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Sub. 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

Senators Schaffer, Cirino, Hicks-Hudson, Johnson, Lang, O'Brien, Patton, Reineke, Roegner, Romanchuk, Timken

To amend sections 909.07, 921.01, 921.06, 921.11,	1
921.16, 921.24, 943.26, 3314.03, 3326.11,	2
3328.24, 3701.132, and 3715.60 and to enact	3
sections 3313.8110, 3345.88, 3715.601, 3715.602,	4
3715.603, 3715.604, 3715.605, and 5101.5410 of	5
the Revised Code to regulate imitation meat and	6
egg products and to revise various agriculture	7
laws.	8

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

Section 1. That sections 909.07, 921.01, 921.06, 921.11,	9
921.16, 921.24, 943.26, 3314.03, 3326.11, 3328.24, 3701.132, and	10
3715.60 be amended and sections 3313.8110, 3345.88, 3715.601,	11
3715.602, 3715.603, 3715.604, 3715.605, and 5101.5410 of the	12
Revised Code be enacted to read as follows:	13

Sec. 909.07. The board of county commissioners may	14
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appoint, with the consent and concurrence of the director of 15
agriculture, ~~a deputy apiarist~~ apiarists. Except as otherwise 16
specified in this section, a deputy serves at the pleasure of 17
the applicable board of county commissioners. A deputy apiarist 18
shall be paid a salary as the board of county commissioners 19
determines for inspection work and other expenses as are 20
necessarily incurred directly related to inspection work. Before 21
the board approves the salary and expenses for payment, ~~the~~ a 22
deputy apiarist shall submit the same to the director for 23
review. 24

A deputy apiarist shall work under the direction of the 25
director and shall be responsible for the inspection of apiaries 26
in assigned counties prescribed by the department of agriculture 27
and for the administration and enforcement of this chapter. 28

The director may terminate the appointment of any deputy 29
apiarist if there is evidence that the deputy has been 30
unethical, negligent, incompetent, inefficient, or untrustworthy 31
in the discharge of official duties. A deputy apiarist shall 32
furnish to the director reports as are required by the director. 33

Sec. 921.01. As used in this chapter: 34

(A) "Active ingredient" means any ingredient that will 35
prevent, destroy, kill, repel, control, or mitigate any pest, or 36
that will act as a plant regulator, defoliant, or desiccant. 37

(B) "Adulterated" shall apply to any pesticide if its 38
strength or purity is less than or greater than the professed 39
standard or quality as expressed on its labeling or under which 40
it is sold, if any substance has been substituted wholly or in 41
part for the pesticide, or if any valuable constituent of the 42
pesticide has been wholly or in part abstracted. 43

(C) "Agricultural commodity" means any plant or part 44
thereof or animal or animal product, produced for commercial use 45
by a person, including farmers, ranchers, vineyardists, plant 46
propagators, Christmas tree growers, aquaculturists, 47
floriculturists, orchardists, foresters, or other comparable 48
persons, primarily for the sale, consumption, propagation, or 49
other use, by humans or animals. 50

(D) "Aircraft" means any device used or designed for 51
navigation or flight in the air, except a parachute or other 52
device used primarily as safety equipment. 53

(E) "Animal" means all vertebrate and invertebrate 54
species, including, but not limited to, humans and other 55
mammals, birds, fish, and shellfish. 56

(F) "Authorized diagnostic inspection" means a diagnostic 57
inspection conducted by a commercial applicator in the 58
pesticide-use category in which the commercial applicator is 59
licensed under this chapter. 60

(G) "Beneficial insects" means those insects that, during 61
their life cycle, are effective pollinators of plants, are 62
parasites or predators of pests, or are otherwise beneficial. 63

(H) "Brand" means any word, name, symbol, device, or 64
combination thereof, that serves to distinguish the pesticide 65
manufactured or distributed by one person from that manufactured 66
or distributed by any other person. 67

(I) "Pesticide applicator" means a commercial applicator 68
or a private applicator. 69

(J) "Private applicator" means an individual who is 70
licensed under section 921.11 of the Revised Code. 71

(K) "Commercial applicator" means an individual who is 72
licensed under section 921.06 of the Revised Code to apply 73
pesticides or to conduct authorized diagnostic inspections. 74

(L) "Competent" means properly qualified as evidenced by 75
passing the general examination and each applicable pesticide- 76
use category examination for the pesticide-use categories in 77
which a person applies pesticides and, in the case of a person 78
who is a commercial applicator, conducts diagnostic inspections 79
and by meeting any other criteria established by rule. 80

(M) "Federal act" means the "Federal Insecticide, 81
Fungicide and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 82
136, as amended. 83

(N) "Defoliant" means any substance or mixture of 84
substances intended for causing the leaves or foliage to drop 85
from a plant, with or without causing abscission. 86

(O) "Desiccant" means any substance or mixture of 87
substances intended for artificially accelerating the drying of 88
plant tissue. 89

(P) "Device" means any instrument or contrivance, other 90
than a firearm, that is intended for trapping, destroying, 91
repelling, or mitigating any pest or any other form of plant or 92
animal life, other than human beings and other than bacteria, 93
virus, or other microorganism on or in living human beings or 94
other living animals. "Device" does not include equipment used 95
for the application of pesticides when sold separately 96
therefrom. 97

(Q) "Direct supervision" means, ~~unless~~ any of the 98
following, as applicable: 99

(1) Unless otherwise prescribed by its labeling, a 100

restricted use pesticide is considered to be applied under the 101
direct supervision of a commercial applicator, if it is applied 102
by a trained serviceperson who is trained in accordance with 103
standards prescribed by the director under section 921.16 of the 104
Revised Code and who is acting under the instructions and 105
control of a commercial applicator. 106

(2) Unless otherwise prescribed by its labeling, a general 107
use pesticide is considered to be applied under the direct 108
supervision of a commercial applicator, if it is applied by a 109
trained serviceperson acting under the instructions and control 110
of a commercial applicator. 111

(3) Unless otherwise prescribed by its labeling, a 112
restricted use pesticide is considered to be used under the 113
direct supervision of a private applicator if all of the 114
following apply: 115

(a) The restricted use pesticide is used by an immediate 116
family member or a subordinate employee of that private 117
applicator. 118

(b) The immediate family member or a subordinate employee 119
of that private applicator is trained in accordance with 120
standards prescribed by the director of agriculture under 121
section 921.16 of the Revised Code and is acting under the 122
instructions and control of the private applicator. 123

(c) The private applicator is responsible for the actions 124
of that immediate family member or subordinate employee and is 125
available when needed, even though the private applicator is not 126
physically present at the time and place the restricted use 127
pesticide use is occurring. 128

(R) "Directly supervise" means providing direct 129

supervision under division ~~(Q)~~ (Q) (1), (2), or (3) of this 130
section, as applicable. 131

(S) "Distribute" means to offer or hold for sale, sell, 132
barter, ship, deliver for shipment, or receive and, having so 133
received, to deliver or offer to deliver, pesticides in this 134
state. "Distribute" does not mean to hold for use, apply, or use 135
pesticides or dilutions of pesticides, except when a pesticide 136
dealer holds for use, applies, or uses pesticides or dilutions 137
of pesticides in the course of business with a commercial 138
applicator who is employed by that pesticide dealer. 139

(T) "Environment" includes water, air, land, and all 140
plants and human beings and other animals living therein, and 141
the interrelationships that exist among them. 142

(U) "Fungus" means any nonchlorophyll-bearing thallophyte, 143
which is any nonchlorophyll-bearing plant of a lower order than 144
mosses and liverworts, as for example, rust, smut, mildew, mold, 145
yeast, and bacteria, except those on or in living human beings 146
or other animals, or processed food, beverages, or 147
pharmaceuticals. 148

(V) "General use pesticide" means a pesticide that is 149
classified for general use under the federal act. 150

(W) "Ground equipment" means any device, other than 151
aircraft, used on land or water to apply pesticides in any form. 152

(X) "Incidental use" or "incidentally use" means the 153
application of a general use pesticide on an occasional, 154
isolated, site-specific basis in order to avoid immediate 155
personal harm. "Incidental use" or "incidentally use" does not 156
mean regular, routine, or maintenance application of a general 157
use pesticide. 158

(Y) "Inert ingredient" means an ingredient that is not 159
active. 160

(Z) "Ingredient statement" means a statement of the name 161
and percentage of each active ingredient, together with the 162
total percentage of inert ingredients. When the pesticide 163
contains arsenic in any form, the ingredient statement shall 164
include percentages of total and water soluble arsenic, each 165
calculated as elemental arsenic. 166

(AA) "Insect" means any of the numerous small invertebrate 167
animals generally having the body more or less obviously 168
segmented, for the most part belonging to the class insecta, 169
including, but not limited to, beetles, bugs, bees, and flies, 170
and to other allied classes of arthropods, including, but not 171
limited to, spiders, mites, ticks, centipedes, and wood lice. 172

(BB) "Integrated pest management" means a sustainable 173
approach to managing pests by combining biological, cultural, 174
physical, and chemical tools in a way that minimizes economic, 175
health, and environmental risks. 176

(CC) "Label" means the written, printed, or graphic matter 177
on, or attached to the pesticide or device, or any of its 178
containers or wrappers. 179

(DD) "Labeling" means all labels and other written, 180
printed, or graphic matter: 181

(1) Accompanying the pesticide product or device at any 182
time; 183

(2) To which reference is made on the label or in 184
literature accompanying the pesticide product or device, except 185
when accurate, nonmisleading reference is made to current 186
official publications of the United States environmental 187

protection agency, the United States department of agriculture 188
or interior, the United States department of health and human 189
services, state experiment stations, state agricultural 190
colleges, or other similar federal or state institutions or 191
official agencies, authorized by law to conduct research in the 192
field of pesticides; 193

(3) Including all brochures, technical and sales 194
bulletins, and all advertising material. 195

(EE) "Licensure" includes certification as used in the 196
federal act. 197

(FF) "Misbranded" applies, if the conditions of either 198
division (FF) (1) or (2) of this section are satisfied as 199
follows: 200

(1) To any pesticide or device, if at least one of the 201
following occurs: 202

(a) Its labeling bears any statement, design, or graphic 203
representation relative thereto or to its ingredients that is 204
false or misleading in any particular. 205

(b) It is an imitation of or is distributed under the name 206
of another pesticide or device. 207

(c) Any word, statement, or other information required to 208
appear on the label or labeling is not prominently placed 209
thereon with such conspicuousness, as compared with other words, 210
statements, designs, or graphic matter in the labeling, and in 211
such terms as to render it likely to be read and understood by 212
the ordinary individual under customary conditions of purchase 213
and use. 214

(2) To any pesticide, if at least one of the following 215

occurs: 216

(a) The labeling of a restricted use pesticide does not 217
contain a statement that it is a restricted use pesticide. 218

(b) The labeling accompanying it does not contain 219
directions for use that are necessary for effecting the purpose 220
for which the pesticide is intended and, if complied with, 221
together with any requirements imposed by the federal act, that 222
are adequate to protect the environment. 223

(c) The label does not bear all of the following: 224

(i) The name, brand, or trademark under which the 225
pesticide is distributed; 226

(ii) An ingredient statement on the part of the immediate 227
container and on the outside container and wrapper of the retail 228
package, if any, through which the ingredient statement on the 229
immediate container cannot be clearly read, which is presented 230
or displayed under customary conditions of purchase, provided 231
that the ingredient statement may appear prominently on another 232
part of the container as permitted by the amended federal act or 233
by the director; 234

(iii) A warning or caution statement that may be necessary 235
and that, if complied with together with any requirement imposed 236
under the federal act, would be adequate to protect the 237
environment; 238

(iv) The net weight or measure of the contents, subject to 239
such reasonable variations as the administrator of the United 240
States environmental protection agency or the director of 241
agriculture may permit; 242

(v) The name and address of the manufacturer, registrant, 243

or person for whom manufactured; 244

(vi) The United States environmental protection agency 245
registration number assigned to each establishment in which the 246
pesticide was produced and the agency registration number 247
assigned to it, as required by regulations under the federal 248
act. 249

(d) The pesticide contains any substance or substances in 250
quantities highly toxic to human beings unless the label bears, 251
in addition to other label requirements, all of the following: 252

(i) The skull and crossbones; 253

(ii) The word "poison" in red prominently displayed on a 254
background of distinctly contrasting color; 255

(iii) A statement of an antidote or a practical or 256
emergency medical treatment, first aid or otherwise, in case of 257
poisoning by the pesticide. 258

(e) It is contained in a package or other container or 259
wrapping that does not conform to the standard established by 260
the administrator of the United States environmental protection 261
agency. 262

(GG) "Nematodes" means invertebrate animals of the phylum 263
nemathelminthes and class nematoda, which are unsegmented, round 264
worms with elongated, fusiform, or sac-like bodies covered with 265
cuticle, and that inhabit soil, water, plants, or plant parts 266
and also may be called nema or eel-worms. 267

(HH) "Pest" means a harmful, destructive, or nuisance 268
insect, fungus, rodent, nematode, bacterium, bird, snail, weed, 269
or parasitic plant or a harmful or destructive form of plant or 270
animal life or virus, or any plant or animal species that the 271

director declares to be a pest, except viruses, bacteria, or 272
other microorganisms on or in living animals, including human 273
beings. 274

(II) "Pesticide" means any substance or mixture of 275
substances intended for either of the following: 276

(1) Preventing, destroying, repelling, or mitigating any 277
pest; 278

(2) Use as a plant regulator, defoliant, or desiccant. 279

"Pesticide" includes a pest monitoring system designated 280
by rule. 281

(JJ) "Pesticide dealer" means any person who distributes 282
restricted use pesticides or pesticides whose uses or 283
distribution are further restricted by the director to the 284
ultimate user or to a commercial applicator who is employed by 285
that pesticide dealer. 286

(KK) "Pesticide business" means a person who performs 287
pesticide business activities. 288

(LL) "Pesticide business activities" means any of the 289
following: 290

(1) The application of pesticides to the property of 291
another for hire; 292

(2) The solicitation to apply pesticides; 293

(3) The conducting of authorized diagnostic inspections. 294

(MM) "Pesticide-use category" means a specialized field of 295
pesticide application or of diagnostic inspection as defined by 296
rule. 297

(NN) "Plant regulator" means any substance or mixture of 298

substances, intended, through physiological action, for 299
accelerating or retarding the growth or rate of maturation, or 300
for otherwise altering the behavior of plants or the produce 301
thereof, but does not include substances to the extent that they 302
are intended as plant nutrients, trace elements, nutritional 303
chemicals, plant inoculants, or soil amendments. 304

(OO) "Product name" means a coined or specific designation 305
applied to an individual pesticide of a fixed combination and 306
derivation. 307

(PP) "Registrant" means a person who has registered a 308
pesticide under this chapter. 309

(QQ) "Restricted use pesticide" means any pesticide or 310
pesticide use classified by the administrator of the United 311
States environmental protection agency for use only by a 312
pesticide applicator or by an individual who is trained in 313
accordance with standards prescribed by the director under 314
section 921.16 of the Revised Code and who is working under the 315
direct supervision of a pesticide applicator. 316

(RR) "Rule" means a rule adopted under section 921.16 of 317
the Revised Code. 318

(SS) "Sell or sale" means exchange of ownership or 319
transfer of custody. 320

(TT) "State restricted use pesticide" means any pesticide 321
or pesticides classified by the director subsequent to a hearing 322
held in accordance with Chapter 119. of the Revised Code for use 323
only by pesticide applicators or individuals who are trained in 324
accordance with standards prescribed by the director under 325
section 921.16 of the Revised Code and who are working under 326
their direct supervision. 327

(UU) "Unreasonable adverse effects on the environment" 328
means any unreasonable risk to human beings or the environment 329
taking into account the economic, social, and environmental 330
benefits and costs of the use of any pesticide. 331

(VV) "Trained serviceperson" means an employee of a 332
pesticide business, other business, agency of the United States 333
government, state agency, or political subdivision who has been 334
trained to ~~apply general use~~ do either of the following: 335

(1) Apply pesticides while under the direct supervision of 336
a commercial applicator; 337

(2) Use restricted use pesticides after being trained in 338
accordance with standards prescribed by the director under 339
section 921.16 of the Revised Code and while working under the 340
direct supervision of a commercial applicator. 341

(WW) "Weed" means any plant that grows where not wanted. 342

(XX) "Wildlife" means all living things that are neither 343
human, domesticated, or pests, including, but not limited to, 344
mammals, birds, and aquatic life. 345

(YY) "Trade secret" and "confidential business 346
information" mean any formula, plan, pattern, process, tool, 347
mechanism, compound, procedure, production date, or compilation 348
of information that is not patented, that is known only to 349
certain individuals within a commercial concern, and that gives 350
its user an opportunity to obtain a business advantage over 351
competitors who do not know or use it. 352

(ZZ) "Immediate family" means familial relationships 353
limited to a person's spouse, parents, stepparents, foster 354
parents, father-in-law, mother-in-law, children, stepchildren, 355
foster children, sons-in-law, daughters-in-law, grandparents, 356

grandchildren, brothers, sisters, brothers-in-law, sisters-in- 357
law, aunts, uncles, nieces, nephews, and first cousins. 358

(AAA) "First cousin" means the child of a parent's 359
sibling. 360

Sec. 921.06. (A) (1) No individual shall do any of the 361
following without having a commercial applicator license issued 362
by the director of agriculture: 363

(a) Apply pesticides for a pesticide business without 364
direct supervision; 365

(b) Apply pesticides as part of the individual's duties 366
while acting as an employee of the United States government, a 367
state, county, township, or municipal corporation, or a park 368
district, port authority, or sanitary district created under 369
Chapter 1545., 4582., or 6115. of the Revised Code, 370
respectively; 371

(c) Apply restricted use pesticides. Division (A) (1) (c) of 372
this section does not apply to a private applicator or an 373
immediate family member or a subordinate employee of a private 374
applicator who is trained in accordance with standards 375
prescribed by the director under section 921.16 of the Revised 376
Code and who is acting under the direct supervision of that 377
private applicator. 378

(d) If the individual is the owner of a business other 379
than a pesticide business or an employee of such an owner, apply 380
pesticides at any of the following publicly accessible sites 381
that are located on the property: 382

(i) Food service operations that are licensed under 383
Chapter 3717. of the Revised Code; 384

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	385 386
(iii) Golf courses;	387
(iv) Rental properties of more than four apartment units at one location;	388 389
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	390 391
(vi) Child care centers or licensed school child programs as defined in section 5104.01 of the Revised Code;	392 393
(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the director of education and workforce;	394 395 396 397 398 399
(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	400 401 402 403 404 405 406 407 408 409
(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	410 411
(x) Any other site designated by rule.	412

(e) Conduct authorized diagnostic inspections. 413

(2) Divisions (A) (1) (a) to (d) of this section do not 414
apply to an individual who is acting as a trained serviceperson 415
under the direct supervision of a commercial applicator. 416

(3) Licenses shall be issued for a period of time 417
established by rule and shall be renewed in accordance with 418
deadlines established by rule. The fee for each such license 419
shall be established by rule. If a license is not issued or 420
renewed, the application fee shall be retained by the state as 421
payment for the reasonable expense of processing the 422
application. The director shall by rule classify by pesticide- 423
use category licenses to be issued under this section. A single 424
license may include more than one pesticide-use category. No 425
individual shall be required to pay an additional license fee if 426
the individual is licensed for more than one category. 427

The fee for each license or renewal does not apply to an 428
applicant who is an employee of the department of agriculture 429
whose job duties require licensure as a commercial applicator as 430
a condition of employment. 431

(B) Application for a commercial applicator license shall 432
be made on a form prescribed by the director. Each application 433
for a license shall state the pesticide-use category or 434
categories of license for which the applicant is applying and 435
other information that the director determines essential to the 436
administration of this chapter. 437

(C) (1) Except as provided in division (C) (2) of this 438
section, if the director finds that the applicant is competent 439
to apply pesticides and conduct diagnostic inspections and that 440
the applicant has passed both the general examination and each 441

applicable pesticide-use category examination as required under 442
division (A) of section 921.12 of the Revised Code, the director 443
shall issue a commercial applicator license limited to the 444
pesticide-use category or categories for which the applicant is 445
found to be competent. If the director rejects an application, 446
the director may explain why the application was rejected, 447
describe the additional requirements necessary for the applicant 448
to obtain a license, and return the application. The applicant 449
may resubmit the application without payment of any additional 450
fee. 451

(2) The director shall issue a commercial applicator 452
license in accordance with Chapter 4796. of the Revised Code to 453
an individual if either of the following applies: 454

(a) The individual holds a commercial applicator license 455
in another state. 456

(b) The individual has satisfactory work experience, a 457
government certification, or a private certification as 458
described in that chapter as a commercial applicator in a state 459
that does not issue that license. 460

A license issued under this division shall be limited to 461
the pesticide-use category or categories for which the applicant 462
is licensed in another state or has satisfactory work 463
experience, a government certification, or a private 464
certification in that state. 465

(D) (1) A person who is a commercial applicator shall be 466
deemed to hold a private applicator's license for purposes of 467
applying pesticides on agricultural commodities that are 468
produced by the commercial applicator. 469

(2) A commercial applicator shall apply pesticides only in 470

the pesticide-use category or categories in which the applicator 471
is licensed under this chapter. 472

(E) All money collected under this section shall be 473
credited to the pesticide, fertilizer, and lime program fund 474
created in section 921.22 of the Revised Code. 475

Sec. 921.11. (A) As used in this section, "use" means any 476
of the following: 477

(1) Performing pre-application activities involving mixing 478
and loading the pesticide; 479

(2) Applying the pesticide ~~by a commercial applicator or~~ 480
~~private applicator,~~ including supervising the use of a pesticide 481
by a noncertified applicator; 482

(3) Performing other pesticide-related activities, 483
including transporting or storing pesticide containers that have 484
been opened, cleaning equipment, and disposing of excess 485
pesticides, spray mix, equipment wash waters, pesticide 486
containers, and other pesticide-containing materials. 487

(B) No individual shall use restricted use pesticides 488
unless the individual is one of the following: 489

(1) Licensed under section 921.06 of the Revised Code; 490

(2) Licensed under division ~~(C)~~ (D) of this section; 491

(3) A trained serviceperson who is trained in accordance 492
with standards prescribed by the director under section 921.16 493
of the Revised Code and who is acting under the direct 494
supervision of a commercial applicator; 495

(4) An immediate family member or a subordinate employee 496
of a private applicator who is trained in accordance with 497

standards prescribed by the director under section 921.16 of the 498
Revised Code and who is acting under the direct supervision of 499
that private applicator. 500

~~(C) (1) Subject to division (C) (2)~~ (C) No individual shall 501
directly supervise the application of a restricted use pesticide 502
unless the individual is one of the following: 503

(1) Licensed under section 921.06 of the Revised Code; 504

(2) Licensed under division (D) of this section. 505

(D) (1) Subject to division (D) (2) of this section, the 506
director of agriculture shall adopt rules to establish standards 507
and procedures for the licensure of private applicators. An 508
individual shall apply for a private applicator license to the 509
director, on forms prescribed by the director. The individual 510
shall include in the application the pesticide-use category or 511
categories of the license for which the individual is applying 512
and any other information that the director determines is 513
essential to the administration of this chapter. The fee for 514
each license shall be established by rule. Licenses shall be 515
issued for a period of time established by rule and shall be 516
renewed in accordance with deadlines established by rule. If a 517
license is not issued or renewed, the state shall retain any fee 518
submitted as payment for reasonable expenses of processing the 519
application. 520

(2) The director shall issue a private applicator license 521
in accordance with Chapter 4796. of the Revised Code to an 522
individual if either of the following applies: 523

(a) The individual holds a private applicator license in 524
another state. 525

(b) The individual has satisfactory work experience, a 526

government certification, or a private certification as 527
described in that chapter as a private applicator in a state 528
that does not issue that license. 529

A license issued under this division shall be limited to 530
the pesticide-use category or categories for which the applicant 531
is licensed in another state or has satisfactory work 532
experience, a government certification, or a private 533
certification in that state. 534

~~(D)~~ (E) An individual who is licensed under this section 535
shall use or directly supervise the use of a restricted use 536
pesticide only for the purpose of producing agricultural 537
commodities on property that is owned or rented by the 538
individual or the individual's employer. 539

~~(E)~~ (F) All money collected under this section shall be 540
credited to the pesticide, fertilizer, and lime program fund 541
created in section 921.22 of the Revised Code. 542

Sec. 921.16. (A) The director of agriculture shall adopt 543
rules the director determines necessary for the effective 544
enforcement and administration of this chapter. The rules may 545
relate to, but are not limited to, the time, place, manner, and 546
methods of application, materials, and amounts and 547
concentrations of application of pesticides, may restrict or 548
prohibit the use of pesticides in designated areas during 549
specified periods of time, and shall encompass all reasonable 550
factors that the director determines necessary to minimize or 551
prevent damage to the environment. In addition, the rules shall 552
establish the deadlines and time periods for registration, 553
registration renewal, late registration renewal, and failure to 554
register under section 921.02 of the Revised Code; the fees for 555
registration, registration renewal, late registration renewal, 556

and failure to register under section 921.02 of the Revised Code 557
that shall apply until the fees that are established under that 558
section take effect on January 1, 2007; and the fees, deadlines, 559
and time periods for licensure and license renewal under 560
sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code. 561

(B) The director shall adopt rules that establish a 562
schedule of civil penalties for violations of this chapter, or 563
any rule or order adopted or issued under it, provided that the 564
civil penalty for a first violation shall not exceed five 565
thousand dollars and the civil penalty for each subsequent 566
violation shall not exceed ten thousand dollars. In determining 567
the amount of a civil penalty for a violation, the director 568
shall consider factors relevant to the severity of the 569
violation, including past violations and the amount of actual or 570
potential damage to the environment or to human beings. All 571
money collected under this division shall be credited to the 572
pesticide, fertilizer, and lime program fund created in section 573
921.22 of the Revised Code. 574

(C) The director shall adopt rules that set forth the 575
conditions under which the director: 576

(1) Requires that notice or posting be given of a proposed 577
application of a pesticide; 578

(2) Requires inspection, condemnation, or repair of 579
equipment used to apply a pesticide; 580

(3) Will suspend, revoke, or refuse to issue any pesticide 581
registration for a violation of this chapter; 582

(4) Requires safe handling, transportation, storage, 583
display, distribution, and disposal of pesticides and their 584
containers; 585

(5) Ensures the protection of the health and safety of 586
agricultural workers storing, handling, or applying pesticides, 587
and all residents of agricultural labor camps, as that term is 588
defined in section 3733.41 of the Revised Code, who are living 589
or working in the vicinity of pesticide-treated areas; 590

(6) Requires a record to be kept of all pesticide 591
applications made by each commercial applicator and ~~of all~~ 592
~~general use applications made by~~ any trained serviceperson 593
acting under the commercial applicator's direct supervision and 594
of all restricted use pesticide applications made by each 595
private applicator and by any immediate family member or 596
subordinate employee of that private applicator who is acting 597
under the private applicator's direct supervision as required 598
under section 921.14 of the Revised Code; 599

(7) Determines the pesticide-use categories of diagnostic 600
inspections that must be conducted by a commercial applicator; 601

(8) Requires a record to be kept of all diagnostic 602
inspections conducted by each commercial applicator and by any 603
trained service person. 604

(D) The director shall prescribe standards for the 605
licensure of applicators of pesticides and the training of those 606
supervised by commercial applicators or private applicators in 607
the use of restricted use pesticides consistent with those 608
prescribed by the federal act and the regulations adopted under 609
it or prescribe standards that are more restrictive than those 610
prescribed by the federal act and the regulations adopted under 611
it. The standards may relate to the use of a pesticide or to an 612
individual's pesticide-use category. 613

The director shall take into consideration standards of 614

the United States environmental protection agency. 615

(E) The director may adopt rules setting forth the 616
conditions under which the director will: 617

(1) Collect and examine samples of pesticides or devices; 618

(2) Specify classes of devices that shall be subject to 619
this chapter; 620

(3) Prescribe other necessary registration information. 621

(F) The director may adopt rules that do either or both of 622
the following: 623

(1) Designate, in addition to those restricted uses so 624
classified by the administrator of the United States 625
environmental protection agency, restricted uses of pesticides 626
for the state or for designated areas within the state and, if 627
the director considers it necessary, to further restrict such 628
use; 629

(2) Define what constitutes "acting under the instructions 630
and control of a commercial applicator" as used in the 631
definition of "direct supervision" in division (Q) of section 632
921.01 of the Revised Code. In adopting a rule under division 633
(F) (2) of this section, the director shall consider the factors 634
associated with the use of pesticide in the various pesticide- 635
use categories. Based on consideration of the factors, the 636
director may define "acting under the instructions and control 637
of a commercial applicator" to include communications between a 638
commercial applicator and a trained serviceperson that are 639
conducted via landline telephone or a means of wireless 640
communication. Any rules adopted under division (F) (2) of this 641
section shall be drafted in consultation with representatives of 642
the pesticide industry. 643

(G) Except as provided in division (D) of this section, 644
the director shall not adopt any rule under this chapter that is 645
inconsistent with the requirements of the federal act and 646
regulations adopted thereunder. 647

(H) The director, after notice and opportunity for 648
hearing, may declare as a pest any form of plant or animal life, 649
other than human beings and other than bacteria, viruses, and 650
other microorganisms on or in living human beings or other 651
living animals, that is injurious to health or the environment. 652

(I) The director may make reports to the United States 653
environmental protection agency, in the form and containing the 654
information the agency may require. 655

(J) The director shall adopt rules for the application, 656
use, storage, and disposal of pesticides if, in the director's 657
judgment, existing programs of the United States environmental 658
protection agency necessitate such rules or pesticide labels do 659
not sufficiently address issues or situations identified by the 660
department of agriculture or interested state agencies. 661

(K) The director shall adopt rules establishing all of the 662
following: 663

(1) Standards, requirements, and procedures for the 664
examination and re-examination of commercial applicators and 665
private applicators; 666

(2) With respect to training programs that the director 667
may require commercial applicators and private applicators to 668
complete: 669

(a) Standards and requirements that a training program 670
must satisfy in order to be offered by the director or the 671
director's representative or in order to be approved by the 672

director if a third party wishes to offer it; 673

(b) Eligibility standards and requirements that must be 674
satisfied by third parties who wish to provide the training 675
programs; 676

(c) Procedures that third parties must follow in order to 677
submit a proposed training program to the director for approval; 678

(d) Criteria that the director must consider when 679
determining whether to authorize a commercial applicator or 680
private applicator to participate in a training program instead 681
of being required to pass a re-examination. 682

(3) Training requirements for a trained serviceperson. 683

(L) The director shall adopt all rules under this chapter 684
in accordance with Chapter 119. of the Revised Code. 685

Sec. 921.24. No person shall do any of the following: 686

(A) Apply, use, directly supervise such application or 687
use, or recommend a pesticide for use inconsistent with the 688
pesticide's labeling, treatment standards, or other restrictions 689
imposed by the director of agriculture; 690

(B) Act as a commercial applicator without being licensed 691
to do so; 692

(C) Use any restricted use pesticide, unless the person is 693
~~licensed~~ one of the following: 694

(1) Licensed to do so under this chapter; 695

(2) A trained serviceperson who is trained in accordance 696
with standards prescribed by the director under section 921.16 697
of the Revised Code and who is acting under the direct 698
supervision of a commercial applicator; 699

<u>(3) An immediate family member or a subordinate employee</u>	700
<u>of a private applicator who is trained in accordance with</u>	701
<u>standards prescribed by the director under section 921.16 of the</u>	702
<u>Revised Code and who is acting under the direct supervision of</u>	703
<u>that private applicator.</u>	704
(D) Refuse or fail to keep or maintain records required by	705
the director in rules adopted under this chapter, or to make	706
reports when and as required by the director in rules adopted	707
under this chapter;	708
(E) Falsely or fraudulently represent the effect of	709
pesticides or methods to be utilized;	710
(F) Apply known ineffective or improper materials;	711
(G) Operate in a negligent manner, which includes the	712
operation of faulty or unsafe equipment;	713
(H) Impersonate any federal, state, county, or municipal	714
official;	715
(I) Make false or fraudulent records, invoices, or	716
reports;	717
(J) Fail to provide training to trained servicepersons in	718
the application of general use <u>or restricted use pesticides, as</u>	719
<u>applicable;</u>	720
(K) Fail to provide direct supervision as specified in	721
rules adopted under division (C) of section 921.16 of the	722
Revised Code;	723
(L) Distribute a misbranded or adulterated pesticide;	724
(M) Use fraud or misrepresentation in making application	725
for a license or registration or renewal of a license or	726

registration;	727
(N) Refuse, fail, or neglect to comply with any limitation	728
or restriction of a license or registration issued under this	729
chapter or rules adopted thereunder;	730
(O) Aid or abet a licensee or another person in violating	731
this chapter or rules adopted thereunder;	732
(P) Make a false or misleading statement in an inspection	733
concerning any infestation of pests or the use of pesticides;	734
(Q) Refuse or fail to comply with this chapter, the rules	735
adopted thereunder, or any lawful order of the director;	736
(R) Distribute restricted use pesticides to the ultimate	737
user without a pesticide dealer's license;	738
(S) Except as provided in division (F) of section 921.26	739
of the Revised Code, distribute restricted use pesticides to an	740
ultimate user who is not licensed under section 921.06 or 921.11	741
of the Revised Code and rules adopted under this chapter;	742
(T) Use any pesticide that is under an experimental use	743
permit contrary to the provisions of the permit;	744
(U) Engage in fraudulent business practices;	745
(V) Dispose of any pesticide product or container in such	746
a manner as to have unreasonable adverse effects on the	747
environment;	748
(W) Display any pesticide in any manner to produce	749
unreasonable adverse effects on the environment, or to	750
contaminate adjacent food, feed, or other products;	751
(X) Apply any pesticide by aircraft without being licensed	752
as a commercial applicator;	753

(Y) Distribute a pesticide that is not registered with the 754
director; 755

(Z) Fail to properly supervise a trained serviceperson. 756

Sec. 943.26. The animal and consumer protection fund is 757
created in the state treasury. The fund shall consist of 758
livestock dealer or broker fees and civil penalties collected 759
under this chapter, all money collected through the issuance of 760
licenses to captive whitetail deer licensees under this chapter 761
and any other money credited to it under the Revised Code. The 762
director of agriculture shall use money in the fund to 763
administer ~~sections 943.20 to 943.26 of the Revised Code~~ this 764
chapter and rules and Chapters 904., 935., and 942. of the 765
Revised Code and rules adopted under those chapters. 766

Sec. 3313.8110. (A) The board of education of each city, 767
exempted village, local, and joint vocational school district 768
shall adopt a policy to prevent the purchase of a food that is 769
either of the following: 770

(1) Misbranded as a meat product or an egg product as 771
prohibited in section 3715.602 of the Revised Code; 772

(2) A cultivated-protein food product as defined in 773
section 3715.601 of the Revised Code. 774

(B) The department of education and workforce shall adopt 775
a policy to prevent the purchase of a food that is either of the 776
following: 777

(1) Misbranded as a meat product or an egg product as 778
prohibited in section 3715.602 of the Revised Code; 779

(2) A cultivated-protein food product. 780

Sec. 3314.03. A copy of every contract entered into under 781

this section shall be filed with the director of education and 782
workforce. The department of education and workforce shall make 783
available on its web site a copy of every approved, executed 784
contract filed with the director under this section. 785

(A) Each contract entered into between a sponsor and the 786
governing authority of a community school shall specify the 787
following: 788

(1) That the school shall be established as either of the 789
following: 790

(a) A nonprofit corporation established under Chapter 791
1702. of the Revised Code, if established prior to April 8, 792
2003; 793

(b) A public benefit corporation established under Chapter 794
1702. of the Revised Code, if established after April 8, 2003. 795

(2) The education program of the school, including the 796
school's mission, the characteristics of the students the school 797
is expected to attract, the ages and grades of students, and the 798
focus of the curriculum; 799

(3) The academic goals to be achieved and the method of 800
measurement that will be used to determine progress toward those 801
goals, which shall include the statewide achievement 802
assessments; 803

(4) Performance standards, including but not limited to 804
all applicable report card measures set forth in section 3302.03 805
or 3314.017 of the Revised Code, by which the success of the 806
school will be evaluated by the sponsor; 807

(5) The admission standards of section 3314.06 of the 808
Revised Code and, if applicable, section 3314.061 of the Revised 809

Code; 810

(6) (a) Dismissal procedures; 811

(b) A requirement that the governing authority adopt an 812
attendance policy that includes a procedure for automatically 813
withdrawing a student from the school if the student without a 814
legitimate excuse fails to participate in seventy-two 815
consecutive hours of the learning opportunities offered to the 816
student. 817

(7) The ways by which the school will achieve racial and 818
ethnic balance reflective of the community it serves; 819

(8) Requirements for financial audits by the auditor of 820
state. The contract shall require financial records of the 821
school to be maintained in the same manner as are financial 822
records of school districts, pursuant to rules of the auditor of 823
state. Audits shall be conducted in accordance with section 824
117.10 of the Revised Code. 825

(9) An addendum to the contract outlining the facilities 826
to be used that contains at least the following information: 827

(a) A detailed description of each facility used for 828
instructional purposes; 829

(b) The annual costs associated with leasing each facility 830
that are paid by or on behalf of the school; 831

(c) The annual mortgage principal and interest payments 832
that are paid by the school; 833

(d) The name of the lender or landlord, identified as 834
such, and the lender's or landlord's relationship to the 835
operator, if any. 836

(10) Qualifications of employees, including both of the 837
following: 838

(a) A requirement that the school's classroom teachers be 839
licensed in accordance with sections 3319.22 to 3319.31 of the 840
Revised Code, except that a community school may engage 841
noncertificated persons to teach up to twelve hours or forty 842
hours per week pursuant to section 3319.301 of the Revised Code; 843

(b) A prohibition against the school employing an 844
individual described in section 3314.104 of the Revised Code in 845
any position. 846

(11) That the school will comply with the following 847
requirements: 848

(a) The school will provide learning opportunities to a 849
minimum of twenty-five students for a minimum of nine hundred 850
twenty hours per school year. 851

(b) The governing authority will purchase liability 852
insurance, or otherwise provide for the potential liability of 853
the school. 854

(c) The school will be nonsectarian in its programs, 855
admission policies, employment practices, and all other 856
operations, and will not be operated by a sectarian school or 857
religious institution. 858

(d) The school will comply with sections 9.90, 9.91, 859
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 860
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 861
3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 862
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 863
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 864
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 865

3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 866
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 867
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 868
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 869
3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 870
3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 871
3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 872
3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 873
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 874
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 875
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 876
4123., 4141., and 4167. of the Revised Code as if it were a 877
school district and will comply with section 3301.0714 of the 878
Revised Code in the manner specified in section 3314.17 of the 879
Revised Code. 880

(e) The school shall comply with Chapter 102. and section 881
2921.42 of the Revised Code. 882

(f) The school will comply with sections 3313.61, 883
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 884
Revised Code, except that for students who enter ninth grade for 885
the first time before July 1, 2010, the requirement in sections 886
3313.61 and 3313.611 of the Revised Code that a person must 887
successfully complete the curriculum in any high school prior to 888
receiving a high school diploma may be met by completing the 889
curriculum adopted by the governing authority of the community 890
school rather than the curriculum specified in Title XXXIII of 891
the Revised Code or any rules of the department. Beginning with 892
students who enter ninth grade for the first time on or after 893
July 1, 2010, the requirement in sections 3313.61 and 3313.611 894
of the Revised Code that a person must successfully complete the 895
curriculum of a high school prior to receiving a high school 896

diploma shall be met by completing the requirements prescribed 897
in section 3313.6027 and division (C) of section 3313.603 of the 898
Revised Code, unless the person qualifies under division (D) or 899
(F) of that section. Each school shall comply with the plan for 900
awarding high school credit based on demonstration of subject 901
area competency, and beginning with the 2017-2018 school year, 902
with the updated plan that permits students enrolled in seventh 903
and eighth grade to meet curriculum requirements based on 904
subject area competency adopted by the department under 905
divisions (J) (1) and (2) of section 3313.603 of the Revised 906
Code. Beginning with the 2018-2019 school year, the school shall 907
comply with the framework for granting units of high school 908
credit to students who demonstrate subject area competency 909
through work-based learning experiences, internships, or 910
cooperative education developed by the department under division 911
(J) (3) of section 3313.603 of the Revised Code. 912

(g) The school governing authority will submit within four 913
months after the end of each school year a report of its 914
activities and progress in meeting the goals and standards of 915
divisions (A) (3) and (4) of this section and its financial 916
status to the sponsor and the parents of all students enrolled 917
in the school. 918

(h) The school, unless it is an internet- or computer- 919
based community school, will comply with section 3313.801 of the 920
Revised Code as if it were a school district. 921

(i) If the school is the recipient of moneys from a grant 922
awarded under the federal race to the top program, Division (A), 923
Title XIV, Sections 14005 and 14006 of the "American Recovery 924
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 925
the school will pay teachers based upon performance in 926

accordance with section 3317.141 and will comply with section 927
3319.111 of the Revised Code as if it were a school district. 928

(j) If the school operates a preschool program that is 929
licensed by the department under sections 3301.52 to 3301.59 of 930
the Revised Code, the school shall comply with sections 3301.50 931
to 3301.59 of the Revised Code and the minimum standards for 932
preschool programs prescribed in rules adopted by the department 933
of children and youth under section 3301.53 of the Revised Code. 934

(k) The school will comply with sections 3313.6021 and 935
3313.6023 of the Revised Code as if it were a school district 936
unless it is either of the following: 937

(i) An internet- or computer-based community school; 938

(ii) A community school in which a majority of the 939
enrolled students are children with disabilities as described in 940
division (B) (2) of section 3314.35 of the Revised Code. 941

(l) The school will comply with section 3321.191 of the 942
Revised Code, unless it is an internet- or computer-based 943
community school that is subject to section 3314.261 of the 944
Revised Code. 945

(12) Arrangements for providing health and other benefits 946
to employees; 947

(13) The length of the contract, which shall begin at the 948
beginning of an academic year. No contract shall exceed five 949
years unless such contract has been renewed pursuant to division 950
(E) of this section. 951

(14) The governing authority of the school, which shall be 952
responsible for carrying out the provisions of the contract; 953

(15) A financial plan detailing an estimated school budget 954

for each year of the period of the contract and specifying the 955
total estimated per pupil expenditure amount for each such year. 956

(16) Requirements and procedures regarding the disposition 957
of employees of the school in the event the contract is 958
terminated or not renewed pursuant to section 3314.07 of the 959
Revised Code; 960

(17) Whether the school is to be created by converting all 961
or part of an existing public school or educational service 962
center building or is to be a new start-up school, and if it is 963
a converted public school or service center building, 964
specification of any duties or responsibilities of an employer 965
that the board of education or service center governing board 966
that operated the school or building before conversion is 967
delegating to the governing authority of the community school 968
with respect to all or any specified group of employees provided 969
the delegation is not prohibited by a collective bargaining 970
agreement applicable to such employees; 971

(18) Provisions establishing procedures for resolving 972
disputes or differences of opinion between the sponsor and the 973
governing authority of the community school; 974

(19) A provision requiring the governing authority to 975
adopt a policy regarding the admission of students who reside 976
outside the district in which the school is located. That policy 977
shall comply with the admissions procedures specified in 978
sections 3314.06 and 3314.061 of the Revised Code and, at the 979
sole discretion of the authority, shall do one of the following: 980

(a) Prohibit the enrollment of students who reside outside 981
the district in which the school is located; 982

(b) Permit the enrollment of students who reside in 983

districts adjacent to the district in which the school is 984
located; 985

(c) Permit the enrollment of students who reside in any 986
other district in the state. 987

(20) A provision recognizing the authority of the 988
department to take over the sponsorship of the school in 989
accordance with the provisions of division (C) of section 990
3314.015 of the Revised Code; 991

(21) A provision recognizing the sponsor's authority to 992
assume the operation of a school under the conditions specified 993
in division (B) of section 3314.073 of the Revised Code; 994

(22) A provision recognizing both of the following: 995

(a) The authority of public health and safety officials to 996
inspect the facilities of the school and to order the facilities 997
closed if those officials find that the facilities are not in 998
compliance with health and safety laws and regulations; 999

(b) The authority of the department as the community 1000
school oversight body to suspend the operation of the school 1001
under section 3314.072 of the Revised Code if the department has 1002
evidence of conditions or violations of law at the school that 1003
pose an imminent danger to the health and safety of the school's 1004
students and employees and the sponsor refuses to take such 1005
action. 1006

(23) A description of the learning opportunities that will 1007
be offered to students including both classroom-based and non- 1008
classroom-based learning opportunities that is in compliance 1009
with criteria for student participation established by the 1010
department under division (H) (2) of section 3314.08 of the 1011
Revised Code; 1012

(24) The school will comply with sections 3302.04 and 1013
3302.041 of the Revised Code, except that any action required to 1014
be taken by a school district pursuant to those sections shall 1015
be taken by the sponsor of the school. 1016

(25) Beginning in the 2006-2007 school year, the school 1017
will open for operation not later than the thirtieth day of 1018
September each school year, unless the mission of the school as 1019
specified under division (A) (2) of this section is solely to 1020
serve dropouts. In its initial year of operation, if the school 1021
fails to open by the thirtieth day of September, or within one 1022
year after the adoption of the contract pursuant to division (D) 1023
of section 3314.02 of the Revised Code if the mission of the 1024
school is solely to serve dropouts, the contract shall be void. 1025

(26) Whether the school's governing authority is planning 1026
to seek designation for the school as a STEM school equivalent 1027
under section 3326.032 of the Revised Code; 1028

(27) That the school's attendance and participation 1029
policies will be available for public inspection; 1030

(28) That the school's attendance and participation 1031
records shall be made available to the department, auditor of 1032
state, and school's sponsor to the extent permitted under and in 1033
accordance with the "Family Educational Rights and Privacy Act 1034
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 1035
regulations promulgated under that act, and section 3319.321 of 1036
the Revised Code; 1037

(29) If a school operates using the blended learning 1038
model, as defined in section 3301.079 of the Revised Code, all 1039
of the following information: 1040

(a) An indication of what blended learning model or models 1041

will be used; 1042

(b) A description of how student instructional needs will 1043
be determined and documented; 1044

(c) The method to be used for determining competency, 1045
granting credit, and promoting students to a higher grade level; 1046

(d) The school's attendance requirements, including how 1047
the school will document participation in learning 1048
opportunities; 1049

(e) A statement describing how student progress will be 1050
monitored; 1051

(f) A statement describing how private student data will 1052
be protected; 1053

(g) A description of the professional development 1054
activities that will be offered to teachers. 1055

(30) A provision requiring that all moneys the school's 1056
operator loans to the school, including facilities loans or cash 1057
flow assistance, must be accounted for, documented, and bear 1058
interest at a fair market rate; 1059

(31) A provision requiring that, if the governing 1060
authority contracts with an attorney, accountant, or entity 1061
specializing in audits, the attorney, accountant, or entity 1062
shall be independent from the operator with which the school has 1063
contracted. 1064

(32) A provision requiring the governing authority to 1065
adopt an enrollment and attendance policy that requires a 1066
student's parent to notify the community school in which the 1067
student is enrolled when there is a change in the location of 1068
the parent's or student's primary residence. 1069

(33) A provision requiring the governing authority to 1070
adopt a student residence and address verification policy for 1071
students enrolling in or attending the school. 1072

(B) The community school shall also submit to the sponsor 1073
a comprehensive plan for the school. The plan shall specify the 1074
following: 1075

(1) The process by which the governing authority of the 1076
school will be selected in the future; 1077

(2) The management and administration of the school; 1078

(3) If the community school is a currently existing public 1079
school or educational service center building, alternative 1080
arrangements for current public school students who choose not 1081
to attend the converted school and for teachers who choose not 1082
to teach in the school or building after conversion; 1083

(4) The instructional program and educational philosophy 1084
of the school; 1085

(5) Internal financial controls. 1086

When submitting the plan under this division, the school 1087
shall also submit copies of all policies and procedures 1088
regarding internal financial controls adopted by the governing 1089
authority of the school. 1090

(C) A contract entered into under section 3314.02 of the 1091
Revised Code between a sponsor and the governing authority of a 1092
community school may provide for the community school governing 1093
authority to make payments to the sponsor, which is hereby 1094
authorized to receive such payments as set forth in the contract 1095
between the governing authority and the sponsor. The total 1096
amount of such payments for monitoring, oversight, and technical 1097

assistance of the school shall not exceed three per cent of the 1098
total amount of payments for operating expenses that the school 1099
receives from the state. 1100

(D) The contract shall specify the duties of the sponsor 1101
which shall be in accordance with the written agreement entered 1102
into with the department under division (B) of section 3314.015 1103
of the Revised Code and shall include the following: 1104

(1) Monitor the community school's compliance with all 1105
laws applicable to the school and with the terms of the 1106
contract; 1107

(2) Monitor and evaluate the academic and fiscal 1108
performance and the organization and operation of the community 1109
school on at least an annual basis; 1110

(3) Provide technical assistance to the community school 1111
in complying with laws applicable to the school and terms of the 1112
contract; 1113

(4) Take steps to intervene in the school's operation to 1114
correct problems in the school's overall performance, declare 1115
the school to be on probationary status pursuant to section 1116
3314.073 of the Revised Code, suspend the operation of the 1117
school pursuant to section 3314.072 of the Revised Code, or 1118
terminate the contract of the school pursuant to section 3314.07 1119
of the Revised Code as determined necessary by the sponsor; 1120

(5) Have in place a plan of action to be undertaken in the 1121
event the community school experiences financial difficulties or 1122
closes prior to the end of a school year. 1123

(E) Upon the expiration of a contract entered into under 1124
this section, the sponsor of a community school may, with the 1125
approval of the governing authority of the school, renew that 1126

contract for a period of time determined by the sponsor, but not 1127
ending earlier than the end of any school year, if the sponsor 1128
finds that the school's compliance with applicable laws and 1129
terms of the contract and the school's progress in meeting the 1130
academic goals prescribed in the contract have been 1131
satisfactory. Any contract that is renewed under this division 1132
remains subject to the provisions of sections 3314.07, 3314.072, 1133
and 3314.073 of the Revised Code. 1134

(F) If a community school fails to open for operation 1135
within one year after the contract entered into under this 1136
section is adopted pursuant to division (D) of section 3314.02 1137
of the Revised Code or permanently closes prior to the 1138
expiration of the contract, the contract shall be void and the 1139
school shall not enter into a contract with any other sponsor. A 1140
school shall not be considered permanently closed because the 1141
operations of the school have been suspended pursuant to section 1142
3314.072 of the Revised Code. 1143

Sec. 3326.11. Each science, technology, engineering, and 1144
mathematics school established under this chapter and its 1145
governing body shall comply with sections 9.90, 9.91, 109.65, 1146
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1147
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 1148
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 1149
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 1150
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 1151
3313.6021, 3313.6023, 3313.6024, 3313.6025, 3313.6026, 1152
3313.6028, 3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 1153
3313.617, 3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 1154
3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 1155
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 1156
3313.673, 3313.69, 3313.71, 3313.716, 3313.717, 3313.718, 1157

3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 1158
3313.801, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 1159
3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 1160
3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 3319.32, 1161
3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 1162
3319.41, 3319.45, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 1163
3320.04, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 1164
3321.17, 3321.18, 3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 1165
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 1166
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 1167
4112., 4123., 4141., and 4167. of the Revised Code as if it were 1168
a school district. 1169

Sec. 3328.24. A college-preparatory boarding school 1170
established under this chapter and its board of trustees shall 1171
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 1172
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 1173
3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 1174
3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 1175
3313.6413, 3313.668, 3313.669, 3313.6610, 3313.717, 3313.7112, 1176
3313.7117, 3313.721, 3313.753, 3313.8110, 3313.89, 3319.073, 1177
3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 1178
3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 1179
and 5502.262, and Chapter 3365. of the Revised Code as if the 1180
school were a school district and the school's board of trustees 1181
were a district board of education. 1182

Sec. 3345.88. Each state institution of higher education, 1183
as defined in section 3345.011 of the Revised Code, shall adopt 1184
a policy to prevent the purchase of a food that is either of the 1185
following: 1186

(A) Misbranded as a meat product or an egg product as 1187

prohibited in section 3715.602 of the Revised Code; 1188

(B) A cultivated-protein food product as defined in 1189
section 3715.601 of the Revised Code. 1190

This section does not apply to a state institution's 1191
purchase of food described in divisions (A) and (B) of this 1192
section for research purposes. 1193

Sec. 3701.132. (A) As used in this section, "WIC program" 1194
means the "special supplemental nutrition program for women, 1195
infants, and children" established under the "Child Nutrition 1196
Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended. 1197

(B) The department of health is hereby designated as the 1198
state agency to administer the WIC program. 1199

The director of health shall adopt rules pursuant to 1200
Chapter 119. of the Revised Code as necessary for administering 1201
the WIC program. The rules may include civil money penalties for 1202
violations of the rules. 1203

(C) In determining eligibility for services provided under 1204
the WIC program, the department may use the application form 1205
established under section 5163.40 of the Revised Code for the 1206
healthy start program. The department may require applicants to 1207
furnish their social security numbers. 1208

(D) If the department determines that a vendor has 1209
committed an act with respect to the WIC program that federal 1210
statutes or regulations or state statutes or rules prohibit, the 1211
department shall take action against the vendor in the manner 1212
required by 7 C.F.R. part 246, including imposition of a civil 1213
money penalty in accordance with 7 C.F.R. 246.12, or rules 1214
adopted under this section. 1215

(E) If the United States department of agriculture 1216
approves cultivated-protein food products as defined in section 1217
3715.601 of the Revised Code for purchase under the WIC program, 1218
the director of health shall submit a request to the United 1219
States department of agriculture for a waiver that excludes 1220
those products from program eligibility in this state. 1221

Sec. 3715.60. ~~Food~~ In addition to the specifications 1222
established in section 3715.602 of the Revised Code, food is 1223
misbranded within the meaning of sections 3715.01, 3715.02, 1224
3715.022, and 3715.52 to 3715.72 of the Revised Code, if: 1225

(A) Its labeling is false or misleading in any particular. 1226

(B) It is offered for sale under the name of another food. 1227

(C) Its container is so made, formed, or filled as to be 1228
misleading. 1229

(D) It is an imitation of another food, unless its label 1230
bears in type of uniform size and prominence, the word 1231
"imitation," and immediately thereafter the name of the food 1232
imitated. 1233

(E) When it is in package form, it does not bear a label 1234
containing: 1235

(1) The name and place of business of the manufacturer, 1236
packer, or distributor; 1237

(2) An accurate statement of the quantity of the contents 1238
in terms of weight, measure, or numerical count; provided, that 1239
reasonable variations shall be permitted, and exemptions as to 1240
small packages shall be established by rules adopted by the 1241
director of agriculture; 1242

(3) In the case of food subject to section 3715.023 of the 1243

Revised Code, the information specified in that section. 1244

(F) Any word, statement, or other information required by 1245
or under authority of sections 3715.01, 3715.02, and 3715.52 to 1246
3715.72 of the Revised Code, to appear on the label or labeling 1247
is not prominently placed thereon with such conspicuousness as 1248
compared with other words, statements, designs, or devices, in 1249
the labeling, and in such terms as to render it likely to be 1250
read and understood by the ordinary individual under customary 1251
conditions of purchase and use. 1252

(G) It purports to be, or is represented as, a food for 1253
which a definition and standard of identity have been prescribed 1254
by statute, or by any rule adopted under an existing statute, or 1255
by rule as provided by section 3715.02 of the Revised Code, 1256
unless: 1257

(1) It conforms to such definition and standard. 1258

(2) Its label bears the name of the food specified in the 1259
definition and standard, and, insofar as may be required by such 1260
statute or rules, the common names of optional ingredients, 1261
other than spices, flavoring, and coloring, present in such 1262
food. 1263

(H) It purports to be or is represented as: 1264

(1) A food for which a standard of quality has been 1265
prescribed by rule as provided by section 3715.02 of the Revised 1266
Code and its quality falls below the standard unless its label 1267
bears, in the manner and form that the rules specify, a 1268
statement that it falls below the standard; 1269

(2) A food for which a standard or standards of fill of 1270
container have been prescribed by rule as provided by section 1271
3715.02 of the Revised Code, and it falls below the standard of 1272

fill of container applicable thereto, unless its label bears, in 1273
the manner and form that the rules specify, a statement that it 1274
falls below the standard. 1275

(I) It is not subject to the provisions of division (G) of 1276
this section, unless it bears labeling clearly giving: 1277

(1) The common or usual name of the food, if any; 1278

(2) In case it is fabricated from two or more ingredients, 1279
the common or usual name of each ingredient; except that spices, 1280
flavorings, and colorings, other than those sold as such, may be 1281
designated as spices, flavorings, and colorings, without naming 1282
each; provided, that, to the extent that compliance with the 1283
requirements of division (I) (2) of this section is impractical 1284
or results in deception or unfair competition, exemptions shall 1285
be established by rules adopted by the director; and provided 1286
that these requirements shall not apply to any carbonated 1287
beverage of which a full and correct statement of the 1288
ingredients, to the extent prescribed by division (I) (2) of this 1289
section, has been filed under oath with the director. 1290

(J) It purports to be or is represented to be for special 1291
dietary uses, unless its label bears such information concerning 1292
its vitamin, mineral, and other dietary properties as is 1293
provided by rules adopted by the director, as necessary, in 1294
order to fully inform purchasers as to its value for such uses. 1295

(K) It bears or contains any artificial flavoring, 1296
artificial coloring, or chemical preservative, unless it bears 1297
labeling stating that fact; provided, that to the extent that 1298
compliance with the requirements of this division is 1299
impracticable, exemptions shall be established by rules adopted 1300
by the director. 1301

Sec. 3715.601. As used in this section and sections 1302
3715.602 to 3715.605 of the Revised Code: 1303

(A) "Agricultural food animal" means both of the 1304
following: 1305

(1) A domesticated animal belonging to the bovine, 1306
caprine, ovine, or porcine species; 1307

(2) Any type of poultry. 1308

(B) "Cultivated-protein food product" means a food having 1309
one or more sensory attributes that resemble a type of tissue 1310
originating from an agricultural food animal, but that, in lieu 1311
of being derived from meat processing, is derived from 1312
manufacturing cells in which one or more stem cells are 1313
initially isolated from an agricultural food animal, are grown 1314
in vitro, and may be manipulated, as part of a manufacturing 1315
operation. 1316

(C) "Egg" means food that is the reproductive output of an 1317
agricultural food animal classified as a chicken. "Egg" includes 1318
albumen and yolk encased in a calcium-based shell. 1319

(D) "Egg product" means food derived from egg processing 1320
in which eggs or egg parts are the primary ingredient. 1321

(E) "Egg processing" means the processing of eggs, 1322
including either of the following: 1323

(1) The handling, preparation, heating, and packaging of 1324
whole shelled or unshelled eggs; 1325

(2) The breaking of eggs and the separation of eggs; 1326
pasteurization; filtering, mixing, stabilizing, or blending 1327
parts of the egg; any cooling, freezing, or drying of parts of 1328
the egg; storage; and packaging. 1329

(F) "Fabricated-egg product" means food, if it has one or 1330
more sensory attributes that resemble an egg product but that, 1331
in lieu of being the output of a laying hen, is derived from 1332
manufactured plants or other organic materials. 1333

(G) "Food processing establishment" has the same meaning 1334
as in section 3715.021 of the Revised Code. 1335

(H) "Identifying egg term" means any word or phrase that 1336
states, indicates, suggests, or describes an egg product, 1337
regardless of whether the word or phrase is used individually, 1338
as a portmanteau, or as a compound word. "Identifying egg term" 1339
includes any of the following: 1340

(1) A common name for a type of a chicken, including 1341
laying hen, hen, or layer, cage-free, poultry, or fowl; 1342

(2) A common name for a characteristic of a chicken based 1343
on age, breed, or sex; 1344

(3) A common name, or a comparable word or phrase approved 1345
by the department of agriculture, that a reasonable purchaser 1346
would immediately and exclusively associate with an egg product 1347
prepared for sale in normal commercial channels such as custard, 1348
eggnog, frittata, huevos rancheros, omelette, mayonnaise, 1349
meringue, sunny side up, over easy, over hard, scrambled, or 1350
quiche; 1351

(4) Any part of the egg, including its egg, eggshell, egg 1352
white, or yolk. 1353

(I) "Identifying meat term" means any word or phrase that 1354
states, indicates, suggests, or describes a meat product, 1355
regardless of whether the word or phrase is used individually, 1356
as a portmanteau, or as a compound word. "Identifying meat term" 1357
includes any of the following: 1358

(1) A common name for the species of an agricultural food 1359
animal subject to slaughter and processing, including a calf or 1360
cow, goat or kid, hog or pig, poultry, or lamb or sheep; 1361

(2) A common name for a characteristic of a species of the 1362
agricultural food animal subject to slaughter and processing 1363
based on age, breed, or sex; 1364

(3) Meat, beef, or veal; broiler, fryer, poulet, or 1365
yearling; cabrito or chevon; lamb or mutton; or pork; 1366

(4) A common name used to describe a major cut of a meat 1367
of an agricultural food animal slaughtered and processed, 1368
including a major meat cut specified in 9 C.F.R. 317.344; a 1369
poultry product such as breast, drumstick, gible, thigh, or 1370
wing; or the common name of an organ or offal, including 1371
gizzard, heart, liver, kidney, or tongue; 1372

(5) Any other common name that a reasonable purchaser 1373
would immediately and exclusively associate with a meat product 1374
prepared for sale in normal commercial channels such as chicken, 1375
bacon, baloney, bologna, bone, brat or bratwurst, brisket, 1376
burger or hamburger, butt, chop, chorizo, chuck, cold cut, 1377
cutlet, filet, flat iron, frank or frankfurter, ham, hock, hot 1378
dog or dog, jerky, liverwurst, loin, London broil, lunch meat, 1379
New York strip, pepperoni, porterhouse, ribeye, roast, rib or 1380
sparerib, salami, sausage, shank, sirloin, tenderloin, or a 1381
comparable word or phrase. 1382

(J) "Insect-protein food product" means a food having one 1383
or more sensory attributes that resemble a type of tissue 1384
originating from an agricultural food animal but that, in lieu 1385
of being derived from meat processing, is derived from 1386
manufacturing insect parts. 1387

(K) "Manufactured-protein food product" means a 1388
cultivated-protein food, insect-protein food, or plant-protein 1389
food. 1390

(L) "Meat processing" means the handling, preparation, and 1391
slaughter of an agricultural food animal; the dressing of its 1392
carcass; or the cutting, storage, and packaging of its tissue or 1393
other parts as a food. 1394

(M) "Meat product" means a food derived from meat 1395
processing. 1396

(N) "Plant-protein food product" means a food having one 1397
or more sensory attributes that resemble a type of tissue found 1398
in a species of agricultural food animal but that, in lieu of 1399
being derived from meat processing, is derived from 1400
manufacturing plant parts. 1401

(O) "Qualifying egg term" means a word, compound word, or 1402
phrase that would clearly disclose to a reasonable purchaser of 1403
egg products from a food processing establishment that a food 1404
product is not an egg product. "Qualifying egg term" includes 1405
fake, imitation, egg-free, plant, plant-based, vegan, vegetable, 1406
vegetarian, veggie, or a comparable word or phrase as approved 1407
by the department. 1408

(P) "Qualifying meat term" means a word, compound word, or 1409
phrase that would clearly disclose to a reasonable purchaser of 1410
meat products from a food processing establishment that a food 1411
is not a meat product. "Qualifying meat term" includes cell- 1412
cultivated, cell-cultured, fake, grown in a lab, imitation, 1413
insect, insect-based, insect-protein, lab-created, lab-grown, 1414
meat free, meatless, plant, plant-based, vegan, vegetable, 1415
vegetarian, veggie, or a comparable word or phrase as approved 1416

by the department. 1417

Sec. 3715.602. (A) Food is misbranded as a meat product if 1418
all of the following apply: 1419

(1) The food is a manufactured-protein food product or the 1420
food contains a manufactured-protein food product. 1421

(2) The food is offered for sale by a food processing 1422
establishment. 1423

(3) A label that is part of or placed on the package or 1424
other container storing the manufactured-protein food product 1425
includes an identifying meat term. 1426

(4) The label that is part of or placed on the package or 1427
other container storing the manufactured-protein food product 1428
does not contain a conspicuous and prominent qualifying meat 1429
term in close proximity to the identifying meat term. 1430

(B) Food is misbranded as an egg product if all of the 1431
following apply: 1432

(1) The food is a fabricated-egg product or the food 1433
contains a fabricated-egg product. 1434

(2) The food is offered for sale or sold by a food 1435
processing establishment. 1436

(3) A label that is part of or placed on the package or 1437
other container storing the food includes an identifying egg 1438
term. 1439

(4) The label that is part of or placed on the package or 1440
other container storing the food does not contain a conspicuous 1441
and prominent qualifying egg term in close proximity to an 1442
identifying egg term. 1443

(C) No food processing establishment shall sell food that 1444
is misbranded as a meat product or an egg product under this 1445
section. 1446

Sec. 3715.603. In conducting a routine inspection of the 1447
premises of a food processing establishment, the department of 1448
agriculture is not required to determine if any food located on 1449
the premises is misbranded as a meat product or an egg product 1450
pursuant to section 3715.602 of the Revised Code. 1451

The department shall inspect an inventory of food offered 1452
for sale or sold by a food processing establishment based on a 1453
credible complaint that the food is misbranded as a meat product 1454
or an egg product under section 3715.602 of the Revised Code. 1455

The department shall adopt rules in accordance with 1456
Chapter 119. of the Revised Code that are necessary to 1457
administer and enforce sections 3715.601 to 3715.605 of the 1458
Revised Code. 1459

Sec. 3715.604. If the department of agriculture has 1460
reasonable cause to believe that a food processing establishment 1461
is selling food that is misbranded as a meat product or an egg 1462
product in violation of section 3715.602 of the Revised Code, 1463
section 3715.55 of the Revised Code applies to the food. 1464

Sec. 3715.605. (A) Any person who violates section 1465
3715.602 of the Revised Code shall pay a civil penalty of not 1466
more than ten thousand dollars for each violation, to be paid 1467
into the state treasury to the credit of the general revenue 1468
fund. Each day that a violation continues constitutes a separate 1469
offense. The attorney general, upon written request by the 1470
director of agriculture, shall bring an action for such a 1471
penalty against any person who violates that section. Such an 1472

action is a civil action, governed by the Rules of Civil 1473
Procedure and other rules of practice and procedure applicable 1474
to civil actions. 1475

(B) The director shall not suspend or revoke a food 1476
processing establishment registration if the food processing 1477
establishment violates section 3715.602 of the Revised Code. 1478

Sec. 5101.5410. As used in this section, "cultivated- 1479
protein food product" has the same meaning as in section 1480
3715.601 of the Revised Code. 1481

If the United States department of agriculture approves 1482
cultivated-protein food products for purchase under the 1483
supplemental nutrition assistance program, the director of job 1484
and family services shall submit a request to the United States 1485
department of agriculture for a waiver that excludes those 1486
products from program eligibility in this state. 1487

Section 2. That existing sections 909.07, 921.01, 921.06, 1488
921.11, 921.16, 921.24, 943.26, 3314.03, 3326.11, 3328.24, 1489
3701.132, and 3715.60 of the Revised Code are hereby repealed. 1490

Section 3. The General Assembly, applying the principle 1491
stated in division (B) of section 1.52 of the Revised Code that 1492
amendments are to be harmonized if reasonably capable of 1493
simultaneous operation, finds that the following sections, 1494
presented in this act as composites of the sections as amended 1495
by the acts indicated, are the resulting versions of the 1496
sections in effect prior to the effective date of the sections 1497
as presented in this act: 1498

Section 3314.03 of the Revised Code as amended by H.B. 1499
214, H.B. 250, and S.B. 168, all of the 135th General Assembly. 1500

Section 3326.11 of the Revised Code as amended by H.B. 47, 1501

H.B. 214, and S.B. 168, all of the 135th General Assembly. 1502

Section 3328.24 of the Revised Code as amended by both 1503
H.B. 47 and H.B. 214 of the 135th General Assembly. 1504