsewhere, concerning the marketing and distribution of grapes and grape products, the storage, refrigeration, processing, and transportation of them, and the production and product development of grapes and grape products. The committee shall expend for these activities

no less than thirty per cent and no more than seventy per cent of all money it receives from the Ohio grape industries fund created under section 924.54 of the Revised Code.

(2) Provide the wholesale and retail trade with information relative to proper methods of handling and selling grapes and grape products;

(3) Make or contract for market surveys and analyses, undertake any other similar activities that it determines are appropriate for the maintenance and expansion of present markets and the creation of new and larger markets for grapes and grape products, and make, in the name of the committee, contracts to render service in formulating and conducting plans and programs and such other contracts or agreements as the committee considers necessary for the promotion of the sale of grapes and grape products. The committee shall expend for these activities no less than thirty per cent and no more than seventy per cent of all money it receives from the fund.

(4) Publish and distribute to producers and others information relating to the grape and grape product industries;

(5) Propose to the director of agriculture for adoption, rescission, or amendment, pursuant to Chapter 119. of the Revised Code, rules necessary for the exercise of its powers and the performance of its duties;

(6) Advertise for, post notices seeking, or otherwise solicit applicants to serve in administrative positions in the department of agriculture as employees who support the administrative functions of the committee. Applications shall be submitted to the committee. The committee shall select applicants that it wishes to recommend for employment and shall submit a list of the recommended applicants to the director.

(B) The committee shall:

(1) Promote the sale of grapes and grape products for the purpose of maintaining and expanding present markets and creating new and larger intrastate, interstate, and foreign markets for grapes and grape products, and inform the public of the uses and benefits of grapes and grape products;

(2) Perform all acts and exercise all powers incidental to, in connection with, or considered reasonably necessary, proper, or advisable to effectuate the purposes of this section.

Sec. 924.521. The director of agriculture shall hire all employees of the Ohio grape industries committee. The director shall select the employees from the list of recommended applicants submitted by the committee under section 924.52 of the Revised Code. Employees of the committee shall be paid with moneys from the Ohio grape industries fund.

Sec. 926.141. If the director of agriculture obtains evidence that an unlicensed handler is insolvent or is unable to satisfy the claims of all

tors, the director may petition the court of common pleas of the county in which the unlicensed handler is located for the appointment of a receiver to operate or liquidate the business of the unlicensed handler.

All necessary expenses incurred by the director or a receiver appointed under this section may be recovered from the unlicensed handler in a separate civil action brought by the director in the court of common pleas or recovered at the same time and as a part of the receivership action filed under this section. As a part of the expenses so incurred, the cost of adequate liability insurance necessary to protect the director, the receiver, and others engaged in carrying out this section may be included.

Sec. 926.18. (A) When a depositor has made a demand for settlement of an obligation concerning an agricultural commodity on which a fee was required to be remitted under section 926.16 of the Revised Code and the licensed handler is experiencing failure, as "failure" is defined in section 926.021 of the Revised Code, and has failed to honor the demand, the depositor, after providing the director of agriculture or the director's authorized representative with evidence of the depositor's demand and the dishonoring of that demand, may file a claim with the director not later than six months after dishonor of the demand for indemnification of the depositor's damages, from the agricultural commodity depositors fund, to be measured as follows:

(1) The commodity advisory commission created in section 926.32 of the Revised Code shall establish the dollar value of the loss incurred by a depositor holding a receipt or a ticket for agricultural commodities on which a fee was required and that the depositor delivered to the handler under a delayed price agreement, bailment agreement, or feed agreement, or that the depositor delivered to the handler before delivery was due under a contract or other agreement between the depositor and handler. The value shall be based on the fair market price being paid to producers by handlers for the commodities on the date on which the director received notice that the receipt or ticket was dishonored by the handler. All depositors filing claims under this division shall be bound by the value determined by the commission.

(2) The dollar value of the loss incurred by a depositor who has sold or delivered for sale, exchange, or solicitation or negotiation for sale agricultural commodities on which a fee was required and who is a creditor of the handler for all or a part of the value of the commodities shall be based on the amount stated on the obligation on the date of the sale.

(B) The agricultural commodity depositors fund shall be liable to a depositor for any moneys that are not recovered through other legal and

equitable remedies as follows:

(1) For commodities stored with a licensed handler under a bailment agreement for one hundred per cent of the depositor's loss as determined under division (A)(1) of this section;

(2) For commodities deposited with a licensed handler under an agreement other than a bailment agreement for one hundred per cent of the first ten thousand dollars of the depositor's loss and eighty per cent of the remaining dollar value of that loss as determined under divisions (A)(1) and (2) of this section. The aggregate amount recovered by a depositor under all remedies shall not exceed one hundred per cent of the value of the depositor's loss. If the moneys recovered by a depositor under all remedies exceed one hundred per cent of the value of the depositor's loss, the depositor shall reimburse the fund in the amount that exceeds the value of that loss.

(C) The director, with the approval of the commodity advisory commission, shall determine the validity of all claims presented against the fund. A claim filed under this section for losses on agricultural commodities other than commodities stored under a bailment agreement shall not be valid unless the depositor has made a demand for settlement of the obligation within twelve months after the commodities are priced. Any depositor whose claim has been refused by the director and the commission may appeal the refusal either to the court of common pleas of Franklin county or the court of common pleas of the county in which the depositor resides.

The director shall provide for payment from the fund to any depositor whose claim has been found to be valid.

(D) If at any time the fund does not contain sufficient assets to pay valid claims, the director shall hold those claims for payment until the fund again contains sufficient assets. Claims against the fund shall be paid in the order in which they are presented and found to be valid.

(E) If a depositor files an action for legal or equitable remedies in a state or federal court having jurisdiction in those matters that includes a claim against agricultural commodities upon which the depositor may file a claim against the fund at a later date, the depositor also shall file with the director a copy of the action filed with the court.

In the event of payment of a loss under this section, the director shall be subrogated to the extent of the amount of any payments to all rights, powers, privileges, and remedies of the depositor against any person regarding the loss.

The depositor shall render all necessary assistance to aid the director in securing the rights granted in this section. No action or claim initiated by the

depositor and pending at the time of payment from the fund may be compromised or settled without the consent of the director.

(F) If, prior to June 20, 1994, a lawsuit, adversary proceeding, or other legal proceeding is brought against a depositor to recover money or payments from funds to which a depositor has a right of indemnification under this section, and the depositor retains legal counsel resulting in a cost or expense to the depositor, upon the rendering of a judgment or other resolution of the lawsuit, adversary proceeding, or other legal proceeding, the director, in the director's discretion and with the approval of the commodity advisory commission, may authorize indemnification from the fund for attorney's fees paid by the depositor. Any claim made by a depositor for the payment of attorney's fees under this division shall be made in the same manner as a claim under division (A) of this section.

Attorney's fees payable under this division shall be limited to the actual hourly fee charged or one hundred dollars per hour, whichever is less, and to a total maximum amount of three hundred dollars.

Sec. 926.20. (A) Upon the request of a depositor, a licensed handler shall issue a receipt for any agricultural commodity that ~~he~~ the handler has received from the depositor for storage under a bailment agreement. Even if the depositor has not requested that a receipt be issued, the agricultural commodity delivered for storage under a bailment agreement shall be considered to be in "open storage," and the responsibility of the bailee to the bailor shall remain the same as if a nonnegotiable receipt had been issued upon deposit of the commodity into the handler's warehouse.

No licensed handler shall receive an agricultural commodity for storage under a bailment agreement until ~~he~~ the handler has weighed, inspected, and graded the commodity.

(B) ~~The director of agriculture shall cause receipt forms to be printed on distinctive paper by a bonded printer~~ provide and print on distinctive paper, paper warehouse receipts. If the director considers it necessary, the director may authorize electronic warehouse receipts in accordance with guidelines established in rules adopted under section 926.02 of the Revised Code. Each receipt, paper or electronic, shall contain within its printed terms spaces for at least the following information:

- (1) The location of the warehouse where the agricultural commodity is stored;
- (2) The date of issuance of the receipt;
- (3) The rate of storage charges or the basis for the charges;
- (4) The net weight, the percentage of dockage or foreign material, and the grade of the commodity;

(5) "Negotiable" or "nonnegotiable" according to the nature of the receipt, conspicuously ~~printed or stamped~~ indicated on it;

(6) The signature of the licensed handler or ~~his~~ the handler's authorized agent;

(7) A statement of the amount of advances made or liability incurred for which the handler claims a lien or, if the precise amount of advances made or liabilities incurred at the time of issuance of the receipt is unknown to the handler or to the agent who issues it, a statement of the fact that advances have been made or liabilities incurred;

(8) If the receipt is for a commodity that the handler owns, either wholly, jointly, or in common with others, the facts about the ownership;

(9) Any other information that the director may require by rule.

The director shall cause receipt forms to be distributed to licensed handlers at cost. The revenue from the distribution shall be remitted to the director and credited to the commodity handler regulatory program fund created in division (A) of section 926.19 of the Revised Code in the same manner as other fees collected under that division.

(C) All receipts issued by a licensed handler shall be numbered and issued consecutively.

(D) Before issuing any receipt, a licensed handler shall file with the director a certified copy of ~~his~~ the handler's signature and the signature of any person ~~he~~ the handler has authorized to issue receipts.

(E) No licensed handler shall fail to return to the director all receipts and tickets remaining unused on the date of revocation or termination of ~~his~~ the handler's license.

(F) No person shall issue a receipt for any agricultural commodity except upon a receipt form furnished or authorized by the director under this section.

(G) No person, with intent to defraud, shall falsely make, alter, forge, counterfeit, or photograph a receipt.

Sec. 1327.50. The director of agriculture shall:

(A) Maintain traceability of the state standards to those of the national institute of standards and technology;

(B) Enforce sections 1327.46 to 1327.61 of the Revised Code;

(C) Issue reasonable rules for the uniform enforcement of sections 1327.46 to 1327.61 of the Revised Code, which rules shall have the force and effect of law;

(D) Establish standards of weight, measure, or count, reasonable standards of fill, and standards for the voluntary presentation of cost per unit information for any package;

(E) Grant any exemptions from sections 1327.46 to 1327.61 of the Revised Code, or any rules adopted under those sections, when appropriate to the maintenance of good commercial practices in the state;

(F) Conduct investigations to ensure compliance with sections 1327.46 to 1327.61 of the Revised Code;

(G) Delegate to appropriate personnel any of these responsibilities for the proper administration of ~~his~~ the director's office;

(H) Test as often as is prescribed by rule the standards of weight and measure used by any municipal corporation or county within the state, and approve the same when found to be correct;

(I) Inspect and test weights and measures kept, offered, or exposed for sale;

(J) Inspect and test to ascertain if they are correct, weights and measures commercially used either:

(1) In determining the weight, measure, or count of commodities or things sold, or offered or exposed for sale, on the basis of weight, measure, or count;

(2) In computing the basic charge or payment for goods or services rendered on the basis of weight, measure, or count.

(K) Test all weights and measures used in checking the receipt or disbursement of supplies in every institution, for the maintenance of which funds are appropriated by the general assembly;

(L) Approve for use, and may mark, such weights and measures as ~~he~~ the director finds to be correct, and shall reject and mark as rejected such weights and measures as ~~he~~ the director finds to be incorrect. Weights and measures that have been rejected may be seized if not corrected within the time specified or if used or disposed of in a manner not specifically authorized, and may be condemned and seized if found to be incorrect and not capable of being made correct.

(M) Weigh, measure, or inspect packaged commodities kept, offered, or exposed for sale, sold, or in the process of delivery to determine whether they contain the amounts represented and whether they are kept, offered, or exposed for sale in accordance with sections 1327.46 to 1327.61 of the Revised Code or rules adopted under those sections. In carrying out this section, the director shall employ recognized sampling procedures, such as those designated in the national institute of standards and technology handbook 133 "checking the net contents of packaged goods."

(N) Prescribe by rule the appropriate term or unit of weight or measure to be used, whenever ~~he~~ the director determines in the case of a specific commodity that an existing practice of declaring the quantity by weight,

asure, numerical count, or combination thereof, does not facilitate value comparisons by consumers, or offers an opportunity for consumer confusion;

(O) Allow reasonable variations from the stated quantity of contents, which shall include those caused by unavoidable deviations in good manufacturing practice and by loss or gain of moisture during the course of good distribution practice, only after the commodity has entered intrastate commerce;

(P) Provide for the weights and measures training of inspector personnel and establish minimum training requirements, which shall be met by all inspector personnel, whether county, municipal, or state;

(Q) Prescribe the methods of tests and inspections to be employed in the enforcement of sections 1327.46 to 1327.61 of the Revised Code. The director may prescribe the official test and inspection forms to be used.

(R) Provide by rule for voluntary registration with the director of private weighing and measuring device servicing agencies, and personnel;

(S) In conjunction with the national institute of standards and technology, operate a type evaluation program for certification of weighing and measuring devices as part of the national type evaluation program. The director shall establish a schedule of fees for services rendered by the department of agriculture ~~in operating the type evaluation program for type evaluation services.~~ The director may require any weighing or measuring instrument or device to be traceable to a national type evaluation program certificate of conformance prior to use for commercial or law enforcement purposes.

SECTION 2. That existing sections 917.23, 918.02, 918.04, 918.08, 918.22, 918.25, 918.28, 921.02, 921.021, 921.06, 921.07, 921.08, 921.09, 921.10, 921.12, 921.13, 921.16, 924.52, 926.18, 926.20, and 1327.50 of the Revised Code are hereby repealed.

SECTION 3. The Director of Agriculture shall adopt rules under section 921.16 of the Revised Code, as amended by this act, to take effect not later than one hundred eighty days after the effective date of this act. Until those rules take effect, notwithstanding sections 921.02, 921.021, 921.06, 921.07, 921.08, 921.12, and 921.13 of the Revised Code, as amended by this act, the holder of a registration or license issued under any of those sections as the applicable section existed prior to the effective date of this act shall renew the registration or license in the same manner as a registration or license was renewed under the applicable section as it existed immediately before the taking effect of this act, and the registration or license expires in the same manner as a registration or license expired under the applicable section as it existed immediately before the taking effect of this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Sub. H. B. No. 645

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The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____