

As Passed by the House

136th General Assembly

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H. B. No. 10

Representatives Klopfenstein, Daniels

Cosponsors: Representatives Thomas, D., Sigrist, King, Johnson, Williams, Lear, Miller, K., Brennan, Gross, Deeter, Click, Rogers, Bird, Santucci, Fowler Arthur, Claggett, Mathews, T., Peterson, Hiner, Miller, J., Schmidt, Abdullahi, Abrams, Barhorst, Creech, Demetriou, Dovilla, Ferguson, Hall, T., Hoops, John, Kishman, LaRe, Lorenz, Mathews, A., Miller, M., Mohamed, Odioso, Pizzulli, Plummer, Richardson, Ritter, Robb Blasdel, Salvo, Stephens, Swearingen, White, A., Willis, Workman

A BILL

To amend sections 3314.03, 3326.11, 3328.24, 1
3701.132, and 3715.60 and to enact sections 2
3313.8110, 3345.88, 3715.601, 3715.602, 3
3715.603, 3715.604, 3715.605, and 5101.548 of 4
the Revised Code to regulate imitation meat and 5
egg products. 6

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

Section 1. That sections 3314.03, 3326.11, 3328.24, 7
3701.132, and 3715.60 be amended and sections 3313.8110, 8
3345.88, 3715.601, 3715.602, 3715.603, 3715.604, 3715.605, and 9
5101.548 of the Revised Code be enacted to read as follows: 10

Sec. 3313.8110. (A) The board of education of each city, 11
exempted village, local, and joint vocational school district 12
shall adopt a policy to prevent the purchase of a food that is 13
either of the following: 14

(1) Misbranded as a meat product or an egg product as 15
prohibited in section 3715.602 of the Revised Code; 16

(2) A cultivated-protein food product as defined in 17
section 3715.601 of the Revised Code. 18

(B) The department of education and workforce shall adopt 19
a policy to prevent the purchase of a food that is either of the 20
following: 21

(1) Misbranded as a meat product or an egg product as 22
prohibited in section 3715.602 of the Revised Code; 23

(2) A cultivated-protein food product. 24

Sec. 3314.03. A copy of every contract entered into under 25
this section shall be filed with the director of education and 26
workforce. The department of education and workforce shall make 27
available on its web site a copy of every approved, executed 28
contract filed with the director under this section. 29

(A) Each contract entered into between a sponsor and the 30
governing authority of a community school shall specify the 31
following: 32

(1) That the school shall be established as either of the 33
following: 34

(a) A nonprofit corporation established under Chapter 35
1702. of the Revised Code, if established prior to April 8, 36
2003; 37

(b) A public benefit corporation established under Chapter 38
1702. of the Revised Code, if established after April 8, 2003. 39

(2) The education program of the school, including the 40
school's mission, the characteristics of the students the school 41

is expected to attract, the ages and grades of students, and the 42
focus of the curriculum; 43

(3) The academic goals to be achieved and the method of 44
measurement that will be used to determine progress toward those 45
goals, which shall include the statewide achievement 46
assessments; 47

(4) Performance standards, including but not limited to 48
all applicable report card measures set forth in section 3302.03 49
or 3314.017 of the Revised Code, by which the success of the 50
school will be evaluated by the sponsor; 51

(5) The admission standards of section 3314.06 of the 52
Revised Code and, if applicable, section 3314.061 of the Revised 53
Code; 54

(6) (a) Dismissal procedures; 55

(b) A requirement that the governing authority adopt an 56
attendance policy that includes a procedure for automatically 57
withdrawing a student from the school if the student without a 58
legitimate excuse fails to participate in seventy-two 59
consecutive hours of the learning opportunities offered to the 60
student. 61

(7) The ways by which the school will achieve racial and 62
ethnic balance reflective of the community it serves; 63

(8) Requirements for financial audits by the auditor of 64
state. The contract shall require financial records of the 65
school to be maintained in the same manner as are financial 66
records of school districts, pursuant to rules of the auditor of 67
state. Audits shall be conducted in accordance with section 68
117.10 of the Revised Code. 69

(9) An addendum to the contract outlining the facilities	70
to be used that contains at least the following information:	71
(a) A detailed description of each facility used for	72
instructional purposes;	73
(b) The annual costs associated with leasing each facility	74
that are paid by or on behalf of the school;	75
(c) The annual mortgage principal and interest payments	76
that are paid by the school;	77
(d) The name of the lender or landlord, identified as	78
such, and the lender's or landlord's relationship to the	79
operator, if any.	80
(10) Qualifications of employees, including both of the	81
following:	82
(a) A requirement that the school's classroom teachers be	83
licensed in accordance with sections 3319.22 to 3319.31 of the	84
Revised Code, except that a community school may engage	85
noncertificated persons to teach up to twelve hours or forty	86
hours per week pursuant to section 3319.301 of the Revised Code;	87
(b) A prohibition against the school employing an	88
individual described in section 3314.104 of the Revised Code in	89
any position.	90
(11) That the school will comply with the following	91
requirements:	92
(a) The school will provide learning opportunities to a	93
minimum of twenty-five students for a minimum of nine hundred	94
twenty hours per school year.	95
(b) The governing authority will purchase liability	96

insurance, or otherwise provide for the potential liability of 97
the school. 98

(c) The school will be nonsectarian in its programs, 99
admission policies, employment practices, and all other 100
operations, and will not be operated by a sectarian school or 101
religious institution. 102

(d) The school will comply with sections 9.90, 9.91, 103
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 104
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 105
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 106
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 107
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 108
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 109
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 110
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 111
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 112
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 113
3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 114
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 115
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 116
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 117
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 118
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 119
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 120
4123., 4141., and 4167. of the Revised Code as if it were a 121
school district and will comply with section 3301.0714 of the 122
Revised Code in the manner specified in section 3314.17 of the 123
Revised Code. 124

(e) The school shall comply with Chapter 102. and section 125
2921.42 of the Revised Code. 126

(f) The school will comply with sections 3313.61, 127
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 128
Revised Code, except that for students who enter ninth grade for 129
the first time before July 1, 2010, the requirement in sections 130
3313.61 and 3313.611 of the Revised Code that a person must 131
successfully complete the curriculum in any high school prior to 132
receiving a high school diploma may be met by completing the 133
curriculum adopted by the governing authority of the community 134
school rather than the curriculum specified in Title XXXIII of 135
the Revised Code or any rules of the department. Beginning with 136
students who enter ninth grade for the first time on or after 137
July 1, 2010, the requirement in sections 3313.61 and 3313.611 138
of the Revised Code that a person must successfully complete the 139
curriculum of a high school prior to receiving a high school 140
diploma shall be met by completing the requirements prescribed 141
in section 3313.6027 and division (C) of section 3313.603 of the 142
Revised Code, unless the person qualifies under division (D) or 143
(F) of that section. Each school shall comply with the plan for 144
awarding high school credit based on demonstration of subject 145
area competency, and beginning with the 2017-2018 school year, 146
with the updated plan that permits students enrolled in seventh 147
and eighth grade to meet curriculum requirements based on 148
subject area competency adopted by the department under 149
divisions (J) (1) and (2) of section 3313.603 of the Revised 150
Code. Beginning with the 2018-2019 school year, the school shall 151
comply with the framework for granting units of high school 152
credit to students who demonstrate subject area competency 153
through work-based learning experiences, internships, or 154
cooperative education developed by the department under division 155
(J) (3) of section 3313.603 of the Revised Code. 156

(g) The school governing authority will submit within four 157

months after the end of each school year a report of its 158
activities and progress in meeting the goals and standards of 159
divisions (A) (3) and (4) of this section and its financial 160
status to the sponsor and the parents of all students enrolled 161
in the school. 162

(h) The school, unless it is an internet- or computer- 163
based community school, will comply with section 3313.801 of the 164
Revised Code as if it were a school district. 165

(i) If the school is the recipient of moneys from a grant 166
awarded under the federal race to the top program, Division (A), 167
Title XIV, Sections 14005 and 14006 of the "American Recovery 168
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 169
the school will pay teachers based upon performance in 170
accordance with section 3317.141 and will comply with section 171
3319.111 of the Revised Code as if it were a school district. 172

(j) If the school operates a preschool program that is 173
licensed by the department under sections 3301.52 to 3301.59 of 174
the Revised Code, the school shall comply with sections 3301.50 175
to 3301.59 of the Revised Code and the minimum standards for 176
preschool programs prescribed in rules adopted by the department 177
of children and youth under section 3301.53 of the Revised Code. 178

(k) The school will comply with sections 3313.6021 and 179
3313.6023 of the Revised Code as if it were a school district 180
unless it is either of the following: 181

(i) An internet- or computer-based community school; 182

(ii) A community school in which a majority of the 183
enrolled students are children with disabilities as described in 184
division (B) (2) of section 3314.35 of the Revised Code. 185

(l) The school will comply with section 3321.191 of the 186

Revised Code, unless it is an internet- or computer-based 187
community school that is subject to section 3314.261 of the 188
Revised Code. 189

(12) Arrangements for providing health and other benefits 190
to employees; 191

(13) The length of the contract, which shall begin at the 192
beginning of an academic year. No contract shall exceed five 193
years unless such contract has been renewed pursuant to division 194
(E) of this section. 195

(14) The governing authority of the school, which shall be 196
responsible for carrying out the provisions of the contract; 197

(15) A financial plan detailing an estimated school budget 198
for each year of the period of the contract and specifying the 199
total estimated per pupil expenditure amount for each such year. 200

(16) Requirements and procedures regarding the disposition 201
of employees of the school in the event the contract is 202
terminated or not renewed pursuant to section 3314.07 of the 203
Revised Code; 204

(17) Whether the school is to be created by converting all 205
or part of an existing public school or educational service 206
center building or is to be a new start-up school, and if it is 207
a converted public school or service center building, 208
specification of any duties or responsibilities of an employer 209
that the board of education or service center governing board 210
that operated the school or building before conversion is 211
delegating to the governing authority of the community school 212
with respect to all or any specified group of employees provided 213
the delegation is not prohibited by a collective bargaining 214
agreement applicable to such employees; 215

(18) Provisions establishing procedures for resolving 216
disputes or differences of opinion between the sponsor and the 217
governing authority of the community school; 218

(19) A provision requiring the governing authority to 219
adopt a policy regarding the admission of students who reside 220
outside the district in which the school is located. That policy 221
shall comply with the admissions procedures specified in 222
sections 3314.06 and 3314.061 of the Revised Code and, at the 223
sole discretion of the authority, shall do one of the following: 224

(a) Prohibit the enrollment of students who reside outside 225
the district in which the school is located; 226

(b) Permit the enrollment of students who reside in 227
districts adjacent to the district in which the school is 228
located; 229

(c) Permit the enrollment of students who reside in any 230
other district in the state. 231

(20) A provision recognizing the authority of the 232
department to take over the sponsorship of the school in 233
accordance with the provisions of division (C) of section 234
3314.015 of the Revised Code; 235

(21) A provision recognizing the sponsor's authority to 236
assume the operation of a school under the conditions specified 237
in division (B) of section 3314.073 of the Revised Code; 238

(22) A provision recognizing both of the following: 239

(a) The authority of public health and safety officials to 240
inspect the facilities of the school and to order the facilities 241
closed if those officials find that the facilities are not in 242
compliance with health and safety laws and regulations; 243

(b) The authority of the department as the community 244
school oversight body to suspend the operation of the school 245
under section 3314.072 of the Revised Code if the department has 246
evidence of conditions or violations of law at the school that 247
pose an imminent danger to the health and safety of the school's 248
students and employees and the sponsor refuses to take such 249
action. 250

(23) A description of the learning opportunities that will 251
be offered to students including both classroom-based and non- 252
classroom-based learning opportunities that is in compliance 253
with criteria for student participation established by the 254
department under division (H) (2) of section 3314.08 of the 255
Revised Code; 256

(24) The school will comply with sections 3302.04 and 257
3302.041 of the Revised Code, except that any action required to 258
be taken by a school district pursuant to those sections shall 259
be taken by the sponsor of the school. 260

(25) Beginning in the 2006-2007 school year, the school 261
will open for operation not later than the thirtieth day of 262
September each school year, unless the mission of the school as 263
specified under division (A) (2) of this section is solely to 264
serve dropouts. In its initial year of operation, if the school 265
fails to open by the thirtieth day of September, or within one 266
year after the adoption of the contract pursuant to division (D) 267
of section 3314.02 of the Revised Code if the mission of the 268
school is solely to serve dropouts, the contract shall be void. 269

(26) Whether the school's governing authority is planning 270
to seek designation for the school as a STEM school equivalent 271
under section 3326.032 of the Revised Code; 272

(27) That the school's attendance and participation	273
policies will be available for public inspection;	274
(28) That the school's attendance and participation	275
records shall be made available to the department, auditor of	276
state, and school's sponsor to the extent permitted under and in	277
accordance with the "Family Educational Rights and Privacy Act	278
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any	279
regulations promulgated under that act, and section 3319.321 of	280
the Revised Code;	281
(29) If a school operates using the blended learning	282
model, as defined in section 3301.079 of the Revised Code, all	283
of the following information:	284
(a) An indication of what blended learning model or models	285
will be used;	286
(b) A description of how student instructional needs will	287
be determined and documented;	288
(c) The method to be used for determining competency,	289
granting credit, and promoting students to a higher grade level;	290
(d) The school's attendance requirements, including how	291
the school will document participation in learning	292
opportunities;	293
(e) A statement describing how student progress will be	294
monitored;	295
(f) A statement describing how private student data will	296
be protected;	297
(g) A description of the professional development	298
activities that will be offered to teachers.	299

(30) A provision requiring that all moneys the school's 300
operator loans to the school, including facilities loans or cash 301
flow assistance, must be accounted for, documented, and bear 302
interest at a fair market rate; 303

(31) A provision requiring that, if the governing 304
authority contracts with an attorney, accountant, or entity 305
specializing in audits, the attorney, accountant, or entity 306
shall be independent from the operator with which the school has 307
contracted. 308

(32) A provision requiring the governing authority to 309
adopt an enrollment and attendance policy that requires a 310
student's parent to notify the community school in which the 311
student is enrolled when there is a change in the location of 312
the parent's or student's primary residence. 313

(33) A provision requiring the governing authority to 314
adopt a student residence and address verification policy for 315
students enrolling in or attending the school. 316

(B) The community school shall also submit to the sponsor 317
a comprehensive plan for the school. The plan shall specify the 318
following: 319

(1) The process by which the governing authority of the 320
school will be selected in the future; 321

(2) The management and administration of the school; 322

(3) If the community school is a currently existing public 323
school or educational service center building, alternative 324
arrangements for current public school students who choose not 325
to attend the converted school and for teachers who choose not 326
to teach in the school or building after conversion; 327

(4) The instructional program and educational philosophy 328
of the school; 329

(5) Internal financial controls. 330

When submitting the plan under this division, the school 331
shall also submit copies of all policies and procedures 332
regarding internal financial controls adopted by the governing 333
authority of the school. 334

(C) A contract entered into under section 3314.02 of the 335
Revised Code between a sponsor and the governing authority of a 336
community school may provide for the community school governing 337
authority to make payments to the sponsor, which is hereby 338
authorized to receive such payments as set forth in the contract 339
between the governing authority and the sponsor. The total 340
amount of such payments for monitoring, oversight, and technical 341
assistance of the school shall not exceed three per cent of the 342
total amount of payments for operating expenses that the school 343
receives from the state. 344

(D) The contract shall specify the duties of the sponsor 345
which shall be in accordance with the written agreement entered 346
into with the department under division (B) of section 3314.015 347
of the Revised Code and shall include the following: 348

(1) Monitor the community school's compliance with all 349
laws applicable to the school and with the terms of the 350
contract; 351

(2) Monitor and evaluate the academic and fiscal 352
performance and the organization and operation of the community 353
school on at least an annual basis; 354

(3) Provide technical assistance to the community school 355
in complying with laws applicable to the school and terms of the 356

contract; 357

(4) Take steps to intervene in the school's operation to 358
correct problems in the school's overall performance, declare 359
the school to be on probationary status pursuant to section 360
3314.073 of the Revised Code, suspend the operation of the 361
school pursuant to section 3314.072 of the Revised Code, or 362
terminate the contract of the school pursuant to section 3314.07 363
of the Revised Code as determined necessary by the sponsor; 364

(5) Have in place a plan of action to be undertaken in the 365
event the community school experiences financial difficulties or 366
closes prior to the end of a school year. 367

(E) Upon the expiration of a contract entered into under 368
this section, the sponsor of a community school may, with the 369
approval of the governing authority of the school, renew that 370
contract for a period of time determined by the sponsor, but not 371
ending earlier than the end of any school year, if the sponsor 372
finds that the school's compliance with applicable laws and 373
terms of the contract and the school's progress in meeting the 374
academic goals prescribed in the contract have been 375
satisfactory. Any contract that is renewed under this division 376
remains subject to the provisions of sections 3314.07, 3314.072, 377
and 3314.073 of the Revised Code. 378

(F) If a community school fails to open for operation 379
within one year after the contract entered into under this 380
section is adopted pursuant to division (D) of section 3314.02 381
of the Revised Code or permanently closes prior to the 382
expiration of the contract, the contract shall be void and the 383
school shall not enter into a contract with any other sponsor. A 384
school shall not be considered permanently closed because the 385
operations of the school have been suspended pursuant to section 386

3314.072 of the Revised Code. 387

Sec. 3326.11. Each science, technology, engineering, and 388
mathematics school established under this chapter and its 389
governing body shall comply with sections 9.90, 9.91, 109.65, 390
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 391
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 392
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 393
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 394
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 395
3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 396
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 397
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 398
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 399
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 400
3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 401
3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 402
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 403
3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 404
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 405
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 406
3319.41, 3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 407
3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 408
3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 409
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 410
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 411
4112., 4123., 4141., and 4167. of the Revised Code as if it were 412
a school district. 413

Sec. 3328.24. A college-preparatory boarding school 414
established under this chapter and its board of trustees shall 415
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 416
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 417

3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 418
3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 419
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 420
3313.7117, 3313.721, 3313.753, 3313.8110, 3313.89, 3319.073, 421
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 422
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 423
and 5502.262, and Chapter 3365. of the Revised Code as if the 424
school were a school district and the school's board of trustees 425
were a district board of education. 426

Sec. 3345.88. Each state institution of higher education, 427
as defined in section 3345.011 of the Revised Code, shall adopt 428
a policy to prevent the purchase of a food that is either of the 429
following: 430

(A) Misbranded as a meat product or an egg product as 431
prohibited in section 3715.602 of the Revised Code; 432

(B) A cultivated-protein food product as defined in 433
section 3715.601 of the Revised Code. 434

This section does not apply to a state institution's 435
purchase of food described in divisions (A) and (B) of this 436
section for research purposes. 437

Sec. 3701.132. (A) As used in this section, "WIC program" 438
means the "special supplemental nutrition program for women, 439
infants, and children" established under the "Child Nutrition 440
Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 441

(B) The department of health is hereby designated as the 442
state agency to administer the WIC program. 443

The director of health shall adopt rules pursuant to 444
Chapter 119. of the Revised Code as necessary for administering 445
the WIC program. The rules may include civil money penalties for 446

violations of the rules. 447

(C) In determining eligibility for services provided under 448
the WIC program, the department may use the application form 449
established under section 5163.40 of the Revised Code for the 450
healthy start program. The department may require applicants to 451
furnish their social security numbers. 452

(D) If the department determines that a vendor has 453
committed an act with respect to the WIC program that federal 454
statutes or regulations or state statutes or rules prohibit, the 455
department shall take action against the vendor in the manner 456
required by 7 C.F.R. part 246, including imposition of a civil 457
money penalty in accordance with 7 C.F.R. 246.12, or rules 458
adopted under this section. 459

(E) If the United States department of agriculture 460
approves cultivated-protein food products or fabricated-egg 461
products as defined in section 3715.601 of the Revised Code for 462
purchase under the WIC program, the director of health shall 463
submit a request to the United States department of agriculture 464
for a waiver that excludes those products from program 465
eligibility in this state. 466

Sec. 3715.60. ~~Food~~In addition to the specifications 467
established in section 3715.602 of the Revised Code, food is 468
misbranded within the meaning of sections 3715.01, 3715.02, 469
3715.022, and 3715.52 to 3715.72 of the Revised Code, if: 470

(A) Its labeling is false or misleading in any particular. 471

(B) It is offered for sale under the name of another food. 472

(C) Its container is so made, formed, or filled as to be 473
misleading. 474

(D) It is an imitation of another food, unless its label 475
bears in type of uniform size and prominence, the word 476
"imitation," and immediately thereafter the name of the food 477
imitated. 478

(E) When it is in package form, it does not bear a label 479
containing: 480

(1) The name and place of business of the manufacturer, 481
packer, or distributor; 482

(2) An accurate statement of the quantity of the contents 483
in terms of weight, measure, or numerical count; provided, that 484
reasonable variations shall be permitted, and exemptions as to 485
small packages shall be established by rules adopted by the 486
director of agriculture; 487

(3) In the case of food subject to section 3715.023 of the 488
Revised Code, the information specified in that section. 489

(F) Any word, statement, or other information required by 490
or under authority of sections 3715.01, 3715.02, and 3715.52 to 491
3715.72 of the Revised Code, to appear on the label or labeling 492
is not prominently placed thereon with such conspicuousness as 493
compared with other words, statements, designs, or devices, in 494
the labeling, and in such terms as to render it likely to be 495
read and understood by the ordinary individual under customary 496
conditions of purchase and use. 497

(G) It purports to be, or is represented as, a food for 498
which a definition and standard of identity have been prescribed 499
by statute, or by any rule adopted under an existing statute, or 500
by rule as provided by section 3715.02 of the Revised Code, 501
unless: 502

(1) It conforms to such definition and standard. 503

(2) Its label bears the name of the food specified in the 504
definition and standard, and, insofar as may be required by such 505
statute or rules, the common names of optional ingredients, 506
other than spices, flavoring, and coloring, present in such 507
food. 508

(H) It purports to be or is represented as: 509

(1) A food for which a standard of quality has been 510
prescribed by rule as provided by section 3715.02 of the Revised 511
Code and its quality falls below the standard unless its label 512
bears, in the manner and form that the rules specify, a 513
statement that it falls below the standard; 514

(2) A food for which a standard or standards of fill of 515
container have been prescribed by rule as provided by section 516
3715.02 of the Revised Code, and it falls below the standard of 517
fill of container applicable thereto, unless its label bears, in 518
the manner and form that the rules specify, a statement that it 519
falls below the standard. 520

(I) It is not subject to the provisions of division (G) of 521
this section, unless it bears labeling clearly giving: 522

(1) The common or usual name of the food, if any; 523

(2) In case it is fabricated from two or more ingredients, 524
the common or usual name of each ingredient; except that spices, 525
flavorings, and colorings, other than those sold as such, may be 526
designated as spices, flavorings, and colorings, without naming 527
each; provided, that, to the extent that compliance with the 528
requirements of division (I) (2) of this section is impractical 529
or results in deception or unfair competition, exemptions shall 530
be established by rules adopted by the director; and provided 531
that these requirements shall not apply to any carbonated 532

beverage of which a full and correct statement of the 533
ingredients, to the extent prescribed by division (I) (2) of this 534
section, has been filed under oath with the director. 535

(J) It purports to be or is represented to be for special 536
dietary uses, unless its label bears such information concerning 537
its vitamin, mineral, and other dietary properties as is 538
provided by rules adopted by the director, as necessary, in 539
order to fully inform purchasers as to its value for such uses. 540

(K) It bears or contains any artificial flavoring, 541
artificial coloring, or chemical preservative, unless it bears 542
labeling stating that fact; provided, that to the extent that 543
compliance with the requirements of this division is 544
impracticable, exemptions shall be established by rules adopted 545
by the director. 546

Sec. 3715.601. As used in this section and sections 547
3715.602 to 3715.605 of the Revised Code: 548

(A) "Agricultural food animal" means both of the 549
following: 550

(1) A domesticated animal belonging to the bovine, 551
caprine, ovine, or porcine species; 552

(2) Any type of poultry. 553

(B) "Cultivated-protein food product" means a food having 554
one or more sensory attributes that resemble a type of tissue 555
originating from an agricultural food animal, but that, in lieu 556
of being derived from meat processing, is derived from 557
manufacturing cells in which one or more stem cells are 558
initially isolated from an agricultural food animal, are grown 559
in vitro, and may be manipulated, as part of a manufacturing 560
operation. 561

(C) "Egg" means food that is the reproductive output of an 562
agricultural food animal classified as a chicken. "Egg" includes 563
albumen and yolk encased in a calcium-based shell. 564

(D) "Egg product" means food derived from egg processing 565
in which eggs or egg parts are the primary ingredient. 566

(E) "Egg processing" means the processing of eggs, 567
including either of the following: 568

(1) The handling, preparation, heating, and packaging of 569
whole shelled or unshelled eggs; 570

(2) The breaking of eggs and the separation of eggs; 571
pasteurization; filtering, mixing, stabilizing, or blending 572
parts of the egg; any cooling, freezing, or drying of parts of 573
the egg; storage; and packaging. 574

(F) "Fabricated-egg product" means food, if it has one or 575
more sensory attributes that resemble an egg product but that, 576
in lieu of being the output of a laying hen, is derived from 577
manufactured plants or other organic materials. 578

(G) "Food processing establishment" has the same meaning 579
as in section 3715.021 of the Revised Code. 580

(H) "Identifying egg term" means any word or phrase that 581
states, indicates, suggests, or describes an egg product, 582
regardless of whether the word or phrase is used individually, 583
as a portmanteau, or as a compound word. "Identifying egg term" 584
includes any of the following: 585

(1) A common name for a type of a chicken, including 586
laying hen, hen, or layer, cage-free, poultry, or fowl; 587

(2) A common name for a characteristic of a chicken based 588
on age, breed, or sex; 589

(3) A common name, or a comparable word or phrase approved 590
by the department of agriculture, that a reasonable purchaser 591
would immediately and exclusively associate with an egg product 592
prepared for sale in normal commercial channels such as custard, 593
eggnog, frittata, huevos rancheros, omelette, mayonnaise, 594
meringue, sunny side up, over easy, over hard, scrambled, or 595
quiche; 596

(4) Any part of the egg, including its egg, eggshell, egg 597
white, or yolk. 598

(I) "Identifying meat term" means any word or phrase that 599
states, indicates, suggests, or describes a meat product, 600
regardless of whether the word or phrase is used individually, 601
as a portmanteau, or as a compound word. "Identifying meat term" 602
includes any of the following: 603

(1) A common name for the species of an agricultural food 604
animal subject to slaughter and processing, including a calf or 605
cow, goat or kid, hog or pig, poultry, or lamb or sheep; 606

(2) A common name for a characteristic of a species of the 607
agricultural food animal subject to slaughter and processing 608
based on age, breed, or sex; 609

(3) Meat, beef, or veal; broiler, fryer, poulet, or 610
yearling; cabrito or chevon; lamb or mutton; or pork; 611

(4) A common name used to describe a major cut of a meat 612
of an agricultural food animal slaughtered and processed, 613
including a major meat cut specified in 9 C.F.R. 317.344; a 614
poultry product such as breast, drumstick, giblet, thigh, or 615
wing; or the common name of an organ or offal, including 616
gizzard, heart, liver, kidney, or tongue; 617

(5) Any other common name that a reasonable purchaser 618

would immediately and exclusively associate with a meat product 619
prepared for sale in normal commercial channels such as chicken, 620
bacon, baloney, bologna, bone, brat or bratwurst, brisket, 621
burger or hamburger, butt, chop, chorizo, chuck, cold cut, 622
cutlet, filet, flat iron, frank or frankfurter, ham, hock, hot 623
dog or dog, jerky, liverwurst, loin, London broil, lunch meat, 624
New York strip, pepperoni, porterhouse, ribeye, roast, rib or 625
sparerib, salami, sausage, shank, sirloin, tenderloin, or a 626
comparable word or phrase. 627

(J) "Insect-protein food product" means a food having one 628
or more sensory attributes that resemble a type of tissue 629
originating from an agricultural food animal but that, in lieu 630
of being derived from meat processing, is derived from 631
manufacturing insect parts. 632

(K) "Manufactured-protein food product" means a 633
cultivated-protein food, insect-protein food, or plant-protein 634
food. 635

(L) "Meat processing" means the handling, preparation, and 636
slaughter of an agricultural food animal; the dressing of its 637
carcass; or the cutting, storage, and packaging of its tissue or 638
other parts as a food. 639

(M) "Meat product" means a food derived from meat 640
processing. 641

(N) "Plant-protein food product" means a food having one 642
or more sensory attributes that resemble a type of tissue found 643
in a species of agricultural food animal but that, in lieu of 644
being derived from meat processing, is derived from 645
manufacturing plant parts. 646

(O) "Qualifying egg term" means a word, compound word, or 647

phrase that would clearly disclose to a reasonable purchaser of 648
egg products from a food processing establishment that a food 649
product is not an egg product. "Qualifying egg term" includes 650
fake, imitation, egg-free, plant, plant-based, vegan, vegetable, 651
vegetarian, veggie, or a comparable word or phrase as approved 652
by the department. 653

(P) "Qualifying meat term" means a word, compound word, or 654
phrase that would clearly disclose to a reasonable purchaser of 655
meat products from a food processing establishment that a food 656
is not a meat product. "Qualifying meat term" includes cell- 657
cultivated, cell-cultured, fake, grown in a lab, imitation, 658
insect, insect-based, insect-protein, lab-created, lab-grown, 659
meat free, meatless, plant, plant-based, vegan, vegetable, 660
vegetarian, veggie, or a comparable word or phrase as approved 661
by the department. 662

Sec. 3715.602. (A) Food is misbranded as a meat product if 663
all of the following apply: 664

(1) The food is a manufactured-protein food product or the 665
food contains a manufactured-protein food product. 666

(2) The food is offered for sale by a food processing 667
establishment. 668

(3) A label that is part of or placed on the package or 669
other container storing the manufactured-protein food product 670
includes an identifying meat term. 671

(4) The label that is part of or placed on the package or 672
other container storing the manufactured-protein food product 673
does not contain a conspicuous and prominent qualifying meat 674
term in close proximity to the identifying meat term. 675

(B) Food is misbranded as an egg product if all of the 676

following apply: 677

(1) The food is a fabricated-egg product or the food 678
contains a fabricated-egg product. 679

(2) The food is offered for sale or sold by a food 680
processing establishment. 681

(3) A label that is part of or placed on the package or 682
other container storing the food includes an identifying egg 683
term. 684

(4) The label that is part of or placed on the package or 685
other container storing the food does not contain a conspicuous 686
and prominent qualifying egg term in close proximity to an 687
identifying egg term. 688

(C) No food processing establishment shall sell food that 689
is misbranded as a meat product or an egg product under this 690
section. 691

Sec. 3715.603. In conducting a routine inspection of the 692
premises of a food processing establishment, the department of 693
agriculture is not required to determine if any food located on 694
the premises is misbranded as a meat product or an egg product 695
pursuant to section 3715.602 of the Revised Code. 696

The department shall inspect an inventory of food offered 697
for sale or sold by a food processing establishment based on a 698
credible complaint that the food is misbranded as a meat product 699
or an egg product under section 3715.602 of the Revised Code. 700

The department shall adopt rules in accordance with 701
Chapter 119. of the Revised Code that are necessary to 702
administer and enforce sections 3715.601 to 3715.605 of the 703
Revised Code. 704

Sec. 3715.604. If the department of agriculture has 705
reasonable cause to believe that a food processing establishment 706
is selling food that is misbranded as a meat product or an egg 707
product in violation of section 3715.602 of the Revised Code, 708
section 3715.55 of the Revised Code applies to the food. 709

Sec. 3715.605. (A) Any person who violates section 710
3715.602 of the Revised Code shall pay a civil penalty of not 711
more than ten thousand dollars for each violation, to be paid 712
into the state treasury to the credit of the general revenue 713
fund. Each day that a violation continues constitutes a separate 714
offense. The attorney general, upon written request by the 715
director of agriculture, shall bring an action for such a 716
penalty against any person who violates that section. Such an 717
action is a civil action, governed by the Rules of Civil 718
Procedure and other rules of practice and procedure applicable 719
to civil actions. 720

(B) The director shall not suspend or revoke a food 721
processing establishment registration if the food processing 722
establishment violates section 3715.602 of the Revised Code. 723

Sec. 5101.548. As used in this section, "cultivated- 724
protein food product" and "fabricated-egg product" have the same 725
meanings as in section 3715.601 of the Revised Code. 726

If the United States department of agriculture approves 727
cultivated-protein food products or fabricated-egg products for 728
purchase under the supplemental nutrition assistance program, 729
the director of job and family services shall submit a request 730
to the United States department of agriculture for a waiver that 731
excludes those products from program eligibility in this state. 732

Section 2. That existing sections 3314.03, 3326.11, 733

3328.24, 3701.132, and 3715.60 of the Revised Code are hereby 734
repealed. 735

Section 3. The General Assembly, applying the principle 736
stated in division (B) of section 1.52 of the Revised Code that 737
amendments are to be harmonized if reasonably capable of 738
simultaneous operation, finds that the following sections, 739
presented in this act as composites of the sections as amended 740
by the acts indicated, are the resulting versions of the 741
sections in effect prior to the effective date of the sections 742
as presented in this act: 743

Section 3314.03 of the Revised Code as amended by H.B. 744
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 745

Section 3326.11 of the Revised Code as amended by H.B. 47, 746
H.B. 214, and S.B. 168, all of the 135th General Assembly. 747

Section 3328.24 of the Revised Code as amended by both 748
H.B. 47 and H.B. 214 of the 135th General Assembly. 749