

AN ACT

To amend sections 901.06, 901.71, 901.74, 1711.01, 1711.02, 1711.03, 1711.05, 1711.07, 1711.08, 1711.09, 1711.11, 1711.13, 1711.22, 1711.26, 1711.33, 1711.50, 1711.51, 1711.52, 1711.53, 1711.532, 1711.533, 1711.534, 1711.54, 1711.55, 1711.551, 1711.552, 1711.56, 1711.57, 1711.99, 3749.01, 3769.082, 3769.0811, and 5709.10; to amend, for the purpose of adopting new section numbers as indicated in parentheses, sections 901.06 (1711.06), 1711.50 (993.01), 1711.51 (993.02), 1711.52 (993.03), 1711.53 (993.04), 1711.531 (993.05), 1711.532 (993.041), 1711.533 (993.042), 1711.534 (993.043), 1711.54 (993.06), 1711.55 (993.07), 1711.551 (993.08), 1711.552 (993.071), 1711.56 (993.09), and 1711.57 (993.10); to enact sections 993.99, 1711.071, 1711.091, and 3769.086; and to repeal sections 755.35, 755.36, 755.37, 901.07, and 1711.06 of the Revised Code to modify the laws governing agricultural societies, to recodify the law governing amusement ride safety, and to address funding and other issues related to county and independent agricultural societies and the Ohio Expositions Commission.

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

SECTION 1. That sections 901.06, 901.71, 901.74, 1711.01, 1711.02, 1711.03, 1711.05, 1711.07, 1711.08, 1711.09, 1711.11, 1711.13, 1711.22, 1711.26, 1711.33, 1711.50, 1711.51, 1711.52, 1711.53, 1711.532, 1711.533, 1711.534, 1711.54, 1711.55, 1711.551, 1711.552, 1711.56, 1711.57, 1711.99, 3749.01, 3769.082, 3769.0811, and 5709.10 be amended; sections 901.06 (1711.06), 1711.50 (993.01), 1711.51 (993.02), 1711.52 (993.03), 1711.53 (993.04), 1711.531 (993.05), 1711.532 (993.041), 1711.533 (993.042), 1711.534 (993.043), 1711.54 (993.06), 1711.55 (993.07), 1711.551 (993.08), 1711.552 (993.071), 1711.56 (993.09), and 1711.57 (993.10) be amended for the purpose of adopting new section numbers as indicated in parentheses; and sections 993.99, 1711.071, 1711.091, and 3769.086 of the Revised Code be enacted to read as follows:

Sec. 901.71. (A) There is hereby created the advisory committee on livestock exhibitions consisting of not more than twenty-one members, as follows:

(1) The director of agriculture, or the director's designee, ~~who may be the chief of the division of fairs;~~

(2) The state veterinarian, or the state veterinarian's designee;

(3) A representative of the Ohio cattlemen's association, the Ohio purebred dairy cattle association, the Ohio pork producers council, the Ohio poultry association, the Ohio sheep improvement association, the Ohio fair managers association, the Ohio farm bureau federation, the

Ohio farmers union, the Ohio department of education's agricultural education service, the Ohio state university extension, the national farmers organization, and the Ohio state grange, or their designees. Each of these members shall be chosen by the organization the member represents.

(4) The chairperson of the Ohio expositions commission, or the chairperson's designee;

(5) Three persons who shall be appointed by the director, each of whom shall serve as a member of a board of directors of a county or independent agricultural society organized under section 1711.01 or 1711.02 of the Revised Code. Of the initial appointments made by the director, one shall be for a term ending on December 31, 1996; one shall be for a term ending on December 31, 1997; and one shall be for a term ending on December 31, 1998.

(6) Not more than three additional members appointed at the option of the director. If the director appoints one or more additional members, the first additional appointment shall be for a term ending on December 31, 1996, the second additional appointment shall be for a term ending on December 31, 1997, and the third additional appointment shall be for a term ending on December 31, 1998.

Following the completion of the initial terms of the appointments made by the director, each term of office shall be three years, commencing on the first day of January and ending on the thirty-first day of December. A member appointed by the director shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as the original appointment. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of the unexpired term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of ninety days has elapsed, whichever occurs first.

Members may be removed from the committee only for misfeasance, malfeasance, or nonfeasance. A vacancy on the committee shall not impair the right of the other members to exercise all of the functions of the committee. A simple majority constitutes a quorum for the conduct of business of the committee. On request, each member shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties as a committee member.

(B) The committee shall be considered a part of the department of agriculture for the administrative purposes required by this section, including the payment of expenses authorized to each member of the committee under this section. The director or the director's designee shall serve as chairperson of the committee. The director shall designate an employee or official of the department to act as the secretary of the committee. The secretary shall keep the minutes of the committee's meetings and a permanent journal of all meetings, proceedings, findings, determinations, and recommendations of the committee, including an itemized statement of the expenses allowed to each member of the committee under this section. The committee may request from the director, and the director shall provide, meeting space, assistance, services, and information to enable the committee to carry out its duties.

(C) The committee shall meet at least once annually after the fifteenth day of October and before the first day of December. The committee may meet at other times as the chairperson or a majority of the committee members considers appropriate, provided the chairperson gives members written notice of any meeting at least seven days prior to the meeting.

(D) The committee may propose rules and may advise and counsel the director on all matters relating to the administration of exhibitions and any other matters that the committee and the director consider appropriate in carrying out sections 901.71 to 901.76 of the Revised Code.

Sec. 901.74. (A) Any person involved in any activity in connection with exhibiting livestock at an exhibition or with raising livestock with the apparent intent that the livestock eventually is to be entered in an exhibition is subject to disciplinary action by the department of agriculture for any of the following reasons:

(1) The person has been convicted of or pleaded guilty to a violation of section 901.76 or 2925.09 of the Revised Code, or has been found by the director of agriculture to have tampered with or sabotaged livestock;

(2) The director reasonably suspects that the person's conduct in regard to raising or exhibiting the livestock threatens, endangers, or adversely affects food safety or the health, safety, or welfare of livestock;

(3) The person has refused to cooperate with the director or the director's designee in the inspection, sampling, and testing of livestock under section 901.73 of the Revised Code, unless the person withheld consent to the inspection, sampling, and testing and no search warrant was issued;

(4) The person has violated a rule adopted by the director under section 901.72 of the Revised Code from which the sponsor of the exhibition at which the violation occurred could have exempted itself under that section, but chose not to.

(B) If one or more of the grounds for disciplinary action listed in division (A)(~~1~~), (~~2~~), or (~~3~~) of this section exist, the director, upon the director's own initiative, may conduct an adjudication in accordance with Chapter 119. of the Revised Code and may take any disciplinary action established by the director by rules adopted in accordance with Chapter 119. of the Revised Code. If one or more of the grounds for disciplinary action listed in division (A) of this section exist, the director, upon the request of a sponsor, may conduct an adjudication in accordance with Chapter 119. of the Revised Code and may take any disciplinary action established by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Disciplinary action imposed under this section by the director may include disqualifying the person, the person's family, members of the person's household, or any other person associated with the activity resulting in the disciplinary action from participating in any class or with any species of livestock in any current or future exhibition.

(C) The director, in accordance with Chapter 119. of the Revised Code, may adopt rules establishing the criteria and procedures for the reinstatement of any person disqualified from participation in an exhibition as a result of disciplinary action taken by the director under this section. Any person disqualified by disciplinary action of the director may file a written request with the director to seek reinstatement after the period of disqualification ends or at any other time established by rule. Upon the written request of the person seeking the reinstatement, the director shall conduct an adjudication in accordance with Chapter 119. of the Revised Code.

Sec. ~~1711.50~~ 993.01. As used in sections ~~1711.50 to 1711.57~~ of the Revised Code this chapter:

(A) "Amusement ride" means any mechanical, aquatic, or inflatable device, or combination of those devices that carries or conveys passengers on, along, around, over, or through a fixed or restricted course or within a defined area for the purpose of providing amusement, pleasure, or

excitement. "Amusement ride" includes carnival rides, bungee jumping facilities, and fair rides, but does not include passenger tramways as defined in section 4169.01 of the Revised Code, manufactured rock climbing walls in climbing facilities regulated under Chapter 4175. of the Revised Code, or amusement rides operated solely at trade shows for a limited period of time. For purposes of this division, "trade show" means a place of exhibition not open to the general public where amusement ride manufacturers display, promote, operate, and sell amusement rides to prospective purchasers.

(B) "Temporary amusement ride" means an amusement ride that is relocated at least once per year with or without disassembly.

(C) "Permanent amusement ride" means an amusement ride that is erected to remain a lasting part of the premises.

(D) "Owner" means any person who owns or leases and controls or manages the operation of an amusement ride, and includes individuals, partnerships, corporations, both profit and nonprofit, and the state and any of its political subdivisions and their departments or agencies.

(E) "Operation" means the use or operation, or both, of an amusement ride with riders.

(F) "Rider" means any person who sits, stands, or is otherwise conveyed or carried as a passenger on an amusement ride, but does not include employees or agents of the owner of the amusement ride.

(G) "Amusement ride operator" means any person causing the amusement ride to go, stop, or perform its function.

(H) "Reassembly" means the installation, erection, or reconstruction of the main mechanical, safety, electrical, or electronic components of an amusement ride following transportation or storage and prior to operation. Replacement of mechanical, safety, electrical, or electronic components of an amusement ride for the purpose of repair or maintenance is not reassembly.

(I) "Repair" means to restore an amusement ride to a condition equal to or better than original design specifications.

(J) "Maintenance" means the preservation and upkeep of an amusement ride for the purpose of maintaining its designed operational capability.

(K) "Inspection" means a physical examination of an amusement ride by an inspector for the purpose of approving the application for a permit. "Inspection" includes a reinspection.

(L) "Accident" means an occurrence during the operation of an amusement ride that results in death or injury requiring immediate hospital admission.

(M) "Serious injury" means an injury that does not require immediate hospital admission but does require medical treatment, other than first aid, by a physician.

(N) "First aid" means the one-time treatment or subsequent observation of scratches, cuts not requiring stitches, burns, splinters, and contusions or a diagnostic procedure, including examinations and x-rays, that does not ordinarily require medical treatment even though provided by a physician or other licensed professional personnel.

(O) "Advisory council" means the advisory council on amusement ride safety created by section ~~4711.51-993.02~~ of the Revised Code.

(P) "Safe operation" means, except as provided in section ~~4711.57-993.10~~ of the Revised Code, the practical application of maintenance, inspection, and operational processes, as indicated by

the manufacturer, owner, or advisory council, that secures a rider from threat of physical danger, harm, or loss.

(Q) "Private facility" means any facility that is accessible only to members of the facility and not accessible to the general public, even upon payment of a fee or charge, and that requires approval for membership by a membership committee representing the current members who have a policy requiring monetary payment to belong to the facility.

(R) "Bungee jumping" means a fall or jump from a height by an individual who is attached to an elastic cord that prevents the individual from hitting the ground, water, or other solid, semi-solid, liquid, or elastic surface.

(S) "Bungee jumping facility" means a device or structure utilized for bungee jumping.

(T) "Kiddie ride" means an amusement ride designed for use by children under thirteen years of age who are unaccompanied by another person. "Kiddie ride" includes a roller coaster that is not more than forty feet in elevation at any point on the ride.

(U) "Climbing facility" has the same meaning as in section 4175.01 of the Revised Code.

Sec. ~~4711.51~~ 993.02. (A) There is hereby created within the department of agriculture an advisory council on amusement ride safety to consist of the following members:

(1) The director of agriculture or the director's designee;
 (2) The general manager of the Ohio state fair or the general manager's designee;
 (3) The following members appointed by the governor with the advice and consent of the senate:

(a) A representative of temporary amusement ride owners;
 (b) A representative of the greater Ohio showmen's association and the owner of a ride;
 (c) Three representatives of owners of amusement parks;
 (d) A representative of the Ohio fair managers' association;
 (e) A representative of the insurance industry;
 (f) An engineer, who has an academic degree in engineering and who is knowledgeable in the amusement ride industry;
 (g) A representative of the Ohio festivals and events association;
 (h) Two representatives of the inflatable amusement ride industry who are owners or operators of inflatable amusement rides or consultants from the industry;

(4) A person registered as a professional engineer under Chapter 4733. of the Revised Code who shall serve as a nonvoting member, appointed by the director of agriculture. The director shall appoint the initial member not later than thirty days after ~~the effective date of this amendment~~ November 6, 2019.

(5) One member of the general public, appointed by the speaker of the house of representatives;

(6) One member of the general public appointed by the president of the senate.

(B) Annually, the governor shall designate one member of the council as chairperson. The council shall select from its membership a vice-chairperson to act as chairperson in the chairperson's absence.

(C) Of the members first appointed by the governor, four shall be appointed for terms of two years, three for terms of four years, and two for terms of six years. The members appointed initially

by the speaker of the house of representatives and the president of the senate shall each serve terms of six years. Of the additional members appointed by the governor who are representatives of the inflatable amusement ride industry, the governor shall appoint one for an initial term of four years and one for an initial term of six years. The director of agriculture shall appoint the member who is a professional engineer for an initial term of six years. All members appointed after the initial terms shall serve six-year terms.

(D) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office.

(E) Members of the council shall be residents of this state and shall be reimbursed for actual and necessary expenses incurred in attending meetings of the council and in the performance of their official duties.

Sec. ~~1711.52~~ 993.03. (A) The advisory council on amusement ride safety shall do both of the following:

(1) Study any subject pertaining to amusement ride safety, including administrative, engineering, and technical subjects, and make findings and recommendations to the director of agriculture in accordance with division (B) of this section;

(2) Prior to the adoption of any rules or amendments to those rules under division (B) of section ~~1711.53~~-993.04 and division (B) of section ~~1711.551~~-993.08 of the Revised Code, study the proposed rules to be adopted by the director regarding amusement ride safety, advise the director, and make findings and recommendations to the director in accordance with division (B) of this section.

(B) Prior to submitting any findings or recommendations, the advisory council shall vote on whether to submit such findings or recommendations to the director. The advisory council shall submit only those findings and recommendations that receive a majority vote of the advisory council.

(C) The director shall make available to the advisory council any information, reports, and studies requested by the advisory council.

Sec. ~~1711.53~~ 993.04. (A)(1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A)(2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection.

(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section ~~1711.551~~-993.08 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section ~~1711.54~~-993.06 of the Revised Code is on file with the department.

(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the ride at a location where the decal is easily visible to the patrons of the ride. A copy of the permit shall be kept on file at the same address as the location of the amusement ride identified on the permit, and shall be made available for inspection, upon reasonable demand, by any person. An owner may operate an amusement ride prior to obtaining a permit, provided that the operation is for the purpose of testing the amusement ride or training amusement ride operators and other employees of the owner and the amusement ride is not open to the public.

(B)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules providing for both of the following:

(a) A schedule of fines, with no fine exceeding five thousand dollars, for violations of ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter or any rules adopted under this division;

(b) The classification of amusement rides and rules for the safe operation and inspection of all amusement rides as are necessary for amusement ride safety and for the protection of the general public. The classification of amusement rides must identify those rides that need more comprehensive inspection and testing in addition to regular state inspections, taking into account hidden components integral to the safety of the ride.

(2)(a) Rules adopted by the director for the safe operation and inspection of amusement rides shall be reasonable and shall be based upon generally accepted engineering standards and practices. The rules shall establish a minimum number of inspections to be conducted on each ride depending on the size, complexity, nature of the ride, and the number of days the ride is in operation during the year for which the applicable permit is valid. The rules also shall require the minimum number of inspectors assigned to inspect a ride or rides to be reasonable and adequate given the number, size, complexity, and nature of the ride or rides.

(b) In adopting rules under this section, the director may adopt by reference, in whole or in part, the national fire code or the national electrical code (NEC) prepared by the national fire protection association or the American national standards institute (ANSI), or any other principles, tests, or standards of nationally recognized technical or scientific authorities.

(c) In adopting rules under this section, the director shall adopt, by reference, the following chapters of the American society for testing and materials (ASTM) international regarding amusement ride safety standards and any other equivalent national standard:

- (i) ASTM F1193-18;
- (ii) ASTM F770-18;
- (iii) ASTM F2291-18.

(d) Insofar as is practicable and consistent with ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter, rules adopted under this division shall be consistent with the rules of other states.

(3) The department shall cause ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter and the rules adopted in accordance with this division and division (B) of section ~~1711.551-993.08~~ of the Revised Code to be published in pamphlet form and a copy to be furnished without charge to each owner of an amusement ride who holds a current permit or is an applicant therefor.

(C) With respect to an application for a permit for an amusement ride, an owner may apply to

the director for a waiver or modification of any rule adopted under division (B) of this section if there are practical difficulties or unnecessary hardships for the amusement ride to comply with the rules. Any application shall set forth the reasons for the request. The director, with the approval of the advisory council on amusement ride safety, may waive or modify the application of a rule to any amusement ride if the public safety is secure. Any authorization by the director under this division shall be in writing and shall set forth the conditions under which the waiver or modification is authorized, and the department shall retain separate records of all proceedings under this division.

(D)(1) The director shall employ and provide for training of a chief inspector and additional inspectors and employees as may be necessary to administer and enforce ~~sections 1711.50 to 1711.57 of the Revised Code~~this chapter. The director may appoint or contract with other persons to perform inspections of amusement rides, provided that the persons meet the qualifications for inspectors established by rules adopted under division (B) of this section and are not owners, or employees of owners, of any amusement ride subject to inspection under ~~sections 1711.50 to 1711.57 of the Revised Code~~this chapter. When employing a new chief inspector or an additional inspector after ~~the effective date of this amendment~~ November 6, 2019, the director shall give preference to the following:

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

A	Permit	\$	225
B	Annual inspection and reinspection per ride:		
C	Kiddie rides	\$	100
D	Roller coaster	\$	1,200
E	Aerial lifts or bungee jumping facilities	\$	450
F	Go karts, per kart	\$	5
G	Other rides	\$	160
H	Midseason operational inspection per ride	\$	25
I	Expedited inspection per ride	\$	100
J	Failure to cancel scheduled inspection per ride	\$	100
K	Failure to have amusement ride ready for inspection per ride	\$	100

The go kart inspection fee is in addition to the inspection fee for the go kart track.

The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.

The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing ~~sections section 1711.11 of the Revised Code and 1711.50 to 1711.57 of the Revised Code~~ this chapter.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is

required by division (F) of section ~~1711.55-993.07~~ of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, if the chief inspector determines reinspection is necessary in accordance with section ~~1711.533-993.042~~ of the Revised Code, or if the reinspection is required by division (F) of section ~~1711.55-993.07~~ of the Revised Code.

(G) As a supplement to its annual inspection of a temporary amusement ride, the department may inspect the ride during each scheduled event, as listed in the schedule of events provided to the department by the owner pursuant to division (C) of section ~~1711.55-993.07~~ of the Revised Code, at which the ride is operated in this state. These supplemental inspections are in addition to any other inspection or reinspection of the ride as may be required under ~~sections 1711.50 to 1711.57 of the Revised Code~~this chapter, and the owner of the temporary amusement ride is not required to pay an inspection or reinspection fee for this supplemental inspection. Nothing in this division shall be construed to prohibit the owner of a temporary amusement ride having a valid permit to operate in this state from operating the ride at a scheduled event before the department conducts a supplemental inspection.

(H) The department may annually conduct a midseason operational inspection of every amusement ride upon which it conducts an annual inspection pursuant to division (A) of this section. The midseason operational inspection is in addition to any other inspection or reinspection of the amusement ride as may be required pursuant to ~~sections 1711.50 to 1711.57 of the Revised Code~~this chapter. The owner of an amusement ride shall submit to the department, at the time determined by the department, the midseason operational inspection fee specified in division (E) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules specifying the time period during which the department will conduct midseason operational inspections.

Sec. ~~1711.532~~ 993.041. Not later than November 1, 2019, and annually thereafter, the director of agriculture shall submit a detailed financial report to the speaker of the house of representatives and to the president of the senate that includes all of the following information:

(A) The revenue from fees collected under section ~~1711.53-993.04~~ of the Revised Code and any other revenue collected for the amusement ride safety program during the twelve months immediately preceding the report's submission;

(B) Expenses relating to the operation of the department of agriculture's amusement ride safety program established under ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter during the twelve months immediately preceding the report's submission;

(C) Any proposed changes to the fee schedule established under section ~~1711.53-993.04~~ of the Revised Code that the director determines are necessary for purposes of issuing amusement ride permits and conducting amusement ride inspections and reinspections;

(D) The amount expended from any appropriations made for the department of agriculture's

amusement ride safety program during the twelve months immediately preceding the report's submission;

(E) Any additional revenue that the director determines is necessary to meet the expenses of the amusement ride safety program during the twelve months immediately following the submission of the report;

(F) Any other information that the director determines is necessary to include in the report.

Sec. ~~1711.533~~ 993.042. (A) For purposes of this section, "reporting body" means any of the following persons or entities:

- (1) The department of agriculture;
- (2) The Ohio expositions commission;
- (3) A county agricultural society fair board;
- (4) An independent agricultural society fair board;
- (5) An owner of an amusement ride.

(B) If a reporting body receives, from an amusement ride manufacturer or other entity responsible for parts or service regarding the safety of the ride, any communication addressing safety issues pertaining to an amusement ride, the reporting body, within a reasonable time after receiving the communication, shall forward the communication to the director of agriculture and to the chief inspector employed by the department of agriculture in accordance with section ~~1711.53~~ 993.04 of the Revised Code.

(C) The chief inspector shall require the amusement ride to be reinspected in accordance with section ~~1711.53~~ 993.04 of the Revised Code after receiving the communication under division (B) of this section if the chief inspector determines that reinspection is necessary.

(D) The director of agriculture shall include, on amusement ride inspection forms prescribed by the department, a line for the owner of an amusement ride to sign indicating that all relevant safety and maintenance communications from the manufacturer have been forwarded to the director and the chief inspector in accordance with division (B) of this section.

Sec. ~~1711.534~~ 993.043. If an inspector employed by or under contract with the department of agriculture in accordance with section ~~1711.53~~ 993.04 of the Revised Code issues a written order to an owner of an amusement ride to replace or repair a component or components of the amusement ride, the owner shall respond in writing to the department within the time specified in the order indicating the action the owner is taking to address the issue.

If the replacements or repairs have not been completed within the time specified in the order, the director shall determine whether the amusement ride or component or components of the ride may continue to operate.

Sec. ~~1711.531~~ 993.05. (A) No person shall operate an amusement ride powered from an electric light company source unless the amusement ride operates through a fusible switch, enclosed circuit breaker, or panelboard that has been:

- (1) Rated by the underwriters laboratories for service entrance applications;
- (2) Installed in compliance with the national electrical code;
- (3) Metered through a meter installed by the electric light company.

(B) An amusement ride owner shall not use an electric light company source as described in division (A) of this section unless the owner has written certification that the fusible switch, enclosed

circuit breaker, or panelboard satisfies the requirements established in divisions (A)(1) to (3) of this section and that is issued by a person certified under section 3783.03 or licensed under section 4740.06 of the Revised Code. The owner shall make the certificate available to the director of agriculture upon request.

(C) This section does not apply to either of the following types of amusement rides:

(1) Rides that do not require electrical current;

(2) Rides that the director exempts in rules the director adopts.

(D) A person licensed pursuant to section 4740.06 of the Revised Code, when conducting an inspection pursuant to this section, is not violating section 3783.06 of the Revised Code.

(E) As used in this section, "electric light company" has the same meaning as in section 4905.03 of the Revised Code.

Sec. ~~1711.54~~ 993.06. No permit shall be issued under division (A) of section ~~1711.53-993.04~~ of the Revised Code, until the owner of the amusement ride has filed with the department of agriculture a certificate of insurance evidencing that there is liability insurance in effect with an insurer authorized or approved to write such insurance in this state on the operation of the ride providing coverage, subject to a limit, exclusive of interest and costs, of not less than five hundred thousand dollars because of bodily injury to or death of one person in each occurrence, and, subject to such limit for one person, to a limit of not less than one million dollars because of bodily injury to or death of two or more persons in each occurrence. The insurance policy may include a deductible clause, provided that any settlement made by the insurance company with the injured party or ~~his~~ the injured party's legal representative shall be paid as though the deductible clause did not apply. Each policy, by its original terms or an endorsement, shall obligate the insurer that the insurer will not cancel the policy without thirty days' written notice and a complete report of the reasons for such cancellation being given to the department. Each policy, by its original terms or an endorsement, shall obligate the insurer that the insurer will, within twenty-four hours, report to the department if it pays a claim or reserves any amount to pay an anticipated claim that reduces the liability insurance coverage to a limit of less than one million dollars because of bodily injury to or death of two or more persons in each occurrence. If the policy is canceled during its term or lapses for any reason, including coverage reduced below the required amount, the owner shall replace the policy with another policy fully complying with the requirements of this section. If the owner fails to file a certificate of insurance for new or replacement insurance, the owner shall cease all operations under the permit immediately upon the cancellation or lapse of the insurance and further operations shall not be conducted without the specific approval of the department, which shall be given after the owner has complied with this section.

Sec. ~~1711.55~~ 993.07. (A)(1) As used in this section, "major repair" means a repair that is outside of the normal maintenance conducted on an amusement ride.

(2) The owner of an amusement ride shall maintain a current maintenance, repair, and inspection record for each amusement ride in accordance with rules prescribed under division (B) of section ~~1711.53-993.04~~ of the Revised Code. The owner shall take photographs of the portion of the ride subject to any major repair prior to and after the major repair. The owner also shall prepare a detailed written description of each such major repair. The owner shall include the photographs and such descriptions in the record. The owner also shall include in the record information on the date

and nature of all inspections of the amusement ride made by the department of agriculture or the owner, and a record of all violations of the rules issued by the department and actions taken by the owner to correct such violations.

The department or any inspector employed by the department may request an owner's record at any time and, upon request, the owner shall make the record available to the department or inspector.

(3) No owner shall fail to keep maintenance, repair, and inspection records as required under division (A)(1) of this section and no owner shall fail to make such records available to the department or any inspector employed by the department upon request.

The owner of a temporary amusement ride shall inspect that ride in accordance with rules prescribed under division (B) of section ~~1711.53-993.04~~ of the Revised Code each time that there is a reassembly of the ride.

(B) The owner of an amusement ride shall maintain records of all serious injuries involving riders, containing such information as the department prescribes, on forms prescribed by the department. These records shall be made available for inspection by the department on request. In the case of an accident, the owner of an amusement ride shall immediately notify the department by telephone or in person and subsequently file a written report with the department within twenty-four hours of the accident.

(C)(1) The owner of a temporary amusement ride shall submit both of the following to the department:

(a) A list of locations and dates where the ride was either stored for a period longer than thirty days or operated outside of this state. Upon review of the list, the department may require additional testing, inspections, and documentation to be completed prior to issuing a permit.

(b) A tentative schedule of events at which the owner's ride will operate during the upcoming season.

(2) The director shall adopt rules establishing timetables and procedures for providing and updating the information required under division (C)(1) of this section.

(D) An amusement ride operator shall be at least sixteen years of age, shall be in attendance whenever the ride is in operation, and shall operate no more than one ride at a time. The owner or amusement ride operator may deny any person entrance to the amusement ride if the owner or operator believes the entry may jeopardize the safety of the person desiring entry, riders, or other persons.

(E) In addition to the annual inspection or reinspection of an amusement ride for a permit or other reason required by the rules adopted under division (B) of section ~~1711.53-993.04~~ of the Revised Code, the department may inspect any amusement ride after the report of an accident or in response to a complaint filed with the department.

(F) The director may order in writing a temporary cessation of the operation of an amusement ride that the department finds by inspection to be unsafe by reason of a violation of the rules adopted under division (B) of section ~~1711.53-993.04~~ of the Revised Code. The operation of that amusement ride shall not resume until the condition causing the violation has been corrected and the amusement ride is reinspected. Any reinspection under this division shall take place within twenty-four hours after notice to the department by the owner that the condition causing the violation has been

corrected.

Sec. ~~1711.552~~ 993.071. (A) The owner of an amusement ride shall keep a manual, either in electronic or written form, for each of the owner's amusement rides that are subject to inspection in this state, if such manual exists and is obtainable.

(B) The owner shall make each manual required to be kept under division (A) of this section available upon request of the chief inspector or any additional inspector who is employed by the department of agriculture in accordance with division (D) of section ~~1711.53~~-993.04 of the Revised Code.

Sec. ~~1711.551~~ 993.08. (A) No rider shall fail to do any of the following:

(1) Heed all written warnings and directions that require a person to meet certain conditions or to refrain from certain actions regarding an amusement ride, as determined by rule by the director of agriculture;

(2) Refrain from behaving or acting in any manner that may cause injury or contribute to injuring ~~himself~~ self or other people while occupying an amusement ride.

(B) The director, in accordance with Chapter 119. of the Revised Code, shall adopt, and may amend and rescind, rules governing the types of warnings and directions required to be followed pursuant to this section. Rules adopted by the director determining the types of printed warnings and directions shall include specifications as to the character, size, and print size of such warnings and directions. At a minimum, the rules shall require the following:

(1) The warnings and directions prominently disclose the penalties imposed if a rider violates ~~this section 1711.551 of the Revised Code~~;

(2) The warnings and directions be based upon the standards of ASTM or the American national standards institute, or any other principles, tests, or standards of nationally recognized technical or scientific authorities that research the proper use of each amusement ride and the potential injuries that occur or are unique to each amusement ride if it is used improperly;

(3) The owner of the amusement ride display the warnings and directions in a public and conspicuous place on or near the ride.

Sec. ~~1711.56~~ 993.09. (A) The director of agriculture may fine any owner of an amusement ride for a violation of ~~sections 1711.50 to 1711.57 of the Revised Code~~ this chapter or any rules issued under division (B) of section ~~1711.53~~-993.04 of the Revised Code pursuant to a schedule of fines established under ~~division (B) of that section 1711.53 of the Revised Code~~. The fine shall not exceed five thousand dollars. In addition, the director may order the revocation of an owner's permit for an amusement ride for failure to file a certificate of insurance as required under ~~division (A) of section 1711.54~~-993.06 of the Revised Code, for failure to maintain records of serious injuries or to report accidents as required under division (B) of section ~~1711.55~~-993.07 of the Revised Code, or for violation of a temporary cessation order issued pursuant to division (F) of section ~~1711.55~~-993.07 of the Revised Code.

(B) Any hearing or other procedures held with respect to any refusal to issue a permit, any order of the director, or any fine shall be conducted in accordance with sections 119.06 to 119.13 of the Revised Code. Notwithstanding the provisions of section 119.12 of the Revised Code, all appeals from any fine by, or order of, the director shall be to the court of common pleas of the county where the place of business of the owner is located or to the common pleas court of the county in which the

owner is a resident or in which the amusement ride is located, in the case of a temporary amusement ride, or to the court of common pleas of the county where the amusement ride is located in the case of a permanent amusement ride.

~~Sec. 1711.57~~ 993.10. Sections 1711.50 to 1711.57 of the Revised Code do This chapter does not apply to any of the following:

(A) A private facility;

(B) A single-passenger coin-operated ride that is manually, mechanically, or electrically operated, is customarily placed either singly or in groups in a public location, and does not normally require the supervision or services of an amusement ride operator;

(C) Nonmechanized playground equipment, including swings, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, rock climbing walls, trampolines, and swinging gates, except where an admission fee is charged for usage or an admission fee is charged to areas where such equipment is located;

(D) Devices regulated or licensed by the federal aviation administration or the federal railroad administration in the United States department of transportation, the department of transportation, or the bureau of motor vehicles in the department of public safety;

(E) Vessels regulated by the department of natural resources under Chapters 1547. and 1548. of the Revised Code or under the jurisdiction of the United States coast guard;

(F) Tractors, trucks, or similar vehicles at competition events;

(G) Automobiles or motorcycles at competition events;

(H) Animals ridden in competitive events or shows;

(I) Physical fitness devices;

(J) Devices to which the definition of "safe operation" in section ~~1711.50~~ 993.01 of the Revised Code does not apply as determined by the director of agriculture, including mechanized bulls, surfboards, zip lines, vertical wind tunnels, skateboard or bicycle rodeo devices, cable wakeboard or ski facilities, or other devices that are not intended or manufactured to secure the rider from threat of physical danger, harm, or loss.

(K) A manufactured climbing wall that is located in a climbing facility, as defined and regulated by Chapter 4175. of the Revised Code.

Sec. 993.99. Whoever violates section 993.08 of the Revised Code is guilty of a minor misdemeanor on the first offense and on each subsequent offense the person is guilty of a misdemeanor of the fourth degree.

~~Sec. 1711.01. When thirty~~ (A) A county agricultural society is created when both of the following occur:

(1) Thirty or more persons who are residents of the same county ~~organize themselves into a county agricultural society which adopts~~ adopt a constitution and bylaws, ~~selects officers, and otherwise conducts its affairs in conformity to law, and to the governing the society.~~

(2) The residents described in division (A) of this section elect a board of directors in accordance with section 1711.08 of the Revised Code.

(B) A county agricultural society created under this section shall operate in accordance with this chapter and the rules of the department adopted by the director of agriculture, and when such society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the

~~Revised Code and made proper report to the department, then, upon presentation to the county.~~

(C) A county agricultural society shall consist solely of members who are residents of the county in which the society is organized.

(D)(1) A member of a county agricultural society shall pay an annual membership fee in an amount fixed by each society or its board of directors. The member shall pay the fee to the society's secretary or treasurer as the society's bylaws direct.

(2) A county agricultural society shall issue a printed certificate of membership to each member who pays the required fee. The society shall issue the certificates from a book in which duplicate stubs of the certificates are properly filled out. The society shall keep each stub for not less than five years after the date on which the corresponding certificate is issued. The society shall ensure that all certificates are numbered consecutively.

(E) No person shall pay for or secure more than one membership. No person shall secure a membership for any other person.

(F) A society shall keep a list of the members of the society in the office of the society secretary. The society shall make the list available for public inspection upon request.

(G)(1) The county auditor of a the county in which a county agricultural society has been created shall request the county treasurer to transfer sixteen hundred dollars to the society each year. The county treasurer shall transfer the money if all of the following have occurred:

(a) The society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code.

(b) The society has made a report to the director of agriculture in accordance with section 1711.06 of the Revised Code.

(c) The director of agriculture presents a certificate from the director of agriculture that the laws of the state and the rules of the department have been complied with, to the county auditor of each county in which such a society is organized shall annually draw an order on the county treasurer of such county in favor of the president of such society for the sum of eight hundred dollars, and the treasurer shall pay it indicating that the society has complied with the applicable laws of this state and the applicable rules adopted by the director. The total amount of such order

(2) The county auditor shall not exceed the transfer an amount under division (C)(1) of this section that exceeds the amount paid in regular class premiums by the county agricultural society under section 1711.04 of the Revised Code.

Sec. 1711.02. When thirty (A) An independent agricultural society is created if both of the following occur:

(1) Thirty or more persons of the same county, or of not more than three contiguous counties, have been organized into an independent agricultural society which has held an annual exhibit in each of three years previous to January 1, 1919, in a county in which is located a county agricultural society, and when such independent society adopt a constitution and bylaws governing the society.

(2) The persons described in division (A)(1) of this section elect a board of directors in accordance with section 1711.08 of the Revised Code.

(B) An independent agricultural society created under division (A) of this section shall operate in accordance with this chapter and applicable rules adopted by the director of agriculture.

(C)(1) For purposes of division (C)(2) of this section, "appropriate amount" means the share

of the sum of sixteen hundred dollars, calculated in proportion to the populations of the respective counties according to the last federal census before the annual payment is made, but not exceeding the amount paid in regular class premiums. If the independent agricultural society is located in only one county, the appropriate amount is the amount paid in regular class premiums not exceeding sixteen hundred dollars.

(2) The auditor of a county in which an independent agricultural society is located annually shall request the county treasurer to transfer the appropriate amount to the independent agricultural society and the treasurer shall so transfer such money if all of the following have occurred:

(a) The society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code and made proper.

(b) The society has made a report to the department director of agriculture, then, upon the presentation to the county auditor of in accordance with section 1711.06 of the Revised Code.

(c) The director of agriculture presents a certificate from the director of agriculture to the county auditor indicating that the society has complied with the laws of this state and the rules of the department have been complied with:

(A) If the members of such independent society are all residents of the same county, the auditor of such county shall draw an order on the county treasurer of such county in favor of the president of the independent society for a sum equal to the amount paid in regular class premiums not exceeding eight hundred dollars, and such treasurer shall pay said order;

(B) If the members of such independent society are not all residents of the same county, the auditor of each county in which one or more of such members reside shall draw an order on each of the respective county treasurers for a share of the sum of eight hundred dollars, calculated in proportion to the populations of the respective counties according to the last federal census before such order, but not exceeding the amount paid in regular class premiums, and such treasurers shall pay such orders from the respective county funds adopted by the director.

Sec. 1711.03. Upon the presentation of a certificate from the board of county commissioners of any county, certifying that any county or independent agricultural society that is then receiving state or county aid has expended a definite sum of money, not less than one hundred dollars, in the furtherance and carrying on of junior club work in the county, the county auditor of such county annually shall draw an order on the county treasurer of such county in favor of said society for an amount equal to the amount so expended in junior club work, if said amount does not exceed five hundred dollars; and in case such amount exceeds five hundred dollars, then such order shall be for five hundred dollars. Said treasurer shall pay said order upon presentation thereof.

In (A)(1) The board of county commissioners of a county, in which a county or independent agricultural society is located that receives state or county aid, annually shall appropriate an amount determined by the board for the society's junior club. The board shall ensure that the amount appropriated is at least one hundred dollars. The board shall certify the amount appropriated to the county auditor.

(2) The county auditor shall request the county treasurer to pay the certified amount to the appropriate county or independent agricultural society. Upon receipt of the request, the county treasurer shall pay the requested amount to the society.

(B)(1) In any county in which there is no agricultural society, either county or independent,

that is then receiving state or county aid, the board of county commissioners of ~~said the county~~ annually may appropriate ~~annually~~ to any ~~such~~ society, either county or independent, located in an adjoining county, ~~a sum not greater than five hundred dollars~~ an amount of money for the purpose of encouraging junior club work in the county having no ~~such~~ society. ~~Upon certification by the board of county commissioners of the county having no such society to the auditor of the county having no such society that such an appropriation has been made to an agricultural society in an adjoining county, said~~ The board shall certify the amount appropriated to the county auditor.

(2) The county auditor shall draw an order on request the county treasurer of the county having no such society in favor of such society in the adjoining county and said treasurer shall to pay said order upon presentation thereof the certified amount to the appropriate county or independent agricultural society. Upon receipt of the request, the county treasurer shall pay the requested amount to the society.

Sec. 1711.05. Every county agricultural society annually shall ~~publish~~ do all of the following:
~~an abstract of its treasurer's account in a newspaper of general circulation in the county and make~~

(A) Make a report of its proceedings during the year. It shall also make;

(B) File a financial report, in accordance with the rules of the department section 117.38 of agriculture, a synopsis of its awards for improvement in agriculture and in household manufactures the Revised Code and forward such synopsis it to the director of agriculture at or before the annual meeting of the directors of the society with the director of agriculture, as provided for in section 901-06-1711.06 of the Revised Code. No payment after such date shall be made from the county treasury to such society unless a certificate from the director is presented to the county auditor showing that such reports have the report has been made;

(C) Publish an announcement in either a newspaper of general circulation in the county or on the society's web site for not less than two weeks that contains all of the following:

(1) A statement indicating that the annual financial report has been filed in accordance with division (B) of this section;

(2) A statement indicating that any person who wishes to obtain a copy of the report may contact the treasurer of the society;

(3) The treasurer of the society's contact information that a person may use to obtain a copy of the report.

Sec. ~~901-06~~ 1711.06. (A) Prior to the first day of December of each year, the director of agriculture shall set a date in January of the following year, on which the director shall meet with the presidents or other authorized delegates of agricultural societies which conduct fairs in compliance with ~~sections 1711.01 to 1711.35, inclusive, of the Revised Code,~~ this chapter and regulations of the department of agriculture. At such meeting the director shall consult with such presidents and delegates about the wants, prospects, and conditions of agricultural societies throughout the state.

(B) Each society shall prepare and deliver its an annual report to the director at or before each meeting required by division (A) of this section.

(C) The director shall do both of the following:

(1) Notify the president and the secretary of each such society of the date of such the annual meeting not less than at least thirty days prior to the meeting;

(2) ~~Adopt regulations which~~ rules in accordance with Chapter 119. of the Revised Code that provide for both of the following:

(a) A uniform method for the election of the directors and officers of all agricultural societies ~~which that~~ receive any support out of the state or county treasuries, except the date for holding ~~such~~ the election;

(b) ~~General Any other rules under which such societies shall be conducted~~ that the director determines are necessary to carry out this chapter.

(D) Except for section 1711.11 of the Revised Code, references made in this chapter to rules adopted by the director mean rules adopted under division (C) of this section.

Sec. 1711.07. (A) The board of directors of a county or independent agricultural society shall consist of at least eight members. An employee of the OSU extension and the county school superintendent shall be members ex officio serve with the board as a nonvoting member. Their The director of agriculture shall determine the terms of office shall be determined by the for members of the board in accordance with rules of the department adopted by the director of agriculture. Any

(B) The board may fill any vacancy in on the board caused by death, resignation, refusal to qualify, removal from county, or other cause may be filled by the board until the society's next annual election, when. At that election, a new director shall be elected for the unexpired term. There

(C)(1) There shall be an annual election of directors by ballot at a time and a place fixed by the board, but this. The election shall not be held later than the first Saturday in December 1994, and not later than by the fifteenth day of November each year thereafter, beginning in 1995. The

(2) The secretary of the society shall give notice of the election, for three weeks prior to the holding thereof election, in by doing one of the following:

(a) Publishing the notice in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, or by letter mailed;

(b) Mailing the notice to each member of the society;

(c) Publishing the notice on the society's web site. Only

(D) Only the following persons holding may vote in an election held in accordance with this section:

(1) Those who hold membership certificates at the close of the annual county fair, or at least fifteen calendar days before the date of election, as may be fixed by the board, may vote, unless the election is held on the fairground during the fair, in which case all persons holding;

(2) Those who hold membership certificates on the date and hour of the election may vote if the election is held on the fairground during the fair. When the election is to be held during the fair, notice of the election also shall be prominently mentioned in the premium list, in addition to the notice required in a newspaper. The

(E) The terms of office of the retiring directors shall expire, and those of the directors-elect shall begin, not later than the first Saturday in January 1995, and not later than the thirtieth day of November each year thereafter, beginning in 1995.

(F) The secretary of the society shall send the name and address of each member of its board to the director of agriculture, within ten days after the election, both of the following to the director:

(1) The name and address of each member of its board;

(2) A copy of the document containing the member's signature verifying that the member

voted in the election.

(G) A candidate for director shall not count or record votes in any election conducted in accordance with this section.

Sec. 1711.071. The treasurer of a county or independent agricultural society, or a person under the supervision of the treasurer, shall collect, account for, record, deposit, and disburse all funds of the society.

Sec. 1711.08. (A) The board of directors of a county or independent agricultural society shall annually meet not later than ~~the first Saturday of January 1995, and beginning in 1995 not later than~~ the thirtieth day of November, ~~and at~~. At such meeting, the board shall elect a president, a vice-president, a treasurer, a secretary, and such other officers as it may deem proper. The

(B) ~~The~~ president, the vice-president, and the treasurer shall serve one year, and the secretary not more than three years as the board may determine, and until their successors are elected and qualified. The president and the vice-president shall be directors. The secretary and the treasurer may ~~or may not~~ be directors. Before election of officers the newly elected directors shall qualify by taking oath or affirmation before a competent authority, and in electing officers the board shall conform to the rules ~~of the department adopted by the director~~ of agriculture.

Sec. 1711.09. (A) Except as otherwise provided in this section, county agricultural societies, independent agricultural societies, and the Ohio expositions commission shall not permit during any fair, or for one week before or three days after any fair, any dealing in spirituous liquors, or at any time allow or tolerate immoral shows, lottery devices, games of chance, or gambling of any kind, including pool selling and paddle wheels, anywhere on the fairground; ~~and shall~~.

(B) A county or independent agricultural society or the Ohio expositions commission shall not permit ~~no~~ a person at any time to operate any side show, amusement, game, or device, or offer for sale any novelty by auction or solicitation, on the fairground who has not first obtained from the director of agriculture a license under section 1711.11 of the Revised Code. This

(C) This section does not prohibit the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair. In addition, a county or independent agricultural society may permit, at any time except during a fair or for one week before or three days after a fair, a charitable organization to conduct in accordance with Chapter 2915. of the Revised Code games of chance or bingo on the fairground of any county. A charitable organization may lease all or part of the fairground from the agricultural society for that purpose.

(D) Any sales of intoxicating liquor transacted on the fairground ~~shall be~~ is subject to Chapters 4301., 4303., and 4399. of the Revised Code.

~~Any agricultural society that permits the sale of intoxicating liquor on its fairground shall apply any proceeds gained by the society from the permit holder and from activities coincident to the sale of intoxicating liquor first to pay the cost of insurance on all buildings on the fairground, and then for any other purpose authorized by law.~~

Sec. 1711.091. (A) Any member of a county or independent agricultural society may sell seasonal tickets or passes for the society's annual exhibition. The sale of such tickets or passes need not be conducted on the premises of the fairgrounds.

(B) Any person may sell tickets for fundraisers held by a county or independent agricultural

society, or for the benefit of the society, during the society's annual exhibition.

(C) The treasurer of the society shall deposit any funds generated from ticket sales under this section in an appropriate fund used by or for the benefit of the society.

Sec. 1711.11. (A) No person shall operate any concession at any fair or exposition conducted by a county or independent agricultural society or by the Ohio expositions commission without first obtaining from the director of agriculture a license to do so under division (B) of this section, nor shall any officer, agent, or employee of a county or independent agricultural society or of the Ohio expositions commission grant a privilege or concession to any person to do so, unless the person holds a license.

For the purposes of this section, "concession" means any show, amusement other than an amusement ride as defined in section ~~1711.50-993.01~~ of the Revised Code, game, or novelty stand operation at a fair or exposition, but does not include food or drink operations.

~~(B) A license shall be issued by the director only upon a written application containing a detailed description of the concession. Blank applications for licenses shall be prepared and furnished by the director.~~

~~(C) The director shall not issue a license until the applicant has paid a fee of seventy dollars to the director, except that no fee shall be collected from a nonprofit organization which is recorded as such by the secretary of state or with the internal revenue service. The director shall pay the fee into the state treasury to the credit of the amusement ride inspection fund established by section ~~1711.53-993.04~~ of the Revised Code.~~

~~(D) A license issued under this section shall contain a detailed description of the concession licensed, shall expire on the thirty-first day of December following the date of issue, and a licensee shall be kept by the licensee in a conspicuous place where the licensee's concession is in operation.~~

(E)(1) The director shall employ and provide training for a chief inspector and additional inspectors and employees as necessary to administer and enforce this section. The director may appoint or contract with other persons to perform inspections of concessions, provided that the persons meet the qualifications for inspectors established by rules adopted under division (G) of this section and are not owners or employees of owners of any concession subject to inspection under this section. No person shall inspect a concession who, within six months prior to the date of inspection, was an employee of the owner of the concession.

(2) Before the director contracts with other persons to inspect concessions, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice ~~shall is not be~~ binding upon the director. After ~~having received~~ receiving the advice of the council, the director may proceed to contract for amusement ride inspectors and award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. In order to determine the lowest responsive and responsible bid, the director, with the advice of the council, shall adopt rules governing the terms of the contract between the department of agriculture and the inspector. The rules shall prescribe the training and work experience required of an inspector, any insurance or bonds required of an inspector, and all the services the inspector will be required to perform on behalf of the department in an efficient professional manner.

(F) This section does not require the officers of any county or independent agricultural society or of the Ohio expositions commission to grant any privilege or concession to any licensee.

(G) The director shall enforce this section and, in accordance with Chapter 119. of the Revised Code, adopt all rules that are necessary for its enforcement. If the director finds that this section has been violated or that the licensee has been dishonest or has been fraudulent in dealings with the public, the director, in accordance with Chapter 119. of the Revised Code, shall revoke the licensee's license or fine the licensee not more than one thousand dollars, or both. The director, for a period not exceeding two years from the date of revocation, may refuse to issue another license to a person for a concession for which the person's license has been revoked. Notwithstanding section 119.12 of the Revised Code, all appeals from any fine by, or order of, the director shall be to the court of common pleas of the county where the place of business of the person is located or to the common pleas court of the county in which the person is a resident or in which the concession is located.

(H) Any person holding a license issued under this section who permits or tolerates at any place on the fairground where the person's concession is in operation, any immoral show, lottery device, game of chance, or gambling of any kind, including pool selling and paddle wheels, or who violates the terms of the license issued to the person, shall forfeit the license, and the director shall not issue any other license to the person until after a period of two years from the forfeiture. For the purposes of this division, "lottery device," "game of chance," and "gambling of any kind" do not include the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair. For the purposes of this section and section 1711.09 of the Revised Code, contests, games, tournaments, and other activities, the outcome of which is predominantly determined by the skill of the contestants, participants, or players, whether or not the contestants, participants, or players pay a price for the opportunity to win a prize, do not constitute a game of chance or gambling within the meaning, purpose, and intent of this section and section 1711.09 of the Revised Code or sections 2915.01 to 2915.04 of the Revised Code. The foregoing definition does not apply where the contest, game, tournament, or other activity contains or includes any mechanical or physical device which directly or indirectly impedes, impairs, or thwarts the skill of the contestant, participant, or player.

Sec. 1711.13. County agricultural societies are hereby declared bodies corporate and politic, and as such they ~~shall be~~ are capable of suing and being sued and of holding in fee simple any real estate purchased by them as sites for their fairs. In addition, they may do either or both of the following:

(A) Mortgage their grounds for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land, but if the board of county commissioners has caused money to be paid out of the county treasury to aid in the purchase of the grounds, no mortgage shall be given without the consent of the board.

Deeds, conveyances, and agreements in writing, made to and by such societies, for the purchase of real estate as sites for their fairs, shall vest a title in fee simple to the real estate described in those documents, without words of inheritance.

(B) ~~Enter~~ Subject to section 1711.33 of the Revised Code, enter into agreements to obtain loans and credit for expenses related to the purposes of the county agricultural society, provided that

the agreements are in writing and are first approved by the board of directors of the society. The total ~~net indebtedness—annual payments for debt obligation~~ incurred by a county agricultural society pursuant to this division shall not exceed an amount equal to twenty-five per cent of its prior three-year average of annual revenues.

Sec. 1711.22. ~~(A)(1)~~ When a county or a county agricultural society owns or holds under a lease real estate used as a fairground, and such society has the control and management of such lands and buildings, the board of county commissioners shall, on the request of such society, annually appropriate from the general fund not ~~more than two thousand dollars nor less than fifteen hundred dollars~~ for the purpose of encouraging agricultural fairs.

(2) In any county in which there is located one or more independent agricultural societies, the board, for the purpose of encouraging such societies, may appropriate, in addition to the sum appropriated for the county agricultural society, a sum not greater than the amount appropriated for the county society.

(B) In a county in which there is no county agricultural society, or in which there is no fair held by such a society, but in which there exists an independent agricultural society ~~that has held an annual exposition in each of three years previous to January 1, 1933,~~ the board shall, on the request of the independent agricultural society, annually appropriate from the general fund not ~~more than two thousand nor less than five-fifteen~~ hundred dollars for the purpose of encouraging such independent agricultural fairs.

(C) No board shall appropriate money as provided by this section unless the director of agriculture has certified to the board that the county or independent agricultural society is complying with all laws, rules and regulations governing the operation of county or independent agricultural societies.

~~An appropriation so made shall be paid by the~~ (D) The county treasurer shall pay any money appropriated in accordance with this section to the treasurer of the society for whose use it was made, upon an order issued from the county auditor ~~issued therefor.~~

Sec. 1711.26. ~~When the premises in the possession or under the control of a county or independent agricultural society and used by it as a site on which to hold annual exhibitions are greater in size than is necessary for the purposes to which they are devoted, or are not suitable in their formation or character for such purposes, such society, or, if the title to such premises is in the county, the board of county commissioners,~~ (A) A county agricultural society or independent agricultural society may sell any part thereof, of the premises that are used by the society as a site on which to hold annual exhibitions or exchange any part thereof for other lands, so as to reduce the size of such premises or change their formation or character if such premises are in the possession or under the control of the society and either of the following apply:

(1) The premises are greater in size than is necessary for the purposes to which they are devoted.

(2) The premises are not suitable in their formation or character for the purposes to which they are devoted.

(B) If the title to the premises described in division (A) of this section is held by the county, the board of county commissioners may sell any part of the premises or exchange any part thereof for other lands if division (A)(1) or (2) of this section applies. The board shall notify the applicable

society of its intention to make such a sale or exchange. The board shall provide the notice in writing fourteen days prior to the sale or exchange.

Sec. 1711.33. ~~(A)~~ When a board of county commissioners pays or has paid money out of the county treasury for the purchase of real estate as a site for the holding of fairs by a county agricultural society, the society shall not ~~encumber such real estate with~~ incur any debt, by mortgage or otherwise, without the consent of the board, entered upon its journal.

~~When such~~ (B) With respect to real estate debt for which consent is obtained under division (A) of this section, ~~the~~ a society may encumber such real estate, in order to pay the cost of necessary repairs and improvements thereon, up to an amount not exceeding fifty per cent of its value. In order to ascertain the value of such real estate the board shall appoint three disinterested freeholders who are residents of the county to appraise such real estate. The appraisers so appointed shall, within ten days after their appointment, upon actual view of such real estate, appraise it and return such appraisement under oath to the board. The appraisement so made shall be considered the value of such real estate for the purpose of mortgage or other encumbrance.

Sec. 1711.99. (A) Whoever violates section 1711.11 of the Revised Code shall be fined not less than one hundred nor more than five hundred dollars.

(B) Whoever violates section 1711.12 of the Revised Code shall be fined not less than ten nor more than fifty dollars.

~~(C) Whoever violates section 1711.551 of the Revised Code is guilty of a minor misdemeanor; on each subsequent offense such person is guilty of a misdemeanor of the fourth degree.~~

Sec. 3749.01. As used in sections 3749.01 to 3749.10 of the Revised Code:

(A) "Board of health" means a city board of health or a general health district, or an authority having the duties of a city board of health as authorized by section 3709.05 of the Revised Code.

(B) "Health district" means any city or general health district created pursuant to section 3709.01 of the Revised Code.

(C) "Person" means the state, any political subdivision, special district, public or private corporation, individual, firm, partnership, association, or any other entity.

(D) "Licensor" means a city board of health or a general health district, an authority having the duties of a city board of health as authorized pursuant to section 3709.05 of the Revised Code, or the director of ~~the department of~~ health when acting under section 3749.07 of the Revised Code.

(E) "Director" means the director of ~~the department of~~ health or ~~his~~ an authorized representative of the director of health.

(F) "Private residential swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests.

(G) "Public swimming pool" means any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not a fee is charged for use, but does not mean any public bathing area or private residential swimming pool.

(H) "Public spa" means any public swimming pool that is typically operated as a smaller,

higher temperature pool for recreational or nonmedical uses.

(I) "Special use pool" means a public swimming pool containing flume slides, wave generating equipment, or other special features that necessitate different design and safety requirements. "Special use pool" does not include any water slide or wave generating pool at a public amusement area which is licensed and inspected by the department of agriculture pursuant to ~~sections 1711.50 to 1711.57~~ Chapter 993 of the Revised Code.

(J) "Public bathing area" means an impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

Sec. 3769.082. (A) There is hereby created in the state treasury the Ohio fairs fund. ~~Moneys to the credit of~~ The director of agriculture shall distribute money in the fund ~~shall be distributed by the director of agriculture~~ annually, on or before the first day of March, as follows:

(1) To each county agricultural society and to each independent agricultural society conducting an annual fair, twelve per cent of the total ~~moneys~~ money in the Ohio fairs fund, to be allocated for general operations;

(2) To the Ohio expositions commission, the sum of one hundred twenty thousand dollars annually, to be divided equally as purse money among four stake races for two-year-old and three-year-old colts and for four stake races for two-year-old and three-year-old fillies at each gait of trotting and pacing; provided, that five thousand dollars and all entry fees shall be added to each race by the Ohio expositions commission.

~~If the races in this division cannot be contested due to unfavorable weather or other unavoidable cause, the races may be transferred to a suitable track approved by the director of agriculture and the Ohio exposition commission.~~

(3) To each county agricultural society and each independent agricultural society conducting horse races during ~~their~~ its annual fair, the sum of four thousand dollars, to be used as purse money for horse races in accordance with this section, and the additional sum of one thousand dollars to each such county agricultural society and independent agricultural society to be used for race track maintenance and other expenses necessary for the conduct of such horse races or colt stakes.

A grant of four thousand dollars shall be available to each county or independent agricultural society for the conduct of four stake races for two-year-old and three-year-old colts and for four stake races for two-year-old and three-year-old fillies at each gait of trotting and pacing; provided, that at least five hundred dollars shall be added to each race. Exclusive of entrance fees and the excess ~~moneys~~ money provided in division (A)(4) of this section from the grant of four thousand dollars for purse money provided in this division, a sum not to exceed three thousand dollars may be used by a society to reach the required purse for each of the eight stake races. Such stake races shall be distributed as evenly as possible throughout the racing season.

(4) In the event that the ~~moneys~~ money available on the first day of March of any year are less than that required to carry out divisions (A)(1), (2), and (3) of this section, the ~~moneys~~ money so available in the Ohio fairs fund shall be prorated equally to the items set forth in such divisions. In the event that the ~~moneys~~ money available on the first day of March of any year are in excess of that required to carry out divisions (A)(1), (2), and (3) of this section, such excess shall be distributed equally to those county agricultural societies and independent agricultural societies conducting stake races, such excess to be added to the stake races conducted under division (A)(3) of this section. The

balance of such excess shall be distributed to provide four per cent of such excess to the Ohio expositions commission to be added to the purses pursuant to division (A)(2) of this section, and the balance shall be distributed to the county and independent agricultural societies conducting stake races, such excess to be added to and divided equally among the stake races conducted under division (A)(3) of this section.

(B) County agricultural societies and independent agricultural societies participating under division (A)(3) of this section shall, on or before the first day of November in the year immediately preceding the year in which the ~~moneys-money~~ are to be distributed, make application for participation in such distribution to the director of agriculture on forms provided by the director.

(C) Distribution of ~~moneys-money~~ pursuant to division (A)(3) of this section shall not be paid to county agricultural societies and independent agricultural societies that conduct on their race courses automobile or motorcycle races during any year for which such distribution is requested, unless such automobile or motorcycle races are not conducted during the days and nights that horse racing is being conducted at such fair.

(D) All the foals in stake races conducted for two-year-old and three-year-old colts and fillies under this section shall have been sired by a stallion registered with the state racing commission. To be eligible for registration, a stallion shall be one of the following:

- (1) Owned by a resident of Ohio and regularly standing the entire stud season in Ohio;
- (2) Owned by a resident of a state other than Ohio but regularly standing the entire stud season in Ohio and leased by a resident of Ohio for a term of not less than ten years;
- (3) Owned jointly by a resident of a state other than Ohio and a resident of Ohio, regularly standing the entire stud season in Ohio, and leased by a resident of Ohio for a term of not less than ten years.

Each race shall be conditioned to admit only registered two-year-old and three-year-old colts and fillies sired by a registered stallion owned or leased and permanently standing for service at and within this state at the time of the foal's conception. All other conditions for the scheduling and conduct of these races shall be approved by the state racing commission. The races shall be scheduled subject to the right of the commission to prevent conflicts in the event of contemporaneous meetings.

Such stake races shall be open for nomination not earlier than the fifteenth day of February in the year the race is to be held. All entrance fees in such events shall be added to the ~~moneys-money~~ distributed under this section as purse money.

(E) The state racing commission shall make unannounced periodic urine, saliva, or blood tests of horses competing in the events raced under this section.

(F) The director of agriculture shall provide forms for application for distribution under division (A)(3) of this section, shall adopt such rules as are necessary for carrying out this section, and may make such investigations as are necessary to determine the validity of any claims and applications for distribution of ~~moneys-money~~ under this section.

(G) Any county agricultural society or independent agricultural society which uses the ~~moneys-money~~ distributed under this section for any purpose other than that provided in this section is not eligible to receive distribution from the Ohio fairs fund for a period of two years after such misuse of such ~~moneys-money~~ occurs.

(H) As used in this section, "horse races" and "stake races" include either harness races or running races.

Sec. 3769.086. (A) If a county agricultural society or independent agricultural society is unable to conduct races in accordance with section 3769.082 of the Revised Code because of unfavorable weather or another cause or if the number of horse races and stake races that are conducted by an agricultural society is fewer than the number that was scheduled to be conducted, the pro rata remainder of the money distributed from the Ohio fairs fund under division (A)(3) of section 3769.082 of the Revised Code for each horse race and stake race not conducted shall be returned to the director to be credited to the fund.

(B) If a county agricultural society or independent agricultural society is unable to conduct an annual fair, the society shall return the money distributed by the director in accordance with division (A)(1) of section 3769.082 of the Revised Code. However, the society may keep such money if the society cancels the annual fair because of unfavorable weather or another cause, provided that the society still conducts live horse racing.

(C) If the Ohio expositions commission is unable to conduct an annual fair, the commission shall return the money distributed by the director in accordance with division (A)(2) of section 3769.082 of the Revised Code. However, the commission may keep such money if the society cancels the annual fair because of unfavorable weather or another cause, provided that the commission still conducts live horse racing.

Sec. 3769.0811. ~~Horse~~(A)(1) Except as provided in division(A)(2) of this section, horse races that are conducted by a county agricultural society or independent agricultural society in accordance with section 3769.082 of the Revised Code shall be conducted at the fairgrounds of the sponsoring agricultural society or, with the approval of the director of agriculture, at a track designated by the agricultural society in the applicable county. ~~If The horse races may be transferred to a suitable track with the approval of the director if the horse races cannot be contested due to unfavorable either of the following:~~

(a) ~~Unfavorable weather or another;~~

(b) ~~Another cause, the races may be transferred to a suitable track with the approval of the director.~~

If a county agricultural society or independent agricultural society is unable to conduct races in accordance with section 3769.082 of the Revised Code because of unfavorable weather or another cause or if the number of horse races and stake races that are conducted by an agricultural society is fewer than the number that was scheduled to be conducted, the pro rata remainder of the money distributed from the Ohio fairs fund created in section 3769.082 of the Revised Code for each horse race and stake race not conducted shall be returned to the director to be credited to the fund.

(2) If the cause specified in division (A)(1)(b) of this section occurs during a state of emergency declared by the governor, or receipt of the director's approval is not practical, the county or independent agricultural society and the Ohio harness horsemen's association may agree to alternate accommodations, including the rescheduling of the dates and location of any horse race. Such an agreement is not subject to the approval of the director.

(B)(1) Except as provided in division (B)(2) of this section, if the races specified in division (A)(2) of section 3769.082 of the Revised Code cannot be contested by the Ohio expositions

commission due to unfavorable weather or other unavoidable cause, the races may be transferred to a suitable track approved by the director of agriculture and the commission.

(2) If the unavoidable cause occurs during a state of emergency declared by the governor, or receipt of the director's approval is not practical, the Ohio expositions commission and the Ohio harness horsemen's association may agree to alternative accommodations, including the rescheduling of the dates and location of any horse race. Such an agreement is not subject to the approval of the director.

Sec. 5709.10. Market houses and other houses or halls, public squares, or other public grounds of a municipal corporation or township used exclusively for public purposes or erected by taxation for such purposes, land and multi-level parking structures used exclusively for a public purpose and owned and operated by a municipal corporation under section 717.05 of the Revised Code or by an urban township that has adopted a limited home rule form of government under section 504.02 of the Revised Code that charges no fee for the privilege of parking thereon, property used as a county fairgrounds that is owned by the board of county commissioners ~~or, property owned~~ by a county agricultural society that is used in furtherance of the purposes of the society, and property of housing authorities created and organized under and for the purposes of sections 3735.27 to 3735.50 of the Revised Code, which property is hereby declared to be public property used exclusively for a public purpose, notwithstanding that parts thereof may be lawfully leased, shall be exempt from taxation.

SECTION 2. That existing sections 901.06, 901.71, 901.74, 1711.01, 1711.02, 1711.03, 1711.05, 1711.07, 1711.08, 1711.09, 1711.11, 1711.13, 1711.22, 1711.26, 1711.33, 1711.50, 1711.51, 1711.52, 1711.53, 1711.531, 1711.532, 1711.533, 1711.534, 1711.54, 1711.55, 1711.551, 1711.552, 1711.56, 1711.57, 1711.99, 3749.01, 3769.082, 3769.0811, and 5709.10 of the Revised Code are hereby repealed.

SECTION 3. That sections 755.35, 755.36, 755.37, 901.07, and 1711.06 of the Revised Code are hereby repealed.

SECTION 4. During the period of time between the effective date of this section and December 1, 2020, all of the following apply:

(A) Notwithstanding section 1711.31 of the Revised Code or any other provision of law to the contrary, an agricultural society retains control and management of the land occupied by the agricultural society if an annual fair is not able to be held.

(B) Notwithstanding such Executive Order, section 3701.13 of the Revised Code, or any other provision of law to the contrary, any amusement park or water park in this state that operates amusement rides as defined in section 993.01 of the Revised Code may open and begin operation beginning on the effective date of this section. The Director of Agriculture, in consultation with the Director of Health, shall establish standards and guidelines to limit the spread of infectious disease at such amusement parks and water parks. The owners of an amusement park and the owners of a water park shall ensure compliance with the standards and guidelines.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

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 _____