

**As Reported by the Senate Agriculture Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 131**

**Representative Pelanda**

**Cosponsors: Representatives Hill, Buchy, Patmon, Anielski, Antonio, Brown, Grossman, Hackett, Hall, Hambley, Hayes, Johnson, T., Kraus, LaTourette, McClain, Patterson, Scherer, Smith, R., Sprague, Speaker Rosenberger**

**Senator Hite**

---

**A BILL**

To amend sections 901.23, 921.12, 940.02, 941.01, 1  
941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 2  
941.11, 941.14, 943.02, 943.14, 1327.46, 3  
1327.48, 1327.50, 1327.501, 1327.61, 1327.99, 4  
and 4707.02, to enact new section 3335.361 and 5  
section 1327.502, and to repeal section 3335.361 6  
of the Revised Code to include diseases of 7  
concern within the scope of the Animal Diseases 8  
Law, and to make changes to the laws governing 9  
weights and measures, livestock dealers, 10  
auctioneers, fingerprinting and background 11  
checks of 4-H volunteers, the membership of the 12  
Farmland Preservation Advisory Board, the duties 13  
of the Ohio Soil and Water Conservation 14  
Commission, and the pesticide licensing renewal 15  
process. 16

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 901.23, 921.12, 940.02, 941.01, 17  
941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 941.14, 18  
943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1327.61, 19  
1327.99, and 4707.02 be amended and new section 3335.361 and 20  
section 1327.502 of the Revised Code be enacted to read as 21  
follows: 22

**Sec. 901.23.** (A) There is hereby created the farmland 23  
preservation advisory board consisting of twelve voting members 24  
appointed by the director of agriculture as follows: 25

(1) One member who is a county commissioner or a 26  
representative of a statewide organization that represents 27  
county commissioners; 28

(2) One member who is a township trustee or a 29  
representative of a statewide organization that represents 30  
township trustees; 31

(3) One representative of ~~the an~~ Ohio ~~state~~ university; 32

(4) One representative of a nonprofit organization 33  
dedicated to the preservation of farmland; 34

(5) One representative each of development, environmental, 35  
planning, and soil and water conservation interests; 36

(6) One farmer from each of the state's four quadrants. 37

Terms of office shall be staggered and shall be for three 38  
years, with each term ending on the same day of the same month 39  
as did the term that it succeeds. Each member shall hold office 40  
from the date of appointment until the end of the term for which 41  
the member was appointed, except that the term of any member who 42  
is a county commissioner or township trustee shall end when the 43  
member ceases to serve as a county commissioner or township 44

trustee. 45

Members may be reappointed. Vacancies shall be filled in 46  
the manner provided for original appointments. Any member 47  
appointed to fill a vacancy occurring prior to the expiration 48  
date of the term for which the member was appointed shall serve 49  
for the remainder of that term. A member shall continue to serve 50  
subsequent to the expiration date of the member's term until the 51  
member's successor takes office or until a period of sixty days 52  
has elapsed, whichever occurs first. Members shall serve at the 53  
pleasure of the director. 54

The executive director of the office of farmland 55  
preservation in the department of agriculture or another 56  
employee of the department who is designated by the director 57  
shall serve as the nonvoting chairperson of the board. The 58  
director annually shall designate one member of the board to 59  
serve as its vice-chairperson. The board may adopt bylaws 60  
governing its operation and shall meet at a time when the 61  
director, or the director's designee, considers it appropriate 62  
in order for the board to provide advice as required under 63  
division (B) of this section. 64

(B) The board shall provide advice to the director 65  
regarding all of the following: 66

(1) The design and implementation of an agricultural 67  
easement purchase program; 68

(2) The selection of applications that will be awarded 69  
matching grants under division (D) of section 901.22 of the 70  
Revised Code for the purchase of agricultural easements; 71

(3) The design and implementation of any other statewide 72  
farmland protection measures that the director considers 73

appropriate. 74

(C) Serving as a member of the board does not constitute 75  
holding a public office or position of employment under the laws 76  
of this state and does not constitute grounds for removal of 77  
public officers or employees from their offices or positions of 78  
employment. 79

(D) A board member shall be reimbursed for actual and 80  
necessary expenses incurred in the discharge of duties as a 81  
board member. 82

**Sec. 921.12.** (A) The director of agriculture shall require 83  
each applicant for a license under section 921.06 or 921.11 of 84  
the Revised Code to be examined on the applicant's knowledge and 85  
competency in each of the following: 86

(1) This chapter and rules adopted under it; 87

(2) The proper use, handling, and application of 88  
pesticides and, if the applicant is applying for a license under 89  
section 921.06 of the Revised Code, in the conducting of 90  
diagnostic inspections in the pesticide-use categories for which 91  
the applicant has applied. 92

(B) Each application for renewal of a license provided for 93  
in section 921.06 of the Revised Code shall be filed prior to 94  
the deadline established by rule. If filed after the deadline, a 95  
penalty of fifty per cent shall be assessed and added to the 96  
original fee and shall be paid by the applicant before the 97  
renewal license is issued. However, if a license issued under 98  
section 921.06 or 921.11 of the Revised Code is not renewed 99  
within one ~~year of~~ hundred eighty days after the date of 100  
expiration, the licensee shall be required to take another 101  
examination on this chapter and rules adopted under it and on 102

the proper use, handling, and application of pesticides and, if 103  
applicable, the proper conducting of diagnostic inspections in 104  
the pesticide-use categories for which the licensee has been 105  
licensed. 106

(C) A person who fails to pass an examination under 107  
division (A) or (B) of this section is not entitled to an 108  
adjudication under Chapter 119. of the Revised Code for that 109  
failure. 110

(D) The holder of a commercial applicator license may 111  
renew the license within one ~~year of~~ hundred eighty days after 112  
the date of expiration without re-examination unless the 113  
director determines that a new examination is necessary to 114  
insure that the holder continues to meet the requirements of 115  
changing technology and to assure a continuing level of 116  
competence and ability to use pesticides safely and properly. 117

(E) ~~The director shall determine when holder of a private~~ 118  
~~applicator license may renew the license within one hundred~~ 119  
~~eighty days after the date of expiration without re-examination~~ 120  
~~for unless the renewal of licenses for private applicators~~ 121  
~~director determines that a new examination is required necessary~~ 122  
to insure that ~~private applicators continue~~ the holder continues 123  
to meet the requirements of changing technology and to assure a 124  
continuing level of competence and ability to use pesticides 125  
safely and properly. 126

(F) Instead of requiring a commercial applicator or 127  
private applicator to complete re-examination successfully under 128  
division (D) or (E) of this section, the director may require, 129  
in accordance with criteria established by rule, the commercial 130  
applicator or private applicator to participate in training 131  
programs that are designed to foster knowledge of new technology 132

and to ensure a continuing level of competence and ability to 133  
use pesticides safely and properly. The director or the 134  
director's representative may provide the training or may 135  
authorize a third party to do so. In order for such 136  
authorization to occur, the third party and its training program 137  
shall comply with standards and requirements established by 138  
rule. 139

**Sec. 940.02.** There is hereby established in the department 140  
of agriculture the Ohio soil and water conservation commission. 141  
The commission shall consist of seven members of equal status 142  
and authority, six of whom shall be appointed by the governor 143  
with the advice and consent of the senate, and one of whom shall 144  
be designated by resolution of the board of directors of the 145  
Ohio federation of soil and water conservation districts. The 146  
directors of agriculture, environmental protection, and natural 147  
resources, the vice-president for agricultural administration of 148  
the Ohio state university, and an officer of the Ohio federation 149  
of soil and water conservation districts, or their designees, 150  
may serve as ex officio members of the commission, but without 151  
the power to vote. A vacancy in the office of an appointed 152  
member shall be filled by the governor, with the advice and 153  
consent of the senate. Any member appointed to fill a vacancy 154  
occurring prior to the expiration of the term for which the 155  
member's predecessor was appointed shall hold office for the 156  
remainder of that term. Of the appointed members, four shall be 157  
persons who have a knowledge of or interest in agricultural 158  
production and the natural resources of the state. One member 159  
shall represent rural interests and one member shall represent 160  
urban interests. Not more than three of the appointed members 161  
shall be members of the same political party. 162

Terms of office of the member designated by the board of 163

directors of the federation and the members appointed by the 164  
governor shall be for four years, commencing on the first day of 165  
July and ending on the thirtieth day of June. 166

Each appointed member shall hold office from the date of 167  
appointment until the end of the term for which the member was 168  
appointed. Any appointed member shall continue in office 169  
subsequent to the expiration date of the member's term until the 170  
member's successor takes office, or until a period of sixty days 171  
has elapsed, whichever occurs first. 172

The commission shall organize by selecting from its 173  
members a chairperson and a vice-chairperson. The commission 174  
shall hold at least one regular meeting in each quarter of each 175  
calendar year and shall keep a record of its proceedings, which 176  
shall be open to the public for inspection. Special meetings may 177  
be called by the chairperson and shall be called by the 178  
chairperson upon receipt of a written request signed by two or 179  
more members of the commission. Written notice of the time and 180  
place of each meeting shall be sent to each member of the 181  
commission. A majority of the commission shall constitute a 182  
quorum. 183

The commission may adopt rules as necessary to carry out 184  
the purposes of this chapter, subject to Chapter 119. of the 185  
Revised Code. 186

The governor may remove any appointed member of the 187  
commission at any time for inefficiency, neglect of duty, or 188  
malfeasance in office, after giving to the member a copy of the 189  
charges against the member and an opportunity to be heard 190  
publicly in person or by counsel in the member's defense. Any 191  
such act of removal by the governor is final. A statement of the 192  
findings of the governor, the reason for the governor's action, 193

and the answer, if any, of the member shall be filed by the 194  
governor with the secretary of state and shall be open to public 195  
inspection. 196

All members of the commission shall be reimbursed for the 197  
necessary expenses incurred by them in the performance of their 198  
duties as members. 199

Upon recommendation by the commission, the director of 200  
agriculture shall designate an executive secretary and provide 201  
staff necessary to carry out the powers and duties of the 202  
commission. 203

The commission shall do all of the following: 204

(A) Determine distribution of funds under section 940.15 205  
of the Revised Code, recommend to the director and other 206  
agencies the levels of appropriations to special funds 207  
established to assist soil and water conservation districts, and 208  
recommend the amount of federal funds to be requested and 209  
policies for the use of such funds in support of soil and water 210  
conservation district programs; 211

(B) Assist in keeping the supervisors of soil and water 212  
conservation districts informed of their powers and duties, 213  
program opportunities, and the activities and experience of all 214  
other districts, and facilitate the interchange of advice, 215  
experience, and cooperation between the districts; 216

(C) Seek the cooperation and assistance of the federal 217  
government or any of its agencies, and of agencies of this 218  
state, in the work of the districts; 219

(D) Adopt appropriate rules governing the conduct of 220  
elections provided for in this chapter, subject to Chapter 119. 221  
of the Revised Code, provided that only owners and occupiers of 222



lands situated within the boundaries of the districts or 223  
proposed districts to which the elections apply shall be 224  
eligible to vote in the elections; 225

(E) Recommend to the director priorities for planning and 226  
construction of small watershed projects, and make 227  
recommendations to the director concerning coordination of 228  
programs as proposed and implemented in agreements with soil and 229  
water conservation districts; 230

(F) Recommend to the director, the governor, and the 231  
general assembly programs and legislation with respect to the 232  
operations of soil and water conservation districts that will 233  
encourage proper soil, water, and other natural resource 234  
management and promote the economic and social development of 235  
the state; 236

(G) Recommend to the director of agriculture a procedure 237  
for coordination of a program of agricultural pollution 238  
abatement. Implementation of such a program shall be based on 239  
~~air and water quality standards adopted pursuant to sections-~~ 240  
~~3704.03 and section 6111.041 of the Revised Code, respectively.~~ 241  
~~The director of agriculture, through the division of soil and~~ 242  
~~water conservation, shall coordinate the efforts of state and~~ 243  
~~local governmental agencies to meet the minimum state air and~~ 244  
~~water quality standards relating to agricultural pollutants. The~~ 245  
director of environmental protection ~~shall utilize~~ may 246  
coordinate with the division of soil and water conservation in 247  
the department of agriculture and soil and water conservation 248  
districts ~~in encouraging landowner for the~~ abatement of 249  
agricultural pollution. 250

**Sec. 941.01.** As used in this chapter: 251

(A) "Dangerously contagious or infectious disease" means 252  
any disease, including any foreign animal disease, or vector, 253  
that the director of agriculture, ~~in his~~ the director's sound 254  
discretion, determines to be of harmful effect on the animal or 255  
poultry industry or the public health and to be capable of 256  
transmission by any means from a carrier animal to a human or to 257  
another animal. 258

(B) "Disease of concern" means any disease, including any 259  
foreign animal disease, or vector, that the director determines 260  
may have an adverse impact on the animal or poultry industry or 261  
to the public health in this state, but that is not a disease 262  
that is reportable to the United States department of 263  
agriculture. 264

(C) "Geographic area" means any county or counties within 265  
this state or parts thereof as may be designated by the 266  
director. 267

~~(C)~~ (D) "Animal" means any animal that is a bird, reptile, 268  
amphibian, fish, or mammal, other than humans. 269

~~(D)~~ (E) "Domestic animal" includes livestock; other 270  
animals that through long association with humans have been bred 271  
to a degree resulting in genetic changes affecting the 272  
temperament, color, conformation, or other attributes of the 273  
species to an extent that makes them different from nondomestic 274  
animals of their kind; and other animals as defined by rule by 275  
the director. 276

~~(E)~~ (F) "Foreign animal disease" means a contagious or 277  
infectious disease that is not present in United States domestic 278  
or nondomestic species populations and is listed by the United 279  
States department of agriculture as a "foreign animal disease." 280

~~(F)~~ (G) "Nondomestic animal" means any animal that is not 281  
domestic, including at least nonindigenous animals and animals 282  
usually not in captivity. 283

~~(G)~~ (H) "Poultry" means any domesticated fowl kept in 284  
confinement, except for doves and pigeons, that are bred for the 285  
primary purpose of producing eggs or meat for human consumption. 286  
"Poultry" includes chickens, turkeys, waterfowl, and game birds. 287

~~(H)~~ (I) "Vector" means a disease carrier, usually from, 288  
but not limited to, the arthropod class, ~~which that~~ transfers an 289  
infectious agent that may transmit a dangerously contagious or 290  
infectious disease from one host to another. 291

~~(I)~~ (J) "Residue" means any poisonous or deleterious 292  
pesticide governed by 40 C.F.R. 180, any poisonous or 293  
deleterious substance governed by 21 C.F.R. 109.6, or any other 294  
substance governed by 21 C.F.R. 556. 295

~~(J)~~ (K) "Seal" means any band or object made of metal, 296  
plastic, or other material placed on a vehicle or other means of 297  
conveyance so that when the vehicle or conveyance is opened, the 298  
band or object is affected, altered, or broken. 299

**Sec. 941.03.** (A) The director of agriculture, under 300  
Chapter 119. of the Revised Code, may adopt and enforce rules to 301  
carry out this chapter, including designating a disease or 302  
vector as a dangerously contagious or infectious disease or as a 303  
disease of concern. 304

(B) No person shall fail to comply with the rules adopted 305  
by the director under division (A) of this section. 306

**Sec. 941.04.** (A) Whenever the director of agriculture or 307  
~~his~~ the director's authorized representative reasonably suspects 308  
that any premises or means of conveyance contains an animal that 309

is infected with or has been exposed to a dangerously contagious 310  
or infectious disease or a disease of concern or is adulterated 311  
with a residue, ~~he~~ the director or the director's authorized 312  
representative shall have free access to those premises or that 313  
means of conveyance at any reasonable time. 314

(B) Whenever the director of agriculture or ~~his~~ the 315  
director's authorized representative reasonably suspects that 316  
any vehicle or means of conveyance traveling into or through the 317  
state contains an animal, ~~he~~ the director or the director's 318  
authorized representative shall have free access to the vehicle 319  
or means of conveyance, including the right to stop ~~such~~ the 320  
vehicle or conveyance transporting animals into or through the 321  
state. The director or ~~his~~ the director's authorized 322  
representative may examine any certificate of veterinary 323  
inspection, animal health certificate, waybill, yarding ~~receipt~~ 324  
receipt, sale ticket, or other document required by this chapter 325  
or rules adopted under it. The director or ~~his~~ the director's 326  
authorized representative also may inspect the vehicle or 327  
conveyance for the purposes of verifying the presence or 328  
existence of any animal for which a document is required by this 329  
chapter or rules adopted under it and verifying lawful 330  
possession or ownership of the animal. This division does not 331  
apply to animals transported intrastate. 332

Within the parameters of the United States and Ohio 333  
constitutions, any person who operates a vehicle or means of 334  
conveyance upon a roadway in this state is deemed to have 335  
consented to the inspection of the vehicle or conveyance and the 336  
documents as described in this section. 337

(C) In the event the owner of the animal or the operator 338  
of the vehicle or conveyance fails to present any document 339

required by this chapter and rules adopted under it, or if the 340  
documents indicate or the director or ~~his~~ the director's 341  
authorized representative reasonably suspects that an animal is 342  
infected with or has been exposed to a dangerously contagious or 343  
infectious disease or a disease of concern or is adulterated 344  
with a residue, the director or ~~his~~ the director's authorized 345  
representative shall seal the vehicle or conveyance. A seal 346  
shall not be broken or removed from a vehicle or conveyance 347  
within this state or any other state except by the director or 348  
~~his~~ the director's authorized representative or by a person 349  
holding a similar position in another state, territory, or 350  
country. 351

Once the vehicle or conveyance is sealed, its operator 352  
shall choose a course of action to be taken under division (D) 353  
of section 941.10 of the Revised Code. If the operator fails to 354  
choose and the owner of the animal can be contacted, the owner 355  
shall make the choice. If the owner cannot be contacted, the 356  
director or ~~his~~ the director's authorized representative shall 357  
make the choice. Any time that the director or ~~his~~ the 358  
director's authorized representative determines that a course of 359  
action under division (D) of section 941.10 of the Revised Code 360  
is inappropriate, ~~he~~ the director or the director's authorized 361  
representative may refuse to allow that course of action to be 362  
taken or may limit it. The director or ~~his~~ the director's 363  
authorized representative shall issue a permit designating and 364  
requiring compliance with the course of action chosen under this 365  
division. 366

If the director or ~~his~~ the director's authorized 367  
representative reasonably suspects that an animal is stolen or 368  
that the operator of the vehicle or conveyance is not in lawful 369  
possession of the animal, or while waiting for a search warrant 370

to be issued under section 941.042 of the Revised Code, ~~he the~~ 371  
director or the director's authorized representative may detain 372  
or impound the vehicle or conveyance or detain the animal. If 373  
the director or ~~his~~ the director's authorized representative 374  
determines, during any detention or impoundment, that disposal 375  
of the animal is necessary, ~~he~~ the director or the director's 376  
authorized representative may provide for its disposal in 377  
accordance with section 941.043 of the Revised Code. 378

(D) The director or ~~his~~ the director's authorized 379  
representative, in performing ~~his~~ official duties under this 380  
section, may call on such law enforcement personnel and 381  
government officials as are necessary to ~~assist him provide~~ 382  
assistance. The director or ~~his~~ the director's authorized 383  
representative may detain or follow any vehicle or conveyance 384  
until those persons arrive. 385

(E) At the direction of the director and in ~~his~~ the 386  
director's discretion, an employee of the animal and plant 387  
health inspection service-veterinary services in the United 388  
States department of agriculture may be an authorized 389  
representative of the director for purposes of this chapter. 390

**Sec. 941.06.** (A) If any person has reason to suspect the 391  
existence of a dangerously contagious or infectious disease, a 392  
disease of concern, or a residue, ~~he~~ the person immediately 393  
shall give notice of that fact to the director of agriculture or 394  
to a licensed veterinarian. 395

(B) If a veterinarian receives notice of the existence or 396  
suspected existence of a dangerously contagious or infectious 397  
disease, a disease of concern, or a residue as provided in 398  
division (A) of this section, ~~he~~ the veterinarian immediately 399  
shall communicate that notice to the director. 400

(C) No person shall sell, attempt to sell, keep with  
intent to sell, or otherwise transfer to another person an  
animal that ~~he~~ the person knows, or has reason to know, is  
infected with or exposed to any dangerously contagious or  
infectious disease or a disease of concern or is adulterated  
with a residue, except as otherwise provided in this chapter or  
rules adopted under it.

(D) The offense established under division (C) of this  
section is a strict liability offense and section 2901.20 of the  
Revised Code does not apply. The designation of this offense as  
a strict liability offense shall not be construed to imply that  
any other offense, for which there is no specified degree of  
culpability, is not a strict liability offense.

**Sec. 941.07.** (A) When the director of agriculture is  
notified by any person of the possibility of the existence of a  
dangerously contagious or infectious disease, a disease of  
concern, or a residue, the director immediately shall order an  
investigation to be made, ~~in~~. In order to conduct an  
investigation, the director or ~~his~~ the director's designee may  
quarantine the animal and, if ~~he~~ the director or the director's  
designee considers it necessary, the geographic area in which  
the animal was located immediately, so that ~~he~~ the director or  
the director's designee is able to inspect, examine, and test  
the animal and other animals within the geographic area.

(B) Except as otherwise provided in this chapter, if, as  
the result of the investigation, an animal is found to be  
infected with or exposed to a dangerously contagious or  
infectious disease or a disease of concern or adulterated with a  
residue, the director or ~~his~~ the director's authorized  
representative may issue quarantine orders, without a prior

hearing, pursuant to this section in order to prevent 431  
dangerously contagious or infectious diseases, diseases of 432  
concern, or residues from affecting other animals in the state 433  
or the public health. No person shall fail to comply with the 434  
terms and conditions of the quarantine order. 435

(C) No animal or its means of conveyance shall be brought 436  
to or removed from the premises or geographic area disclosed in 437  
a quarantine order without written permission from the director 438  
or ~~his~~ the director's authorized representative. 439

(D) The director, if possible, shall notify any person 440  
owning or having custody of a quarantined animal either in 441  
person or by certified mail, return receipt requested. Evidence 442  
of the notification of a quarantine order shall be proved by 443  
affidavit or by the certified mail return receipt. The director 444  
also may post the quarantine order at two conspicuous places on 445  
the quarantined premises. 446

(E) A quarantine order shall contain all of the following 447  
information: 448

(1) The name and address of the person owning and having 449  
custody of the quarantined animal, if known; 450

(2) A description of the quarantined animal; 451

(3) A description of the premises and means of conveyance 452  
affected by the quarantine; 453

(4) The reason for the quarantine; 454

(5) The terms and conditions applicable to the quarantine; 455

(6) A notice to the effect that persons adversely affected 456  
by the quarantine order may request a hearing to review the 457  
order. 458



(F) A person adversely affected by a quarantine order, 459  
within thirty days after the order is issued, may request in 460  
writing a hearing in accordance with Chapter 119. of the Revised 461  
Code. A request for a hearing does not stay a quarantine order. 462

(G) A quarantine order shall remain in effect until a 463  
written notice of release is issued by the department of 464  
agriculture, or until ordered to be removed after a hearing 465  
under division (F) of this section. 466

(H) All necessary and proper expenses incurred by the 467  
director in the quarantine of an animal shall be paid by the 468  
state. However, such expenses shall not include the maintenance, 469  
feeding, and quartering of the animal while in quarantine. 470

(I) A copy of the results of any tests or method of 471  
detection for a dangerously contagious or infectious disease or 472  
a disease of concern, conducted by a person authorized by the 473  
department of agriculture, shall be admitted in any court as 474  
prima-facie proof of ~~such those~~ results when ~~such the~~ results 475  
are certified by the department or authorized person. 476

**Sec. 941.09.** (A) The director of agriculture may adopt and 477  
enforce rules in accordance with Chapter 119. of the Revised 478  
Code governing the identification of an animal tested for, 479  
vaccinated against, or infected with a dangerously contagious or 480  
infectious disease or a disease of concern or adulterated with a 481  
residue and the importation, use, dispensation, and reporting of 482  
the use of vaccines for mitigating dangerously contagious or 483  
infectious diseases or diseases of concern or other treatments 484  
for residues. 485

(B) No person shall remove, alter, or replace an 486  
identification that is required by federal or state law and is 487

placed upon an animal by a person authorized by the director. 488

**Sec. 941.10.** (A) The director of agriculture may adopt and 489  
enforce rules to govern the importation and movement of animals. 490

(B) Whenever the governor upon receipt of information from 491  
the director believes that any condition or disease, including a 492  
dangerously contagious or infectious disease or a disease of 493  
concern present in any other state, territory, or country, may 494  
endanger the health of livestock, animals, or persons of this 495  
state, ~~he~~ the governor may prohibit or regulate by proclamation, 496  
the importation from ~~such that~~ other state, territory, or 497  
country, of animals of a kind that could carry that disease or 498  
condition into this state. 499

(C) No person shall import, move, sell, or dispose of any 500  
animal contrary to a proclamation issued by the governor under 501  
division (B) of this section, without first obtaining written 502  
permission from the director. 503

(D) When an animal is moved into the state in violation of 504  
any applicable federal or state law, the director or ~~his~~ the 505  
director's authorized representative, without prior hearing, may 506  
take whichever of the following courses of action regarding the 507  
animal as ~~he~~ the director or the director's authorized 508  
representative determines is most appropriate: 509

(1) Quarantine the animal until it is brought into 510  
compliance; 511

(2) Order the animal returned to the point of origin; 512

(3) Order the animal moved to slaughter. 513

**Sec. 941.11.** (A) Except as otherwise provided in this 514  
chapter, the director of agriculture, without prior hearing, may 515

order the destruction of any domestic or nondomestic animal 516  
found to be adulterated with residues, infected with or exposed 517  
to a dangerously contagious or infectious disease, infected with 518  
or exposed to a disease of concern, or determined to endanger 519  
the health or well-being of animal populations or public health 520  
in the state. If the director determines that seizure and 521  
destruction of a nondomestic animal is necessary, ~~he~~ the 522  
director shall coordinate the seizure and destruction of that 523  
animal with the department of natural resources. 524

(B) (1) No person shall fail to comply with the director's 525  
order to destroy an animal found to be infected with or exposed 526  
to a dangerously contagious or infectious disease or a disease 527  
of concern or adulterated with residues. 528

(2) The offense established under division (B) (1) of this 529  
section is a strict liability offense and section 2901.20 of the 530  
Revised Code does not apply. The designation of this offense as 531  
a strict liability offense shall not be construed to imply that 532  
any other offense, for which there is no specified degree of 533  
culpability, is not a strict liability offense. 534

(C) The director, if possible, shall notify any person 535  
owning or having custody of an animal ordered destroyed, either 536  
in person or by certified mail, return receipt requested, prior 537  
to destruction. Evidence of the notification of a destruction 538  
order shall be proved by an affidavit or by the certified mail 539  
return receipt. 540

(D) A destruction order shall contain all of the following 541  
information: 542

(1) The name and address of the person owning and having 543  
custody of the animal, if known; 544

(2) A description of the animal affected by the order;	545
(3) The reason for the order;	546
(4) A reasonable deadline for compliance with the order;	547
(5) A notice to the effect that any person adversely affected by the destruction order may request a hearing to review the order.	548 549 550
(E) A person adversely affected by an order may request in writing, within thirty days after receiving the order, a hearing in accordance with Chapter 119. of the Revised Code.	551 552 553
<b>Sec. 941.14.</b> (A) The owner shall burn the body of an animal that has died of, or been destroyed because of, a dangerously infectious or contagious disease, bury it not less than four feet under the surface of the ground, dissolve it by alkaline hydrolysis, remove it in a watertight tank to a rendering establishment, or otherwise dispose of it in accordance with section 953.26 or 1511.022 of the Revised Code within twenty-four hours after knowledge thereof or after notice in writing from the department of agriculture.	554 555 556 557 558 559 560 561 562
(B) The owner of premises that contain a dead animal shall burn the body of the animal, bury it not less than four feet beneath the surface of the ground, dissolve it by alkaline hydrolysis, remove it in a watertight tank to a rendering establishment, or otherwise dispose of it in accordance with section 953.26 or 1511.022 of the Revised Code within a reasonable time after knowledge thereof or after notice in writing from the department or from the township trustees of the township in which the owner's premises are located.	563 564 565 566 567 568 569 570 571
(C) <u>The director of agriculture may adopt rules in accordance with Chapter 119. of the Revised Code establishing</u>	572 573

requirements and procedures governing the disposal of the body 574  
of an animal that has died of, or been destroyed because of, a 575  
disease of concern. 576

(D) Notwithstanding division (A) or (B) of this section or 577  
rules adopted under division (C) of this section, the director 578  
~~of agriculture,~~ in written notice sent to the owner of a dead 579  
animal, may require the owner to employ a specific method of 580  
disposition of the body, including burning, burying, rendering, 581  
composting, or alkaline hydrolysis, when that method does not 582  
conflict with any law or rule governing the disposal of 583  
infectious wastes and, in the director's judgment, is necessary 584  
for purposes of animal disease control. No person shall fail to 585  
employ the method of disposition required under this division. 586

~~(D)~~(E) The director, in written notice sent to the owner 587  
of a dead animal, may prohibit the owner from transporting the 588  
body of the dead animal on any street or highway if that 589  
prohibition does not conflict with any law or rule governing the 590  
transportation of infectious wastes and, in the director's 591  
judgment, is necessary for purposes of animal disease control. 592  
No person shall fail to comply with a prohibition issued under 593  
this division. 594

~~(E)~~(F) As used in this section, "infectious wastes" has 595  
the same meaning as in section 3734.01 of the Revised Code, and 596  
"street" or "highway" has the same meaning as in section 4511.01 597  
of the Revised Code. 598

**Sec. 943.02.** (A) No person shall act as a small dealer, 599  
dealer, or broker without first being licensed. No person shall 600  
be an employee of more than one small dealer, dealer, or broker. 601  
Except as provided in division (B) of this section, no person 602  
holding a license as a small dealer, dealer, or broker shall be 603

an employee. No employee shall act for any small dealer, dealer, 604  
or broker unless the small dealer, dealer, or broker is 605  
licensed, and has designated the employee to act in the small 606  
dealer's, dealer's, or broker's behalf and has notified the 607  
department of agriculture in the application for license or has 608  
given official notice in writing of the appointment of the 609  
employee. The small dealer, dealer, or broker shall be 610  
accountable and responsible for all contracts pertaining to the 611  
purchase, exchange, or sale of livestock made by the employee. 612  
The small dealer, dealer, or broker who terminates the services 613  
of an employee shall notify the department in writing of the 614  
employee's termination. No person who is a licensed small 615  
dealer, dealer, or broker shall have livestock exempted pursuant 616  
to divisions (B) (1) to (6) of section 943.01 of the Revised 617  
Code. 618

(B) (1) No person who has been convicted of or pleaded 619  
guilty to a violation of this chapter or rules adopted under it 620  
shall act as an owner, supervisor, employee, contractor, 621  
volunteer, or agent of a person licensed under this chapter 622  
unless specifically authorized to do so by the director of 623  
agriculture. 624

(2) The offense established under division (B) (1) of this 625  
section is a strict liability offense and section 2901.20 of the 626  
Revised Code does not apply. The designation of this offense as 627  
a strict liability offense shall not be construed to imply that 628  
any other offense, for which there is no specified degree of 629  
culpability, is not a strict liability offense. 630

~~(B)~~ (C) A small dealer, dealer, or broker may be an 631  
employee of other small dealers, dealers, or brokers only when 632  
the small dealer, dealer, or broker so employed is a soliciting 633

agent for a video auction. 634

~~(C)~~ (D) The director of ~~agriculture~~ shall define by rule 635  
"soliciting agent" and "video auction" for the purposes of this 636  
section. 637

**Sec. 943.14.** (A) The department of agriculture or any of 638  
its authorized agents may inspect the records of any licensee or 639  
employee at any time to determine the origin and destination of 640  
any livestock handled by the licensee and to determine if 641  
sections 943.01 to 943.18 of the Revised Code, or the rules 642  
adopted thereunder, have been violated. 643

(B) A small dealer, dealer, or broker, employee, or person 644  
described in division (B) (4) of section 943.01 of the Revised 645  
Code, who acquires or disposes of an animal by any means, shall 646  
make a record of the name and address of the person from whom 647  
the animal was acquired and to whom disposed. The record also 648  
shall show the individual identification of each animal at the 649  
time of acquisition or disposal. These records shall be 650  
maintained for a period of sixty months or longer from the date 651  
of acquisition or disposal. 652

(C) The individual identification in division (B) of this 653  
section shall be in a manner or form approved by the department. 654

(D) A person who is a soliciting agent for a video auction 655  
pursuant to division ~~(B)~~ (C) of section 943.02 of the Revised 656  
Code shall maintain records in a manner or form approved by the 657  
department. 658

**Sec. 1327.46.** As used in sections 1327.46 to 1327.61 of 659  
the Revised Code: 660

(A) "Weights and measures" means all weights and measures 661  
of every kind, instruments and devices for weighing and 662

measuring, and any appliances and accessories associated with 663  
any such instruments and devices, except that "weights and 664  
measures" shall not be construed to include meters for the 665  
measurement of electricity, gas, whether natural or 666  
manufactured, or water when the same are operated in a public 667  
utility system. Such electricity, gas, and water meters, and 668  
appliances or accessories associated therewith, are specifically 669  
excluded from the purview of the weights and measures laws. 670

(B) "Intrastate commerce" means all commerce or trade that 671  
is begun, carried on, and completed wholly within the limits of 672  
this state, and "introduced into intrastate commerce" defines 673  
the time and place in which the first sale and delivery of a 674  
commodity is made within the state, the delivery being made 675  
either directly to the purchaser or to a common carrier for 676  
shipment to the purchaser. 677

(C) "Package" means any commodity put up or packaged in 678  
any manner in advance of sale in units suitable for either 679  
wholesale or retail sale. 680

(D) "Consumer package" means a package that is customarily 681  
produced or distributed for sale through a retail sales agency 682  
for consumption by an individual or use by an individual. 683

(E) "Weight" as used in connection with any commodity 684  
means net weight. 685

(F) "Correct" as used in connection with weights and 686  
measures means conformity with all applicable requirements of 687  
sections 1327.46 to 1327.61 of the Revised Code and rules 688  
adopted pursuant to those sections. 689

(G) "~~Primary Reference~~ standards" means the physical 690  
standards of the state that serve as the legal reference from 691



which all other standards and weights and measures are derived. 692

(H) "~~Secondary Working~~ standards" means the physical 693  
standards that are traceable to the ~~primary reference~~ standards 694  
through comparisons, using acceptable laboratory procedures, and 695  
used in the enforcement of weights and measures laws and rules. 696

(I) "Sale from bulk" means the sale of commodities when 697  
the quantity is determined at the time of sale. 698

(J) "Net weight" means the weight of a commodity, 699  
excluding any materials, substances, or items not considered to 700  
be a part of the commodity. Materials, substances, or items not 701  
considered to be part of the commodity include, but are not 702  
limited to, containers, conveyances, bags, wrappers, packaging 703  
materials, labels, individual piece coverings, decorative 704  
accompaniments, and coupons. 705

(K) "Random weight package" means a package that is one of 706  
a lot, shipment, or delivery of packages of the same commodity 707  
with no fixed pattern of weights. 708

(L) "Sold" includes keeping, offering, or exposing for 709  
sale. 710

(M) "Commercially used weighing and measuring device" 711  
means a device described in the national institute of standards 712  
and technology handbook 44 or its supplements and revisions and 713  
any other weighing and measuring device designated by rules 714  
adopted under division (C) of section 1327.50 of the Revised 715  
Code. "Commercially used weighing and measuring device" 716  
includes, but is not limited to, a livestock scale, vehicle 717  
scale, railway scale, vehicle tank meter, bulk rack meter, and 718  
LPG meter. 719

(N) "Livestock scale" means a scale equipped with stock 720

racks and gates that is adapted to weighing livestock standing 721  
on the scale platform. 722

(O) "Vehicle scale" means a scale that is adapted to 723  
weighing highway, farm, or other large industrial vehicles other 724  
than railroad cars. 725

(P) "Railway scale" means a rail scale that is designed to 726  
weigh railroad cars. 727

(Q) "Vehicle tank meter" means a vehicle mounted device 728  
that is designed for the measurement and delivery of liquid 729  
products from a tank. 730

(R) "Bulk rack meter" means a wholesale device, usually 731  
mounted on a rack, that is designed for the measurement and 732  
delivery of liquid products. 733

(S) "LPG meter" means a system, including a mechanism or 734  
machine of the meter type, that is designed to measure and 735  
deliver liquefied petroleum gas in the liquid state by a 736  
definite quantity whether installed in a permanent location or 737  
mounted on a vehicle. 738

(T) "Service person" means an individual who installs, 739  
services, repairs, reconditions, or places into service a 740  
commercially used weighing and measuring device for any type of 741  
compensation. 742

**Sec. 1327.48.** Weights and measures that are traceable to 743  
the United States prototype standards supplied by the federal 744  
government, or approved as being satisfactory by the national 745  
institute of standards and technology, shall be the state 746  
~~primary reference~~ standards of weights and measures, and shall 747  
be maintained in such calibration as is prescribed by the 748  
national institute of standards and technology. All ~~secondary~~ 749

working standards may be prescribed by the director of 750  
agriculture and shall be verified upon their initial receipt, 751  
and as often as found necessary by the director. 752

**Sec. 1327.50.** The director of agriculture shall: 753

(A) Maintain traceability of the state standards to those 754  
of the ~~national institute of standards and technology~~ 755  
international system of units; 756

(B) Enforce sections 1327.46 to 1327.61 of the Revised 757  
Code; 758

(C) Issue reasonable rules for the uniform enforcement of 759  
sections 1327.46 to 1327.61 of the Revised Code, which rules 760  
shall have the force and effect of law; 761

(D) Establish standards of weight, measure, or count, 762  
reasonable standards of fill, and standards for the voluntary 763  
presentation of cost per unit information for any package; 764

(E) Grant any exemptions from sections 1327.46 to 1327.61 765  
of the Revised Code, or any rules adopted under those sections, 766  
when appropriate to the maintenance of good commercial practices 767  
in the state; 768

(F) Conduct investigations to ensure compliance with 769  
sections 1327.46 to 1327.61 of the Revised Code; 770

(G) Delegate to appropriate personnel any of these 771  
responsibilities for the proper administration of the director's 772  
office; 773

(H) Test as often as is prescribed by rule the standards 774  
of weight and measure used by any municipal corporation or 775  
county within the state, and approve the same when found to be 776  
correct; 777

(I) Inspect and test weights and measures that are sold;	778
(J) Inspect and test to ascertain if they are correct,	779
weights and measures commercially used either:	780
(1) In determining the weight, measure, or count of	781
commodities or things sold on the basis of weight, measure, or	782
count;	783
(2) In computing the basic charge or payment for goods or	784
services rendered on the basis of weight, measure, or count.	785
(K) Test all weights and measures used in checking the	786
receipt or disbursement of supplies in every institution, for	787
the maintenance of which funds are appropriated by the general	788
assembly;	789
(L) Approve for use, and may mark, such weights and	790
measures as the director finds to be correct, and shall reject	791
and mark as rejected such weights and measures as the director	792
finds to be incorrect. Weights and measures that have been	793
rejected may be seized if not corrected within the time	794
specified or if used or disposed of in a manner not specifically	795
authorized, and may be condemned and seized if found to be	796
incorrect and not capable of being made correct.	797
(M) Weigh, measure, or inspect packaged commodities that	798
are sold or in the process of delivery to determine whether they	799
contain the amounts represented and whether they are sold in	800
accordance with sections 1327.46 to 1327.61 of the Revised Code	801
or rules adopted under those sections. In carrying out this	802
section, the director shall employ recognized sampling	803
procedures, such as those designated in the national institute	804
of standards and technology handbook 133 "checking the net	805
contents of packaged goods."	806

(N) Prescribe by rule the appropriate term or unit of 807  
weight or measure to be used, whenever the director determines 808  
in the case of a specific commodity that an existing practice of 809  
declaring the quantity by weight, measure, numerical count, or 810  
combination thereof, does not facilitate value comparisons by 811  
consumers, or offers an opportunity for consumer confusion; 812

(O) Allow reasonable variations from the stated quantity 813  
of contents, which shall include those caused by unavoidable 814  
deviations in good manufacturing practice and by loss or gain of 815  
moisture during the course of good distribution practice, only 816  
after the commodity has entered intrastate commerce; 817

(P) Provide for the weights and measures training of 818  
inspector personnel and establish minimum training requirements, 819  
which shall be met by all inspector personnel, whether county, 820  
municipal, or state; 821

(Q) Prescribe the methods of tests and inspections to be 822  
employed in the enforcement of sections 1327.46 to 1327.61 of 823  
the Revised Code. The director may prescribe the official test 824  
and inspection forms to be used. 825

(R) Provide by rule for ~~voluntary~~ registration with the 826  
director of private-service persons who are employed by 827  
commercially used weighing and measuring device servicing 828  
agencies, ~~and personnel~~; 829

(S) In conjunction with the national institute of 830  
standards and technology, operate a type evaluation program for 831  
certification of weighing and measuring devices as part of the 832  
national type evaluation program. The director shall establish a 833  
schedule of fees for services rendered by the department of 834  
agriculture for type evaluation services. The director may 835

require any weighing or measuring instrument or device to be 836  
traceable to a national type evaluation program certificate of 837  
conformance prior to use for commercial or law enforcement 838  
purposes. 839

(T) Verify advertised prices, price representations, and 840  
point-of-sale systems, as necessary, to determine both the 841  
accuracy of prices and computations and the correct use of the 842  
equipment and the accuracy of prices printed or recalled from a 843  
database if a system utilizes scanning or coding in lieu of 844  
manual entry. In order to implement this division, the director 845  
shall do all of the following: 846

(1) Employ recognized procedures such as those designated 847  
in the national institute of standards and technology handbook 848  
130, uniform laws and regulations, "examination procedures for 849  
price verification"; 850

(2) Adopt rules establishing requirements governing the 851  
accuracy of advertised prices and point-of-sale systems and 852  
establishing requirements and procedures for the enforcement of 853  
this division; 854

(3) Conduct necessary inspections. 855

**Sec. 1327.501.** (A) No person shall operate in this state a 856  
commercially used weighing and measuring device that provides 857  
the ~~final~~ quantity ~~and final or cost~~ of a final transaction and 858  
for which a fee is established in division (G) of this section 859  
unless the operator of the device obtains a permit issued by the 860  
director of agriculture or the director's designee. 861

(B) An application for a permit shall be submitted to the 862  
director on a form that the director prescribes and provides. 863  
The applicant shall include with the application any information 864

that is specified on the application form as well as the 865  
application fee established in this section. 866

(C) Upon receipt of a completed application and the 867  
required fee from an applicant, the director or the director's 868  
designee shall issue or deny the permit to operate the 869  
commercially used weighing and measuring device that was the 870  
subject of the application. 871

(D) A permit issued under this section expires on the 872  
thirtieth day of June of the year following its issuance and may 873  
be renewed annually on or before the first day of July of that 874  
year upon payment of a permit renewal fee established in this 875  
section. 876

(E) If a permit renewal fee is more than sixty days past 877  
due, the director may assess a late penalty in an amount 878  
established under this section. 879

(F) The director shall do both of the following: 880

(1) Establish procedures and requirements governing the 881  
issuance or denial of permits under this section; 882

(2) Establish late penalties to be assessed for the late 883  
payment of a permit renewal fee and fees for the replacement of 884  
lost or destroyed permits. 885

(G) An applicant for a permit to operate under this 886  
section shall pay an application fee in the following applicable 887  
amount: 888

(1) Seventy-five dollars for a livestock scale; 889

(2) Seventy-five dollars for a vehicle scale; 890

(3) Seventy-five dollars for a railway scale; 891

- (4) Seventy-five dollars for a vehicle tank meter; 892
- (5) Seventy-five dollars for a bulk rack meter; 893
- (6) Seventy-five dollars for a an LPG meter. 894

A person who is issued a permit under this section and who 895  
seeks to renew that permit shall pay an annual permit renewal 896  
fee. The amount of a permit renewal fee shall be equal to the 897  
application fee for that permit established in this division. 898

(H) All money collected through the payment of fees and 899  
the imposition of penalties under this section shall be credited 900  
to the metrology and scale certification and device permitting 901  
fund created in section 1327.511 of the Revised Code. 902

Sec. 1327.502. A service person who is employed by a 903  
commercially used weighing and measuring device servicing agency 904  
shall register with the director of agriculture in accordance 905  
with rules adopted under section 1327.50 of the Revised Code. 906

**Sec. 1327.61.** No person shall do any of the following: 907

(A) Use or have in possession for use in commerce any 908  
incorrect weight or measure; 909

(B) Wrap, package, label, or advertise any product or 910  
service contrary to this chapter, or any rules adopted under it, 911  
or sell, offer, hold, or expose for sale any service or product 912  
wrapped, packaged, labeled, or offered for sale contrary to this 913  
chapter or any rules adopted under it, or misrepresent the 914  
quantity or price or service contrary to this chapter, or any 915  
rules adopted under it; 916

(C) Remove any tag, seal, or mark from any weight or 917  
measure without specific written authorization from the proper 918  
authority; 919



(D) Recklessly install for use, repair, service, or place into service a commercially used weighing and measuring device unless the installation, repair, service, or placement is performed by one of the following: 920  
921  
922  
923

(1) A department of agriculture division of weights and measures inspector; 924  
925

(2) A service person registered with the department; 926

(3) A county or municipal weights and measures inspector. 927

(E) Hinder or obstruct any weights and measures official in the performance of ~~his~~ official duties; 928  
929

~~(E)~~ (F) Sell or offer for use in commerce any incorrect weight or measure. 930  
931

**Sec. 1327.99.** Whoever violates section 1327.501 or 1327.54 or division (A), (B), (C), ~~or (D)~~, or (E) of section 1327.61 of the Revised Code or a rule adopted under sections 1327.46 to 1327.61 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense; on each subsequent offense within seven years after the first offense, ~~such the~~ person is guilty of a misdemeanor of the first degree. 932  
933  
934  
935  
936  
937  
938

**Sec. 3335.361.** OSU extension shall not charge volunteers for 4-H programs for any background checks conducted regarding the volunteers. 939  
940  
941

**Sec. 4707.02.** (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. 942  
943  
944  
945  
946

The department shall not issue or renew a license if the 947

applicant or licensee has been convicted of a felony or crime 948  
involving fraud or theft in this or another state at any time 949  
during the ten years immediately preceding application or 950  
renewal. 951

(B) Division (A) of this section does not apply to any of 952  
the following: 953

(1) Sales at auction that either are required by law to be 954  
at auction, other than sales pursuant to a judicial order or 955  
decree, or are conducted by or under the direction of a public 956  
authority; 957

(2) The owner of any real or personal property desiring to 958  
sell the property at auction, provided that the property was not 959  
acquired for the purpose of resale; 960

(3) An auction mediation company; 961

(4) An auction that is conducted in a course of study for 962  
auctioneers that is approved by the state auctioneers commission 963  
created under section 4707.03 of the Revised Code for purposes 964  
of student training and is supervised by a licensed auctioneer; 965

(5) (a) An auction that is sponsored by a nonprofit or 966  
charitable organization that is registered in this state under 967  
Chapter 1702. or Chapter 1716. of the Revised Code, 968  
respectively, if the auction only involves the property of the 969  
members of the organization and the auction is part of a fair 970  
that is organized by an agricultural society under Chapter 1711. 971  
of the Revised Code or by the Ohio expositions commission under 972  
Chapter 991. of the Revised Code at which an auctioneer who is 973  
licensed under this chapter physically conducts the auction; or 974

(b) Sales at an auction sponsored by a charitable, 975  
religious, or civic organization that is tax exempt under 976

subsection 501(c)(3) of the Internal Revenue Code, or by a 977  
public school, chartered nonpublic school, or community school, 978  
if no person in the business of organizing, arranging, or 979  
conducting an auction for compensation and no consignor of 980  
consigned items sold at the auction, except such organization or 981  
school, receives compensation from the proceeds of the auction. 982  
As used in division (B)(5)(b) of this section, "compensation" 983  
means money, a thing of value other than participation in a 984  
charitable event, or a financial benefit. 985

(6) A person licensed as a livestock dealer under Chapter 986  
943. of the Revised Code who exclusively sells livestock and 987  
uses an auctioneer who is licensed under this chapter to conduct 988  
the auction; 989

(7) A person licensed as a motor vehicle auction owner 990  
under Chapter 4517. of the Revised Code who exclusively sells 991  
motor vehicles to a person licensed under Chapter 4517. of the 992  
Revised Code and who uses an auctioneer who is licensed under 993  
this chapter to conduct the auction; 994

(8) ~~A person who sells~~ Sales of real or personal property 995  
conducted by means of the internet, provided that they are not 996  
conducted in conjunction with a live auction; 997

(9) A bid calling contest that is approved by the 998  
commission and that is conducted for the purposes of the 999  
advancement or promotion of the auction profession in this 1000  
state, provided that no compensation is paid to the sponsor of 1001  
or participants in the contest other than a prize or award for 1002  
winning the contest; 1003

(10) An auction at which the champion of a national or 1004  
international bid calling contest appears, provided that both of 1005

the following apply: 1006

(a) The champion is not paid a commission. 1007

(b) The auction is conducted under the direct supervision 1008  
of an auctioneer licensed under this chapter in order to ensure 1009  
that the champion complies with this chapter and rules adopted 1010  
under it. 1011

(C) (1) No person shall advertise or hold oneself out as an 1012  
auction firm, auctioneer, apprentice auctioneer, or special 1013  
auctioneer without a license issued by the department of 1014  
agriculture. 1015

(2) Division (C) (1) of this section does not apply to an 1016  
individual who is the subject of an advertisement regarding an 1017  
auction conducted under division (B) (5) (b) of this section. 1018

**Section 2.** That existing sections 901.23, 921.12, 940.02, 1019  
941.01, 941.03, 941.04, 941.06, 941.07, 941.09, 941.10, 941.11, 1020  
941.14, 943.02, 943.14, 1327.46, 1327.48, 1327.50, 1327.501, 1021  
1327.61, 1327.99, and 4707.02 and section 3335.361 of the 1022  
Revised Code are hereby repealed. 1023

**Section 3.** The member who is serving on the Farmland 1024  
Preservation Advisory Board on the effective date of this 1025  
section who was appointed under division (A) (3) of section 1026  
901.23 of the Revised Code as that section existed prior to its 1027  
amendment by this act shall continue serving on the Board until 1028  
the end of the term for which the member was appointed. The 1029  
Director of Agriculture then shall appoint a member of the Board 1030  
under division (A) (3) of that section as amended by this act. 1031