

I\_136\_1580-1

**136th General Assembly**  
**Regular Session**  
**2025-2026**

**Sub. H. B. No. 406**

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To amend sections 917.01, 917.02, 917.04, 917.06, 1  
917.07, 917.09, 917.22, 917.24, 917.99, and 2  
3717.22 and to enact sections 917.041, 917.092, 3  
and 917.25 of the Revised Code to regulate the 4  
sale of raw milk and to name this act the Farm- 5  
to-Consumer Access to Raw Milk Act. 6

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

**Section 1.** That sections 917.01, 917.02, 917.04, 917.06, 7  
917.07, 917.09, 917.22, 917.24, 917.99, and 3717.22 be amended 8  
and sections 917.041, 917.092, and 917.25 of the Revised Code be 9  
enacted to read as follows: 10

**Sec. 917.01.** As used in this chapter: 11

(A) "Person" means any individual, government agency, 12  
political subdivision, partnership, corporation, association, 13  
co-operative association, or other business unit. 14

(B) "Co-operative association" or "agricultural 15  
cooperative association" means any agricultural cooperative 16  
organized under Chapter 1729. of the Revised Code and qualified 17  
to do business in this state if the director of agriculture 18



finds the association has, in good faith, its entire activities 19  
under the control of its members and has been and is exercising 20  
full authority in the sale of milk or cream for its members. 21

(C) "Market area" means any area that the director finds 22  
is a natural marketing area and designates as such. 23

(D) "Dealer" or "milk dealer" means a person who purchases 24  
or receives milk from a producer for the purpose of bottling, 25  
packaging, selling, processing, jobbing, brokering, or 26  
distributing the milk except where the milk is disposed of in 27  
the same container in which it is received, without removal from 28  
the container and without processing in any way except by 29  
necessary refrigeration. Any person who buys and distributes 30  
milk in containers under the person's own label is a dealer. 31

(E) "Imitation" means imitation as described in 21 C.F.R. 32  
101.3, as amended. 33

(F) "Milk" means the lacteal secretion, substantially free 34  
from colostrum, obtained by the complete milking of one or more 35  
healthy cows, goats, sheep, or other animals and intended for 36  
either of the following purposes: 37

(1) To be sold for human consumption or for use in dairy 38  
products; 39

(2) To be used for human consumption or for use in dairy 40  
products on the premises of a governmental agency or 41  
institution. 42

"Milk" does not include a blend of the lacteal secretions 43  
of different species. 44

(G) "Grade A milk" means milk produced by a person holding 45  
a valid producer license of the grade A milk category issued 46

pursuant to section 917.09 of the Revised Code. 47

(H) "Manufacture milk" means milk produced by a person 48  
holding a valid producer license of the manufacture milk 49  
category issued pursuant to section 917.09 of the Revised Code. 50

(I) "Producer" or "milk producer" means a grade A milk 51  
producer or a manufacture milk producer. 52

(J) "Grade A milk producer" means a person located in this 53  
state who sells or offers for sale grade A milk obtained from a 54  
cow, goat, sheep, or other animal that the person owns or 55  
controls. 56

(K) "Manufacture milk producer" means a person located in 57  
this state who sells or offers for sale manufacture milk 58  
obtained from a cow, goat, sheep, or other animal that the 59  
person owns or controls. 60

(L) "Grade A milk products" means products derived from 61  
grade A milk and having the standard of identity, quality, 62  
strength, purity, grade, and, if added, permitted optional 63  
ingredients found in the standards of identity established for 64  
the products in rules adopted by the director under section 65  
917.02 or 3715.02 of the Revised Code, and includes: 66

(1) Cottage cheese; 67

(2) Raw, pasteurized, or aseptically processed products 68  
derived from milk and described in either of the following: 69

(a) The most recent published recommendations of the food 70  
and drug administration, public health service, United States 71  
department of health and human services; 72

(b) Rules adopted by the director. 73

(M) "Manufactured milk products" means all products, other	74
than raw milk for sale to the ultimate consumer and grade A milk	75
products, that are derived from milk and are for human	76
consumption, including:	77
(1) Butter;	78
(2) Natural or processed cheese;	79
(3) Evaporated, condensed, and dry products;	80
(4) Frozen desserts;	81
(5) Such other products derived from milk as the director	82
may specify by rule that have the standard of identity, quality,	83
strength, purity, grade, and, if added, permitted optional	84
ingredients found in the standards of identity established for	85
the product in rules adopted by the director under section	86
917.02 or 3715.02 of the Revised Code.	87
(N) "Dairy products" means milk, raw milk for sale to the	88
ultimate consumer, grade A milk products, and manufactured milk	89
products.	90
(O) "Frozen desserts" means frozen desserts, including the	91
mixes, described in 21 C.F.R. 135, as amended, unless otherwise	92
specified by the director by rule.	93
(P) "Milk plant" means a grade A milk plant or manufacture	94
milk plant.	95
(Q) "Grade A milk plant" means a place, including a	96
governmental operation, where grade A milk or a grade A milk	97
product is collected, handled, controlled, processed, stored,	98
pasteurized, ultra-pasteurized, repasteurized, aseptically	99
processed, bottled, or prepared for distribution, but does not	100
include a place where a grade A milk product is purchased in	101

packaged form and is stored and handled for the sole purpose of 102  
sale to the ultimate consumer. 103

(R) "Manufacture milk plant" means a place, including a 104  
governmental operation, where manufacture milk or a manufactured 105  
milk product is collected, handled, controlled, manufactured, 106  
processed, stored, pasteurized, ultra-pasteurized, 107  
repasteurized, commercially sterilized, aseptically processed, 108  
bottled, or prepared for distribution, but does not include a 109  
place where a manufactured milk product is purchased in packaged 110  
form and is stored and handled for the sole purpose of sale to 111  
the ultimate consumer. 112

(S) "Raw milk" means unpasteurized milk from a cow, goat, 113  
or sheep. 114

~~(S)~~(T) "Raw milk for sale to the ultimate consumer" means 115  
the raw milk sold or offered for sale by a raw milk retailer\_ 116  
registered in accordance with section 917.092 of the Revised 117  
Code. 118

(U) "Raw milk for sale as animal feed" means the raw milk 119  
sold or offered for sale for nonhuman consumption by a raw milk 120  
retailer registered in accordance with section 917.092 of the 121  
Revised Code. 122

~~(T)~~(V) "Raw milk retailer" means a person who, ~~prior to~~ 123  
~~October 31, 1965, was engaged continuously in the business of~~ 124  
~~selling or offering~~ sells or offers for sale raw milk or raw 125  
milk products directly to ultimate consumers or for animal feed 126  
and who is registered to do so in accordance with section 127  
917.092 of the Revised Code. 128

~~(U)~~(W) "Raw milk products" means all products derived 129  
from raw milk, including: 130

<u>(1) Cream;</u>	131
<u>(2) Butter;</u>	132
<u>(3) Yogurt;</u>	133
<u>(4) Cheese;</u>	134
<u>(5) Such other products derived from milk as the director</u>	135
<u>may specify in rules adopted under section 917.02 of the Revised</u>	136
<u>Code.</u>	137
<u>(X) "Herd-share agreement" means an agreement in which a</u>	138
<u>person acquires an undivided interest in a milk-producing mammal</u>	139
<u>with the owner of such a mammal that includes an arrangement</u>	140
<u>under which the person receives raw milk for personal use not to</u>	141
<u>be sold or distributed for profit.</u>	142
<u>(Y) "Processor" or "milk processor" means a grade A milk</u>	143
<u>processor or a manufacture milk processor.</u>	144
<del>(V)</del> <u>(Z)</u> "Grade A milk processor" means a person who	145
operates or controls a milk plant, transfer station, receiving	146
station, or milk transport cleaning facility that is located in	147
this state or from which grade A milk or grade A milk products	148
are sold or offered for sale for human consumption, as	149
applicable.	150
<del>(W)</del> <u>(AA)</u> "Manufacture milk processor" means any person who	151
operates or controls a manufacture milk plant, transfer station,	152
receiving station, or milk transport cleaning facility that is	153
located in this state or from which manufacture milk or	154
manufactured milk products are sold or offered for sale for	155
human consumption, as applicable.	156
<del>(X)</del> <u>(BB)</u> "Weigher, sampler, or tester" means a person who,	157
in order to determine volume, weight, or composition for the	158

purpose of determining price, weighs, tests, or samples either	159
of the following:	160
(1) Milk at a dairy farm;	161
(2) Milk or cream purchased by a dealer from a milk producer or co-operative association.	162 163
<del>(Y)</del> <u>(CC)</u> "Hauler" or "milk hauler" means a person who owns or leases a vehicle or conveyance used to transport raw milk, but does not include a producer transporting raw milk that the producer has produced.	164 165 166 167
<del>(Z)</del> <u>(DD)</u> "License" means a license issued under section 917.09 of the Revised Code and includes a registration issued under division (J) of that section.	168 169 170
<b>Sec. 917.02.</b> (A) The director of agriculture may do any of the following:	171 172
(1) Adopt rules in accordance with Chapter 119. of the Revised Code regulating all of the following:	173 174
(a) The sanitary production, storage, transportation, manufacturing, handling, processing, sampling, testing, examination, and sale of dairy products;	175 176 177
(b) The suspension and revocation of licenses issued under section 917.09 of the Revised Code, provided that the rules are in accordance with and do not conflict with section 917.22 of the Revised Code;	178 179 180 181
(c) Terms and renewal periods, registration requirements, categories, and fees for licenses issued under section 917.09 of the Revised Code, except that the fee for a producer's license shall not exceed fifteen dollars;	182 183 184 185

(d) Examinations that must be passed prior to issuance of a weigher, sampler, or tester license and inspections that must be passed prior to issuance of any other type of license issued under section 917.09 of the Revised Code;	186 187 188 189
(e) Procedures for issuing and renewing licenses under section 917.09 of the Revised Code;	190 191
(f) Information that an applicant for a license issued under section 917.09 of the Revised Code is required to provide on the application for licensure;	192 193 194
(g) Standards for equipment or materials used for the production, processing, and handling of dairy products;	195 196
(h) Records to be kept by persons holding a license issued under this chapter and the inspection and auditing of books and records of those persons, and any other records that are required to be kept by other rules adopted under this section;	197 198 199 200
(i) Security arrangements and evidence of financial responsibility for milk dealers, to ensure prompt payment to milk producers;	201 202 203
(j) Standards of identity, quality, strength, purity, grading, and labeling of dairy products;	204 205
(k) The production, processing, and handling of dairy products and the prompt and accurate payment for milk and cream by milk dealers, but not the establishment or control of the price of milk and cream;	206 207 208 209
(l) Criteria for the equipment, methods, or materials to be used in performing weighing, volumetric measuring, sampling, and testing of milk and its components when such an operation is used as the basis for determining payment for milk delivered to	210 211 212 213

or purchased by dealers;	214
<del>(m) The size and placement of labels and of words on</del>	215
<del>labels required by section 917.04 of the Revised Code to be</del>	216
<del>placed on final delivery containers used for the sale of raw</del>	217
<del>milk to ultimate consumers.</del>	218
The director shall have exclusive authority to administer	219
and enforce rules adopted under division (A) (1) of this section.	220
(2) Enter into, with the approval of the milk sanitation	221
board created in section 917.03 of the Revised Code, an	222
agreement with a public or private entity that the director	223
determines is properly qualified for the performance of any of	224
the inspections and analyses required by this chapter;	225
(3) Adopt rules by reference to all or any part of the	226
following recommendations:	227
(a) The grade A pasteurized milk ordinance, as amended,	228
and the "grade A condensed and dry milk products and condensed	229
and dry whey" supplement I to the grade A pasteurized milk	230
ordinance of the food and drug administration, public health	231
service, of the United States department of health and human	232
services, to the extent those provisions do not conflict with	233
the laws of this state;	234
(b) The most recent recommendations for milk for	235
manufacturing purposes and its production and processing	236
published in final form in the Federal Register by the United	237
States department of agriculture, to the extent those	238
recommendations do not conflict with the laws of this state.	239
(4) Administer and enforce this chapter and rules adopted	240
under it and appoint inspectors and other personnel necessary to	241
carry out this chapter and those rules;	242

(5) Embargo a dairy product that the director reasonably suspects, believes, or determines is adulterated as described in section 3715.59 of the Revised Code or is misbranded as described in section 3715.60 of the Revised Code;

(6) Adopt by reference all or any part of the rules governing the dairy industry adopted by the United States food and drug administration and the United States department of agriculture;

(7) Annually, not later than ninety days after the end of the state fiscal year, determine the expense of administering and enforcing this chapter and rules adopted under it during the preceding state fiscal year and report the determinations to the milk sanitation board.

(B) The director shall do ~~both~~ all of the following:

(1) Adopt rules in accordance with Chapter 119. of the Revised Code establishing requirements for continuing education courses for weighers, samplers, and testers licensed under section 917.09 of the Revised Code;

(2) Review continuing education courses for weighers, samplers, and testers licensed under section 917.09 of the Revised Code and grant approval to those that meet the requirements established in rules adopted under division (B)(1) of this section.

(3) Adopt rules in accordance with Chapter 119. of the Revised Code that establish all of the following:

(a) Requirements governing the sanitary production, storage, transportation, manufacturing, handling, sampling, testing, examination, and sale of raw milk and raw milk products to the ultimate consumer and for animal feed. The rules shall

include a requirement that a raw milk retailer enroll in the 272  
Ohio quality milk production service program created in section 273  
917.25 of the Revised Code. 274

(b) Requirements governing the use of labels required by 275  
section 917.04 of the Revised Code to be placed on final 276  
delivery containers used for the sale of raw milk and raw milk 277  
products to ultimate consumers and for the sale of raw milk as 278  
animal feed, including a requirement that each label contain the 279  
name and address of the farm where the milk was produced and the 280  
date of bottling; 281

(c) Requirements and procedures governing the issuance of 282  
a raw milk retailer registration issued under section 917.092 of 283  
the Revised Code; 284

(d) Information that an applicant for a raw milk retailer 285  
registration is required to provide on the application for a 286  
registration issued under section 917.092 of the Revised Code; 287

(e) Fees for a raw milk retailer registration issued under 288  
section 917.092 of the Revised Code; 289

(f) Procedures and requirements governing the suspension 290  
and revocation of a registration issued under section 917.092 of 291  
the Revised Code, provided that the rules are in accordance 292  
with, and do not conflict with, section 917.22 of the Revised 293  
Code. 294

(C) The director may adopt rules in accordance with 295  
Chapter 119. of the Revised Code establishing additional 296  
products that constitute raw milk products for purposes of 297  
division (W) of section 917.01 of the Revised Code. 298

**Sec. 917.04.** (A) No ~~raw milk retailer~~ person shall sell, 299  
offer for sale, or expose for sale raw milk or raw milk products 300

to the ultimate consumer or for sale as animal feed except a ~~raw~~ 301  
~~milk retailer person~~ who, ~~prior to October 31, 1965,~~ was engaged 302  
~~continuously in the business of selling or offering for sale raw~~ 303  
~~milk directly to ultimate consumers,~~ holds a valid raw milk- 304  
~~retailer license issued~~ is registered as a raw milk retailer 305  
under section ~~917.09~~ 917.092 of the Revised Code, ~~and is subject~~ 306  
~~to the rules regulating the sale of raw milk adopted under this-~~ 307  
~~chapter.~~ 308

(B) No person shall fail to label, in accordance with 309  
rules adopted by the director of agriculture under section 310  
917.02 of the Revised Code, all final delivery containers used 311  
for the sale of raw milk and raw milk products as follows: 312

(1) For the sale of raw milk or raw milk products to 313  
ultimate consumers, a person shall label all final delivery 314  
containers with the words "this RAW MILK: This product has not 315  
been pasteurized and may contain ~~disease producing~~ 316  
~~organisms~~ harmful bacteria." 317

(2) For the sale of raw milk as animal feed, a person 318  
shall label all final delivery containers with the words "RAW 319  
MILK FOR ANIMAL FEED: NOT FOR HUMAN CONSUMPTION." 320

(C) (1) No person shall sell raw milk or raw milk products 321  
to the ultimate consumer without providing a liability waiver 322  
that acknowledges the risks of consuming raw milk or raw milk 323  
products to the ultimate consumer and obtaining the signature of 324  
the purchaser. 325

(2) No person shall purchase raw milk or raw milk products 326  
without first signing a liability wavier acknowledging such 327  
risks. 328

(3) A person that sells raw milk or raw milk products to 329

the ultimate consumer shall keep and maintain the liability 330  
waiver for a minimum of two years after the waiver is signed. 331

(D) No person shall sell, offer for sale, or expose for 332  
sale raw milk or raw milk products unless the person does so on 333  
the farm where the raw milk or raw milk products are produced or 334  
at a registered farm market. 335

(E) No person shall sell, offer for sale, or expose for 336  
sale a raw milk product unless the raw milk product is produced 337  
using raw milk originating on the same farm where the raw milk 338  
product is produced. 339

(F) For purposes of this section, "sell, offer for sale, 340  
or expose for sale" includes providing raw milk to an ultimate 341  
consumer or for animal feed under a herd-share agreement. 342

**Sec. 917.041.** (A) (1) A raw milk retailer shall ensure the 343  
testing of all milking animals for brucellosis and tuberculosis 344  
conducted by a licensed accredited veterinarian in a manner and 345  
frequency determined by the director of agriculture. 346

(2) A raw milk retailer shall report every brucellosis and 347  
tuberculosis test result to the director in a manner determined 348  
by the director. 349

(B) A raw milk retailer shall test for salmonella, 350  
listeria, e. coli O157:H7, campylobacter, and staphylococci once 351  
per month. The raw milk retailer shall use an accredited 352  
laboratory to perform the tests. 353

(C) A raw milk retailer shall test the water source used 354  
in raw milk production once per month. Such a retailer shall use 355  
an accredited laboratory to perform the tests. 356

(D) The director or the director's designee shall 357

routinely inspect and sample farms that produce raw milk for 358  
sale to the ultimate consumer and raw milk for sale as animal 359  
feed. 360

(E) The director shall make all testing documents and 361  
inspection results available to the public on the department of 362  
agriculture's web site. 363

(F) (1) No person shall sell raw milk to the ultimate 364  
consumer or for animal feed if the raw milk does not pass the 365  
required testing described in this section. 366

(2) A raw milk retailer shall immediately suspend the sale 367  
of raw milk if brucellosis, tuberculosis, or any other 368  
communicable disease is detected. 369

**Sec. 917.06.** (A) As used in this section, "political 370  
subdivision" means a county, township, or municipal corporation 371  
and any other body corporate and politic that is responsible for 372  
government activities in a geographic area smaller than that of 373  
the state. 374

(B) All political subdivisions shall give full faith and 375  
credit to the inspections and acts performed and records created 376  
in the administration and enforcement of this chapter and the 377  
rules adopted under it. No political subdivision shall require a 378  
person licensed under section 917.09 of the Revised Code or a 379  
person registered under section 917.092 of the Revised Code to 380  
obtain a license or permit to operate or to register in a manner 381  
described in this chapter or rules adopted under it, to submit 382  
to an inspection or pay a fee related to this chapter or the 383  
rules adopted under it, or to satisfy any other condition except 384  
as provided by a statute or rule of this state or the United 385  
States. 386

**Sec. 917.07.** The dairy industry fund is hereby created in 387  
the state treasury. All inspection fees and license and 388  
registration fees collected under this chapter shall be 389  
deposited into the fund together with all fine moneys received 390  
by the treasurer of state pursuant to division ~~(F)~~ (H) of section 391  
917.99 of the Revised Code and any other moneys collected under 392  
this chapter. 393

Moneys credited to the dairy industry fund shall be used 394  
to operate and pay expenses of the division of dairy in the 395  
department of agriculture. 396

**Sec. 917.09.** (A) The director of agriculture may issue the 397  
following types of licenses: 398

- (1) Producer; 399
- (2) Processor; 400
- (3) Milk dealer; 401
- (4) ~~Raw milk retailer;~~ 402
- ~~(5)~~ Weigher, sampler, or tester; 403
- ~~(6)~~ (5) Milk hauler. 404

(B) The director may adopt rules establishing categories 405  
for each type of license that are based on the grade or type of 406  
dairy product with which the licensee is involved. 407

(C) Except as provided in section 917.091 of the Revised 408  
Code and division (J) of this section, no person shall act as or 409  
hold the person's self out as a producer; processor; milk 410  
dealer; ~~raw milk retailer;~~ weigher, sampler, or tester; or milk 411  
hauler unless the person holds a valid license issued by the 412  
director under this section. 413

(D) Each person desiring a license shall submit to the 414  
director a license application on a form prescribed by the 415  
director, accompanied by a license fee in an amount specified in 416  
rules adopted under section 917.02 of the Revised Code. The 417  
applicant shall specify on the application the type of license 418  
and category requested and shall include any other information 419  
required by rules adopted under section 917.02 of the Revised 420  
Code. 421

(E) Each applicant for a weigher, sampler, or tester 422  
license or registration, prior to issuance of the license or 423  
registration, shall pass an examination that is given in 424  
accordance with section 917.08 of the Revised Code and rules 425  
adopted under section 917.02 of the Revised Code. 426

Each applicant for any other type of license issued under 427  
this section, prior to issuance of the license, shall pass an 428  
inspection that is made in accordance with rules adopted under 429  
section 917.02 of the Revised Code. 430

(F) The director shall not issue a license to an applicant 431  
unless the director determines, through an inspection or 432  
otherwise, that the applicant is in compliance with the 433  
requirements set forth in this chapter and the rules adopted 434  
under it. 435

(G) Examinations that must be passed prior to issuance of 436  
a weigher, sampler, or tester license, inspections that must be 437  
passed prior to issuance of any other type of license issued 438  
under this section, procedures for issuing and renewing 439  
licenses, and license terms and renewal periods shall comply 440  
with rules adopted under section 917.02 of the Revised Code. 441

(H) Suspension and revocation of licenses shall comply 442

with section 917.22 of the Revised Code and rules adopted under 443  
section 917.02 of the Revised Code. 444

(I) Each licensed weigher, sampler, and tester annually 445  
shall meet the continuing education requirements established in 446  
rules adopted under division (B) of section 917.02 of the 447  
Revised Code. 448

(J) A person whose religion prohibits the person from 449  
obtaining a license under this section, in place of a license, 450  
shall register with the director as a producer; processor; milk 451  
dealer; ~~raw milk retailer~~; weigher, sampler, or tester; or milk 452  
hauler. 453

The person claiming the exemption from licensure shall 454  
register on a form prescribed by the director and shall meet any 455  
other registration requirements contained in rules adopted under 456  
section 917.02 of the Revised Code. Upon receiving the person's 457  
registration form and determining that the person has satisfied 458  
all requirements for registration, the director shall notify the 459  
person that the person is registered to lawfully operate as a 460  
producer; processor; milk dealer; ~~raw milk retailer~~; weigher, 461  
sampler, or tester; or milk hauler. 462

A registrant is subject to all provisions governing 463  
licensees, such as provisions concerning testing, sampling, and 464  
inspection of dairy products. A registrant is subject to 465  
provisions governing issuance of a temporary weigher, sampler, 466  
or tester license under section 917.091 of the Revised Code. A 467  
registration shall be renewed, suspended, and revoked under the 468  
same terms as a license. 469

(K) Notwithstanding the requirements for a license or 470  
registration under this section, the director shall issue a 471

license or registration to operate as a producer; processor; 472  
milk dealer; ~~raw milk retailer~~; weigher, sampler, or tester; or 473  
milk hauler, as applicable, in accordance with Chapter 4796. of 474  
the Revised Code to an individual if either of the following 475  
applies: 476

(1) The individual holds a license or registration in 477  
another state. 478

(2) The individual has satisfactory work experience, a 479  
government certification, or a private certification as 480  
described in that chapter as a producer; processor; milk dealer; 481  
~~raw milk retailer~~; weigher, sampler, or tester; or milk hauler, 482  
as applicable, in a state that does not issue the applicable 483  
license or registration. 484

Sec. 917.092. (A) A person may sell, offer for sale, or 485  
expose for sale raw milk or raw milk products to the ultimate 486  
consumer or as animal feed if the person is registered as a raw 487  
milk retailer in accordance with this section. 488

(B) A person shall register on a form prescribed by the 489  
director of agriculture and shall meet any other registration 490  
requirements established in rules adopted under section 917.02 491  
of the Revised Code. Upon receiving the person's registration 492  
form and determining that the person has satisfied all 493  
requirements for registration, the director shall notify the 494  
person that the person is registered to lawfully operate as a 495  
raw milk retailer. 496

(C) A registration issued under this section is valid 497  
until the last day of January following its initial issuance. 498  
All registrations issued in accordance with this section expire 499  
on the following thirty-first day of January and shall be 500

renewed according to the standard renewal procedure of sections 501  
4745.01 to 4745.03 of the Revised Code. 502

(D) Notwithstanding the requirements for a registration 503  
under this section and rules adopted under section 917.02 of the 504  
Revised Code, the director shall issue a registration to operate 505  
as a raw milk retailer, as applicable and in accordance with 506  
Chapter 4796. of the Revised Code, to an individual if either of 507  
the following applies: 508

(1) The individual holds a license or registration in 509  
another state. 510

(2) The individual has satisfactory work experience, a 511  
government certification, or a private certification as 512  
described in that chapter as a raw milk retailer, as applicable, 513  
in a state that does not issue the applicable license or 514  
registration. 515

**Sec. 917.22.** (A) (1) The director of agriculture may deny, 516  
suspend, or revoke a license or registration issued under this 517  
chapter for a violation of this chapter or the rules adopted 518  
under it. Except as provided in division (A) (2) of this section, 519  
the denial, suspension, or revocation of a license or 520  
registration is not effective until the licensee or registrant 521  
is given written notice of the violation, a reasonable amount of 522  
time to correct the violation, and an opportunity for a hearing. 523

(2) If the director determines that a dairy product 524  
constitutes adulterated food as described in section 3715.59 of 525  
the Revised Code or exceeds bacterial or chemical standards 526  
established by rules adopted under this chapter, or that an 527  
emergency exists that presents a clear and present danger to the 528  
public health, the director may deny, suspend, or revoke a 529

license or registration, effective immediately without a 530  
hearing, provided that an opportunity for a hearing shall be 531  
afforded thereafter without delay. 532

(B) All proceedings under this chapter shall comply with 533  
Chapter 119. of the Revised Code, except that: 534

(1) The location of any adjudicatory hearing that the 535  
licensee or registrant requests shall be the central office of 536  
the department of agriculture. 537

(2) The director shall notify a licensee or registrant by 538  
certified mail or personal delivery that the licensee or 539  
registrant is conditionally entitled to a hearing. The director 540  
shall specify in the notice that, in order to obtain a hearing, 541  
the licensee or registrant must request the hearing not later 542  
than ten days after the date of receipt of the notice. 543

(3) If the licensee or registrant requests a hearing, the 544  
date set for the hearing shall be no later than ten days after 545  
the date on which the director receives the request, unless the 546  
director and the licensee or registrant agree otherwise. 547

(4) The director shall not postpone or continue an 548  
adjudication hearing without the consent of the licensee or 549  
registrant. If the licensee or registrant requests a 550  
postponement or continuation of an adjudication hearing, the 551  
director shall not grant it unless the licensee or registrant 552  
demonstrates that an extreme hardship will be incurred in 553  
holding the adjudication hearing on that hearing date. If the 554  
director grants a postponement or continuation on the grounds of 555  
extreme hardship to the licensee or registrant, the record shall 556  
document the nature and cause of the extreme hardship. 557

(5) In lieu of having a hearing and upon the licensee's or 558

registrant's written request to the director, the licensee or 559  
registrant may submit to the director, not later than the date 560  
of the hearing set pursuant to division (B) (3) of this section, 561  
documents, papers, and other written evidence to support the 562  
licensee's claim. 563

(6) If the director appoints a referee or examiner to 564  
conduct the hearing, the following apply: 565

(a) A copy of the written adjudication report and 566  
recommendations of the referee or examiner shall be served by 567  
certified mail upon the director and the licensee or registrant 568  
or the licensee's or registrant's attorney or other 569  
representative of record not later than three business days 570  
following the conclusion of the hearing. 571

(b) Not later than three business days after receipt of 572  
the report and recommendations, the licensee or registrant may 573  
file with the director written objections to the report and 574  
recommendations. 575

(c) The director shall consider the objections submitted 576  
by the licensee or registrant before approving, modifying, or 577  
disapproving the report and recommendations. The director shall 578  
serve the director's order upon the licensee or registrant or 579  
the licensee's or registrant's attorney or other representative 580  
of record by certified mail not later than six business days 581  
after receiving the report. 582

(7) If the director conducts the hearing, the director 583  
shall serve the director's decision by certified mail upon the 584  
licensee or registrant or the licensee's or registrant's 585  
attorney or other representative of record not later than three 586  
business days following the close of the hearing. 587

(8) If no hearing is held, the director shall issue an order by certified mail to the licensee or registrant or the licensee's or registrant's attorney or other representative of record not later than three business days following the last date possible for a hearing, based on the record that is available.

**Sec. 917.24.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the director of agriculture shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or registration issued pursuant to this chapter.

**Sec. 917.25.** (A) The Ohio quality milk production service program is established in the department of agriculture, which shall be administered by the director of agriculture. The purpose of the program is to improve the quality, health, and safety of milk and all milking animals through research, testing, sampling, and education.

(B) The director shall adopt rules in accordance with Chapter 119. of the Revised Code for the operation and implementation of the Ohio quality milk production service program. The director may model the rules after the Cornell university college of veterinary medicine's quality milk production services program. For purposes of establishing the program, the rules shall do all of the following:

(1) Establish the types of testing conducted under the program;

(2) Establish procedures for the submission of testing samples;

(3) Establish fees payable to the director upon submission 617  
of testing samples; 618

(4) Establish any other requirements or procedures that 619  
are necessary for the implementation and operation of the Ohio 620  
quality milk production service program. 621

**Sec. 917.99.** (A) Whoever violates division (C) of section 622  
917.09 of the Revised Code is guilty of a misdemeanor of the 623  
second degree on a first offense and a misdemeanor of the first 624  
degree on each subsequent offense. 625

(B) Whoever violates section 917.13 or 917.14 of the 626  
Revised Code is guilty of a misdemeanor of the first degree on a 627  
first offense, a felony of the fifth degree on a second offense, 628  
and a felony of the fourth degree on each subsequent offense. 629

(C) Whoever violates division (A), (B), (C), (D), or (G) 630  
of section 917.05 of the Revised Code is guilty of a misdemeanor 631  
of the fourth degree. 632

(D) Whoever violates division (E) or (F) of section 917.05 633  
of the Revised Code is guilty of a misdemeanor of the second 634  
degree on a first offense and a misdemeanor of the first degree 635  
on each subsequent offense. 636

(E) Each day of violation of a provision described in 637  
divisions (A) to (D) of this section constitutes a separate 638  
offense. 639

(F) Whoever recklessly violates division (A) of section 640  
917.04 of the Revised Code is guilty of a misdemeanor of the 641  
first degree on a first offense, a felony of the fifth degree on 642  
a second offense, and a felony of the fourth degree on each 643  
subsequent offense. 644

(G) Whoever recklessly violates division (B), (C), (D), or (E) of section 917.04 of the Revised Code, or division (A), (B), (C), or (F) of section 917.041 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(H) The court imposing a fine under ~~divisions (A) to (D)~~ of this section shall order that not less than fifty per cent of the fine be disbursed to the treasurer of state for deposit into the dairy industry fund created in section 917.07 of the Revised Code. Subject to that minimum percentage, the court's order shall specify the percentage of the fine that the clerk of the court shall disburse to the treasurer of state. The clerk of the court shall disburse the remainder of the fine to the county treasurer.

**Sec. 3717.22.** (A) The following are not retail food establishments:

(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;

(2) An entity exempt under divisions (B)(1) to (9), (11) to (13), or (15) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;

(3) A business or that portion of a business that is regulated by the federal government or the department of

agriculture as a food manufacturing or food processing business, 674  
including a business or that portion of a business regulated by 675  
the department of agriculture under Chapter 911., 913., 915., 676  
917., 918., or 925. of the Revised Code. 677

(B) All of the following are exempt from the requirement 678  
to be licensed as a retail food establishment: 679

(1) An establishment with commercially prepackaged foods 680  
that are not potentially hazardous and contained in displays, 681  
the total space of which equals less than two hundred cubic 682  
feet; 683

(2) A person at a farmers market that offers for sale only 684  
one or more of the following: 685

(a) Fresh unprocessed fruits or vegetables; 686

(b) Products of a cottage food production operation; 687

(c) Tree syrup, sorghum, honey, apple syrup, or apple 688  
butter that is produced by a tree syrup or sorghum producer, 689  
beekeeper, or apple syrup or apple butter processor described in 690  
division (A) of section 3715.021 of the Revised Code; 691

(d) Wine as authorized under section 4303.2010 of the 692  
Revised Code; 693

(e) Commercially prepackaged food that is not potentially 694  
hazardous, on the condition that the food is contained in 695  
displays, the total space of which equals less than one hundred 696  
cubic feet on the premises where the person conducts business at 697  
the farmers market. 698

(3) A person who offers for sale at a roadside stand only 699  
fresh fruits and fresh vegetables that are unprocessed; 700

(4) A nonprofit organization exempt from federal income 701  
taxation under section 501(c)(3) of the "Internal Revenue Code 702  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises 703  
funds by selling foods and that, if required to be licensed, 704  
would be classified as risk level one in accordance with rules 705  
establishing licensing categories for retail food establishments 706  
adopted under section 3717.33 of the Revised Code, if the sales 707  
occur inside a building and are for not more than seven 708  
consecutive days or more than fifty-two separate days during a 709  
licensing period. This exemption extends to any individual or 710  
group raising all of its funds during the time periods specified 711  
in division (B)(4) of this section for the benefit of the 712  
nonprofit organization by selling foods under the same 713  
conditions. 714

(5) An establishment that offers food contained in 715  
displays of less than five hundred square feet, and if required 716  
to be licensed would be classified as risk level one pursuant to 717  
rules establishing licensing categories for retail food 718  
establishments adopted under section 3717.33 of the Revised 719  
Code, on the condition that the establishment offers the food 720  
for sale at retail not more than six months in each calendar 721  
year; 722

(6) A cottage food production operation, on the condition 723  
that the operation offers its products directly to the consumer 724  
from the site where the products are produced; 725

(7) A tree syrup and sorghum processor, beekeeper, or 726  
apple syrup and apple butter processor described in division (A) 727  
of section 3715.021 of the Revised Code, on the condition that 728  
the processor or beekeeper offers only tree syrup, sorghum, 729  
honey, apple syrup, or apple butter directly to the consumer 730

from the site where those products are processed;	731
(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B) (11) of this section applies;	732 733 734 735 736
(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B) (11) of this section applies;	737 738 739 740 741 742
(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which division (B) (11) of this section applies;	743 744 745 746 747 748
(11) A farm product auction, on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:	749 750 751 752
(a) The products described in divisions (B) (8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B) (8) to (10) of this section;	753 754 755 756
(b) Fresh unprocessed fruits or vegetables;	757
(c) Products of a cottage food production operation;	758

(d) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.	759 760 761 762
(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;	763 764 765
(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the total space of which equals less than two hundred cubic feet on the premises of the establishment;	766 767 768 769 770 771 772
(14) An establishment that, with respect to offering food for sale, offers only fountain beverages that are not potentially hazardous;	773 774 775
(15) A person who offers for sale only one or more of the following foods at a festival or celebration, on the condition that the festival or celebration is organized by a political subdivision of the state and lasts for a period not longer than seven consecutive days:	776 777 778 779 780
(a) Fresh unprocessed fruits or vegetables;	781
(b) Products of a cottage food production operation;	782
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter if produced by a tree syrup or sorghum processor, beekeeper, or apple syrup or apple butter processor as described in division (A) of section 3715.021 of the Revised Code;	783 784 785 786

(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;	787 788 789 790
(e) Fruit butter produced at the festival or celebration and sold from the production site.	791 792
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	793 794 795 796
(a) Fresh unprocessed fruits or vegetables;	797
(b) Products of a cottage food production operation;	798
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	799 800 801 802
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	803 804 805 806 807
(e) Cider and other juices manufactured on site at the farm market;	808 809
<u>(f) Raw milk and raw milk products;</u>	810
<del>(f)</del> (g) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the	811 812 813 814

person offering to sell them annually maintains five hundred or 815  
fewer birds, and with respect to dressed chickens offered, the 816  
person annually raises and slaughters one thousand or fewer 817  
chickens. 818

(17) (a) An establishment to which all of the following 819  
apply: 820

(i) The establishment has been issued an A-2 permit under 821  
section 4303.03 of the Revised Code or an A-2f permit under 822  
section 4303.031 of the Revised Code, annually produces ten 823  
thousand gallons or less of wine, and sells that wine in 824  
accordance with Chapter 4303. of the Revised Code on the 825  
premises of the establishment. 826

(ii) The establishment serves unopened commercially 827  
prepackaged food, other than wine. 828

(iii) The amount of the establishment's commercially 829  
prepackaged food sales, other than wine sales, for the previous 830  
calendar year did not exceed five per cent of the 831  
establishment's total gross receipts. 832

(b) The owner or operator of the establishment shall 833  
notify the director that it is exempt from licensure because it 834  
qualifies under division (B) (17) (a) of this section. The owner 835  
or operator also shall display a notice in a place conspicuous 836  
to all of its guests informing them that the establishment is 837  
not required to be licensed as a retail food establishment. 838

**Section 2.** That existing sections 917.01, 917.02, 917.04, 839  
917.06, 917.07, 917.09, 917.22, 917.24, 917.99, and 3717.22 of 840  
the Revised Code are hereby repealed. 841

**Section 3.** Sections 917.01, 917.04, 917.041, 917.06, 842  
917.07, 917.09, 917.092, 917.22, 917.24, 917.99, and 3717.22 of 843

the Revised Code as amended or enacted by this act take effect 844  
on January 1, 2027. 845

**Section 4.** This act shall be known as the Farm-to-Consumer 846  
Access to Raw Milk Act. 847