

As Passed by the Senate

136th General Assembly

Regular Session

2025-2026

Sub. H. B. No. 433

Representatives Klopfenstein, Fowler Arthur

Cosponsors: Representatives John, Newman, Gross, Glassburn, Thomas, D., Daniels, Miller, J., Barhorst, Brennan, Brownlee, Click, Hall, D., Hiner, Mathews, T., Plummer, Rader, Schmidt, Somani, Thomas, C., Troy, White, E., Willis

Senators Antonio, Cirino, Craig, DeMora, Hicks-Hudson, O'Brien, Reineke

To amend sections 905.39, 905.55, 905.59, 915.14, 1
917.20, 918.12, 923.43, 923.47, 924.07, 924.53, 2
993.01, 993.04, 1327.52, 1327.55, 3715.04, 3
4707.091, and 4707.151 and to repeal section 4
1345.021 of the Revised Code to revise various 5
laws governing agriculture. 6

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

Section 1. That sections 905.39, 905.55, 905.59, 915.14, 7
917.20, 918.12, 923.43, 923.47, 924.07, 924.53, 993.01, 993.04, 8
1327.52, 1327.55, 3715.04, 4707.091, and 4707.151 of the Revised 9
Code be amended to read as follows: 10

Sec. 905.39. (A) The director of agriculture shall inspect 11
and sample any fertilizer within the state to such an extent as 12
the director considers necessary and make an analysis where need 13
is indicated to determine whether the fertilizer is in 14
compliance with sections 905.31 to 905.503 of the Revised Code 15
and rules. The director may enter upon any public or private 16
premises or conveyances during regular business hours in order 17

to have access to fertilizer subject to sections 905.31 to 18
905.503 of the Revised Code and rules. 19

(B) The director shall maintain the services necessary to 20
effectively administer and enforce sections 905.31 to 905.503 of 21
the Revised Code and rules. The methods of sampling and analysis 22
shall be those adopted by ~~the association of official analytical~~ 23
~~chemists~~ AOAC international or other sources prescribed by the 24
director. 25

(C) The results of official analysis of any sample of 26
fertilizer found to be in violation of any provisions of 27
sections 905.31 to 905.503 of the Revised Code or any rule shall 28
be forwarded to the licensee or registrant. A licensee or 29
registrant may request a portion of any such sample, provided 30
that the request is made not more than thirty days after the 31
date of the analysis report. 32

(D) Analytical tolerances shall be governed by rules. 33

(E) If the director is denied access to any premises where 34
access is sought for the purpose of inspection and sampling, the 35
director may apply to any court of competent jurisdiction for a 36
search warrant authorizing access to the premises for that 37
purpose. The court, upon application, may issue the search 38
warrant for the purpose requested. 39

Sec. 905.55. (A) No person shall distribute or sell liming 40
material in packages that do not bear a label in legibly written 41
or printed form that includes the following: 42

(1) Net weight of contents in pounds as determined by a 43
sealed weighing device; 44

(2) Product name and type of liming material, which shall 45
include the grade as defined in section 905.54 of the Revised 46

Code, for all except the oxide and hydrate forms;	47
(3) Name and address of manufacturer, seller, or distributor;	48 49
(4) Guaranteed analysis, in whole numbers only, which includes:	50 51
(a) The minimum percentages of weight of elemental calcium and magnesium;	52 53
(b) The total neutralizing power expressed as weight per cent of calcium carbonate, as determined by the methods prescribed by the association of official analytical chemists <u>AOAC international</u> ;	54 55 56 57
(c) The minimum percentages of weight passing through numbers eight, twenty, sixty, and one hundred United States standard sieves;	58 59 60
(d) The effective neutralizing power expressed on the basis of pounds per ton as a percentage of the fineness index, multiplied by the total neutralizing power and percentage of dry matter.	61 62 63 64
(B) No person shall sell or distribute liming material in bulk, unless the purchaser is supplied, upon delivery, with a delivery ticket containing the information required in division (A) of this section, and:	65 66 67 68
(1) The name and address of the purchaser;	69
(2) The date of sale.	70
(C) Shipping invoices or notices shall be available for all bulk liming material stored at locations other than a place of manufacture.	71 72 73

Sec. 905.59. (A) The director of agriculture may inspect, 74
sample, and analyze any liming material utilized within the 75
state to such extent as the director considers necessary to 76
determine whether the liming material is in compliance with 77
sections 905.51 to 905.65 of the Revised Code, and the rules 78
adopted under such sections. The director may enter into an 79
agreement with a person that is not a department of agriculture 80
employee that authorizes that person to perform the inspections, 81
sampling, and analysis of liming material. If the director 82
enters into an agreement, the director shall annually audit the 83
records relating to the inspections, sampling, and analysis 84
performed by the person. 85

(B) The director or a person who has entered into an 86
agreement with the director under division (A) of this section 87
may enter upon any public or private premises or means of 88
conveyance at any reasonable time to have access to liming 89
material subject to sections 905.51 to 905.65 of the Revised 90
Code, and the rules adopted under such sections. 91

(C) The methods of sampling and analysis of liming 92
materials shall be those adopted by ~~the association of official~~ 93
~~analytical chemists~~ AOAC international or as prescribed by the 94
director. 95

(D) The results of the official analysis of any sample of 96
liming material that is found to be in violation of sections 97
905.51 to 905.65 of the Revised Code, or any regulation adopted 98
under such sections, shall be forwarded to the licensee. A 99
licensee may request a portion of any such sample if the request 100
is made not more than thirty days after the date of the analysis 101
report. 102

(E) Analytical tolerances shall be governed by rules 103

adopted by the director, subject to Chapter 119. of the Revised Code.	104 105
Sec. 915.14. As used in sections 915.14 to 915.24 of the Revised Code, unless the context otherwise requires:	106 107
(A) "Food" means:	108
(1) Articles used for food or drink for humans or animals;	109
(2) Chewing gum;	110
(3) Articles used for components of any such articles.	111
(B) "Establishment" means any business location or building of which any of the following facilities or operations are a part: a frozen food manufacturing facility, chill room, sharp freezing room and facilities, or sharp freezing cabinet. <u>"Establishment" does not include a bakery registered under section 911.02 of the Revised Code.</u>	112 113 114 115 116 117
(C) "Chill room" means a room or space in an establishment used for the purpose of chilling food in preparation for processing for sharp freezing.	118 119 120
(D) "Sharp freezing" means the reducing of every portion of food placed in a sharp freezer facility to a temperature of ten degrees Fahrenheit or less in five hours or less.	121 122 123
(E) "Sharp freezing room," "sharp freezing cabinet," or "other sharp freezing facilities" means any location, space, or facility in an establishment used for the sharp freezing of food for storage or eventual sale.	124 125 126 127
(F) "Operator" means any person, firm, or corporation operating or maintaining an establishment.	128 129
(G) "Frozen food manufacturing facility" means a room or	130

space in an establishment used to freeze food, other than frozen 131
desserts as defined in section 917.01 of the Revised Code, for 132
eventual sale in a frozen state. 133

Sec. 917.20. A test report or document prepared by an 134
analyst who is employed or designated by the director of 135
agriculture and who tested a sample shall be admissible as 136
evidence in a prosecution for a violation of a statute or rule,~~—~~ 137
~~provided that the report or document contains a sworn statement,~~ 138
~~signed by the analyst, that the report or document accurately~~ 139
~~contains or represents the findings or conclusions of the~~ 140
analyst. 141

Sec. 918.12. (A) An establishment, as defined in section 142
918.01 of the Revised Code, that slaughters or otherwise 143
prepares meat of bison, cervidea, other bovidea, camelidae and 144
hybrids thereof, ~~ratites,~~ domestic rabbits, monitored captive 145
deer, captive deer with status, or captive deer with certified 146
chronic wasting disease status as defined in section 943.01 of 147
the Revised Code, domestic deer as defined in section 1531.01 of 148
the Revised Code, or other animals determined by the director of 149
agriculture by rule for human food purposes may receive 150
voluntary state inspection, as defined in division (B) of 151
section 918.01 of the Revised Code, if the establishment 152
complies with sections 918.01 to 918.11 of the Revised Code and 153
the rules adopted under those sections for establishments that 154
slaughter or otherwise prepare for food purposes other animals 155
and if the establishment complies with division (C) of this 156
section. 157

(B) The owner of an establishment, as defined in section 158
918.21 of the Revised Code, who slaughters or otherwise prepares 159
the meat of pheasant, quail, partridge, peafowl, grouse, captive 160

raised wild turkey, captive raised waterfowl, or other poultry 161
determined by the director by rule may receive voluntary state 162
inspection as defined in division (I) of section 918.21 of the 163
Revised Code and the rules adopted under those sections for 164
establishments that slaughter or otherwise prepare for food 165
purposes other poultry and if the establishment complies with 166
division (C) of this section and sections 918.21 to 918.28 of 167
the Revised Code. 168

(C) An establishment that receives voluntary state 169
inspection under division (A) or (B) of this section shall pay 170
the costs of the inspection at a rate and under terms 171
established by rule of the director of agriculture in accordance 172
with section 918.04 of the Revised Code. 173

Sec. 923.43. (A) Except as otherwise provided in division 174
(B) of this section for a customer-formula feed, a commercial 175
feed distributed in this state shall be labeled with the 176
following information: 177

(1) Net weight of contents, which may be stated in metric 178
units in addition to avoirdupois weight; 179

(2) Product name, and brand name if any, under which the 180
feed is distributed; 181

(3) Name and principal address of the manufacturer or 182
distributor; 183

(4) Guaranteed analysis of the feed stated in terms that 184
the director of agriculture, by rule, determines are required to 185
advise the user of the composition of the feed or to support 186
claims made in the labeling. In all cases, the substances or 187
elements shall be determinable by laboratory methods published 188
by ~~the association of official analytical chemists~~AOAC 189

<u>international.</u>	190
(5) Common name of each ingredient used in the manufacture of the feed. The director, by rule, may permit the use of a collective term for a group of ingredients all of which perform the same function or eliminate the listing of feed ingredients when it no longer serves a useful purpose.	191 192 193 194 195
(6) Directions for the safe and effective use of any feed that contains any drug and for any other feed that the director, by rule, determines to require such directions;	196 197 198
(7) Any precautionary statements that the director, by rule, determines are necessary for the safe and effective use of the feed.	199 200 201
(B) A customer-formula feed distributed in this state shall be labeled with the following information:	202 203
(1) Name and principal address of the manufacturer;	204
(2) Name and address of the purchaser;	205
(3) Date of delivery;	206
(4) Product name, and brand name if any, of each commercial feed and all other ingredients used in the mixture;	207 208
(5) Net weight of each commercial feed used and of any other feed ingredient used;	209 210
(6) Directions for the safe and effective use of any customer-formula feed that contains any drug and for any other customer-formula feed that the director, by rule, determines to require such directions;	211 212 213 214
(7) If a drug-containing product is used, a statement of the purpose of the drug, the established name of each active	215 216

drug ingredient, and the amount of each drug used in the final 217
mixture; 218

(8) Any precautionary statements that the director, by 219
rule, determines are necessary for the safe and effective use of 220
the customer-formula feed. 221

(C) Upon the request of the director, each manufacturer or 222
distributor shall furnish the director with the label for any 223
commercial feed ~~he~~the manufacturer or distributor distributes in 224
this state. 225

Sec. 923.47. (A) For the purpose of enforcing sections 226
923.41 to 923.55 of the Revised Code and any rules adopted under 227
those sections, the director of agriculture, or ~~his~~the 228
director's agent, to the extent ~~he~~the director or the director's 229
agent considers necessary, upon presenting credentials and a 230
written inspection notice to the person in charge, may enter, 231
during regular business hours, any factory, warehouse, or 232
establishment where commercial feeds are manufactured, 233
processed, packed, or held for distribution or any vehicle used 234
to transport or hold feeds in order to inspect within a 235
reasonable time and manner the factory, warehouse, 236
establishment, vehicle, and any equipment, finished and 237
unfinished materials, containers, and labeling. The inspection 238
may include verification of only such records and production and 239
control procedures as necessary to determine compliance with the 240
good manufacturing practice rules for drug-containing feeds 241
adopted by rule under section 923.48 of the Revised Code. 242
Official samples may be taken during the inspection. Upon 243
completion of the inspection, the person in charge shall be so 244
notified. 245

If any official sample of commercial feed is taken during 246

the inspection, at the completion of the inspection and prior to 247
leaving the premises, the director or ~~his~~the director's agent 248
shall give the person in charge a receipt that describes any 249
sample taken and provide ~~him~~the person in charge with a portion 250
of any sample if the person in charge so requests. 251

At any time that the director is refused admittance to 252
inspect, ~~he~~the director may obtain a search warrant describing 253
what is to be inspected from a judge of a court of record in the 254
jurisdiction where the inspection is to take place. 255

(B) For the purpose of enforcing sections 923.41 to 923.55 256
of the Revised Code and any rules adopted under those sections, 257
the director of agriculture, or ~~his~~the director's agent, to the 258
extent ~~he~~the director or the director's agent considers 259
necessary, upon the presentation of credentials, shall enter 260
during regular business hours upon any public or private 261
premises, including any vehicle used to transport or hold feeds, 262
to obtain official samples of commercial feed and to examine any 263
records that relate to the distribution of feed sampled. 264

(C) The director shall maintain a laboratory with 265
equipment and personnel necessary to effectively administer and 266
enforce sections 923.41 to 923.55 of the Revised Code and the 267
rules adopted under those sections. The methods of sampling and 268
analysis shall be those adopted by ~~the association of official-~~ 269
~~agricultural chemists~~ AOAC international and other generally 270
recognized sources prescribed by the director by rule. 271

(D) The results of all analyses of official samples of 272
commercial feed shall be forwarded to the distributor and to the 273
purchaser. 274

(E) Analytical tolerances shall be governed by rules 275

adopted by the director. 276

Sec. 924.07. (A) When the producers of an agricultural 277
commodity who vote in a referendum favor a proposed marketing 278
program, the director of agriculture shall order the program 279
established and, if the marketing program does not provide for 280
the election of an operating committee, appoint an operating 281
committee consisting of producers of the commodity to administer 282
the program. Each operating committee shall consist of not less 283
than three nor more than fifteen producers. 284

(B) Of the members first appointed to an operating 285
committee, the director shall appoint approximately one-third 286
for one-year terms, approximately one-third for two-year terms, 287
and the remainder for three-year terms. Thereafter, the director 288
shall appoint each member for a three-year term unless the 289
appointee is to fill a vacancy in which case the appointee shall 290
be appointed for the unexpired term. Each such subsequent 291
appointment shall be made prior to the expiration date of the 292
preceding or vacant term. 293

(C) The director shall not appoint any member of an 294
operating committee to serve more than three successive full 295
three-year terms. 296

(D) The director shall appoint members of each operating 297
committee from a list of candidates recommended by the producers 298
of the agricultural commodity for which the marketing program is 299
established. Insofar as possible the members shall be equitably 300
distributed by geographic and production areas. ~~Any list of~~ 301
~~candidates recommended to the director by producers shall~~ 302
~~include not less than twice as many candidates as the number of~~ 303
~~members which are to be appointed, but in no case shall a list~~ 304
~~include fewer than three names.~~ 305

(E) The director, or the director's designee, is an ex officio member of each operating committee, with the right to vote. 306
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(F) Each member of an operating committee, except the director or the director's designee, is entitled to actual and necessary travel and incidental expenses while attending meetings of the committee or while engaged in the performance of official responsibilities delegated to the committee. No member of such a committee shall receive in excess of thirty dollars per day, in addition to such travel and incidental expenses, or for more than twenty-four days per year for duties performed as a member of the committee. 309
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(G) No person is civilly liable for any actions taken in good faith as a member or employee of an operating committee. 318
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Sec. 924.53. (A) The director of agriculture shall monitor the conduct of the Ohio grape industries committee to ensure that: 320
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(1) The committee is operating within the requirements of sections 924.51 to 924.55 of the Revised Code; 323
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(2) The committee's program is self-supporting; 325

(3) The committee keeps all records that are required by agencies of the state. 326
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(B) The director may, in accordance with Chapter 119. of the Revised Code, adopt, rescind, or amend rules necessary to carry out the purposes of this section. 328
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(C) ~~The director shall accomplish an audit of the books and records of the committee prior to the thirtieth day of September each year~~ books and records of the committee shall be 331
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made available to the auditor of state as part of the auditor of 334
state's annual audit of the department of agriculture. 335

Sec. 993.01. As used in this chapter: 336

(A) "Amusement ride" means any mechanical, aquatic, or 337
inflatable device, or combination of those devices that carries 338
or conveys passengers on, along, around, over, or through a 339
fixed or restricted course or within a defined area for the 340
purpose of providing amusement, pleasure, or excitement. 341

"Amusement ride" includes carnival rides, bungee jumping 342
facilities, and fair rides, but does not include passenger 343
tramways as defined in section 4169.01 of the Revised Code, 344
manufactured rock climbing walls in climbing facilities 345
regulated under Chapter 4175. of the Revised Code, or amusement 346
rides operated solely at trade shows for a limited period of 347
time. For purposes of this division, "trade show" means a place 348
of exhibition not open to the general public where amusement 349
ride manufacturers display, promote, operate, and sell amusement 350
rides to prospective purchasers. 351

(B) "Temporary amusement ride" means an amusement ride 352
that is relocated at least once per year with or without 353
disassembly. 354

(C) "Permanent amusement ride" means an amusement ride 355
that is erected to remain a lasting part of the premises. 356

(D) "Owner" means any person who owns or leases and 357
controls or manages the operation of an amusement ride, and 358
includes individuals, partnerships, corporations, both profit 359
and nonprofit, and the state and any of its political 360
subdivisions and their departments or agencies. 361

(E) "Operation" means the use or operation, or both, of an 362

amusement ride with riders.	363
(F) "Rider" means any person who sits, stands, or is	364
otherwise conveyed or carried as a passenger on an amusement	365
ride, but does not include employees or agents of the owner of	366
the amusement ride.	367
(G) "Amusement ride operator" means any person causing the	368
amusement ride to go, stop, or perform its function.	369
(H) "Reassembly" means the installation, erection, or	370
reconstruction of the main mechanical, safety, electrical, or	371
electronic components of an amusement ride following	372
transportation or storage and prior to operation. Replacement of	373
mechanical, safety, electrical, or electronic components of an	374
amusement ride for the purpose of repair or maintenance is not	375
reassembly.	376
(I) "Repair" means to restore an amusement ride to a	377
condition equal to or better than original design	378
specifications.	379
(J) "Maintenance" means the preservation and upkeep of an	380
amusement ride for the purpose of maintaining its designed	381
operational capability.	382
(K) "Inspection" means a physical examination of an	383
amusement ride by an inspector for the purpose of approving the	384
application for a permit. "Inspection" includes a reinspection.	385
(L) "Accident" means an occurrence during the operation of	386
an amusement ride that results in death or injury requiring	387
immediate hospital admission.	388
(M) "Serious injury" means an injury that does not require	389
immediate hospital admission but does require medical treatment,	390

other than first aid, by a physician. 391

(N) "First aid" means the one-time treatment or subsequent 392
observation of scratches, cuts not requiring stitches, burns, 393
splinters, and contusions or a diagnostic procedure, including 394
examinations and x-rays, that does not ordinarily require 395
medical treatment even though provided by a physician or other 396
licensed professional personnel. 397

(O) "Advisory council" means the advisory council on 398
amusement ride safety created by section 993.02 of the Revised 399
Code. 400

(P) "Safe operation" means, except as provided in section 401
993.10 of the Revised Code, the practical application of 402
maintenance, inspection, and operational processes, as indicated 403
by the manufacturer, owner, or advisory council, that secures a 404
rider from threat of physical danger, harm, or loss. 405

(Q) "Private facility" means any facility that is 406
accessible only to members of the facility and not accessible to 407
the general public, even upon payment of a fee or charge, and 408
that requires approval for membership by a membership committee 409
representing the current members who have a policy requiring 410
monetary payment to belong to the facility. 411

(R) "Bungee jumping" means a fall or jump from a height by 412
an individual who is attached to an elastic cord that prevents 413
the individual from hitting the ground, water, or other solid, 414
semi-solid, liquid, or elastic surface. 415

(S) "Bungee jumping facility" means a device or structure 416
utilized for bungee jumping. 417

(T) ~~"Kiddie ride" means an amusement ride designed for use 418
by children under thirteen years of age who are unaccompanied by 419~~

~~another person. "Kiddie ride" includes a roller coaster that is not more than forty feet in elevation at any point on the ride.~~ 420
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~~(U)~~ "Climbing facility" has the same meaning as in section 4175.01 of the Revised Code. 422
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Sec. 993.04. (A) (1) No person shall operate an amusement ride within the state without a permit issued by the director of agriculture under division (A) (2) of this section. The owner of an amusement ride, whether the ride is a temporary amusement ride or a permanent amusement ride, who desires to operate the amusement ride within the state shall, prior to the operation of the amusement ride and annually thereafter, submit to the department of agriculture an application for a permit, together with the appropriate permit and inspection fee, on a form to be furnished by the department. Prior to issuing any permit the department shall, within thirty days after the date on which it receives the application, inspect each amusement ride described in the application. The owner of an amusement ride shall have the amusement ride ready for inspection not later than two hours after the time that is requested by the person for the inspection. 424
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(2) For each amusement ride found to comply with the rules adopted by the director under division (B) of this section and division (B) of section 993.08 of the Revised Code, the director shall issue an annual permit, provided that evidence of liability insurance coverage for the amusement ride as required by section 993.06 of the Revised Code is on file with the department. 440
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(3) The director shall issue with each permit a decal indicating that the amusement ride has been issued the permit. The owner of the amusement ride shall affix the decal on the 447
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ride at a location where the decal is easily visible to the 450
patrons of the ride. A copy of the permit shall be kept on file 451
at the same address as the location of the amusement ride 452
identified on the permit, and shall be made available for 453
inspection, upon reasonable demand, by any person. An owner may 454
operate an amusement ride prior to obtaining a permit, provided 455
that the operation is for the purpose of testing the amusement 456
ride or training amusement ride operators and other employees of 457
the owner and the amusement ride is not open to the public. 458

(B) (1) The director, in accordance with Chapter 119. of 459
the Revised Code, shall adopt rules providing for both of the 460
following: 461

(a) A schedule of fines, with no fine exceeding five 462
thousand dollars, for violations of this chapter or any rules 463
adopted under this division; 464

(b) The classification of amusement rides and rules for 465
the safe operation and inspection of all amusement rides as are 466
necessary for amusement ride safety and for the protection of 467
the general public. The classification of amusement rides must 468
identify those rides that need more comprehensive inspection and 469
testing in addition to regular state inspections, taking into 470
account hidden components integral to the safety of the ride. 471

(2) (a) Rules adopted by the director for the safe 472
operation and inspection of amusement rides shall be reasonable 473
and shall be based upon generally accepted engineering standards 474
and practices. The rules shall establish a minimum number of 475
inspections to be conducted on each ride depending on the size, 476
complexity, nature of the ride, and the number of days the ride 477
is in operation during the year for which the applicable permit 478
is valid. The rules also shall require the minimum number of 479

inspectors assigned to inspect a ride or rides to be reasonable 480
and adequate given the number, size, complexity, and nature of 481
the ride or rides. 482

(b) In adopting rules under this section, the director may 483
adopt by reference, in whole or in part, the national fire code 484
or the national electrical code (NEC) prepared by the national 485
fire protection association or the American national standards 486
institute (ANSI), or any other principles, tests, or standards 487
of nationally recognized technical or scientific authorities. 488

(c) In adopting rules under this section, the director 489
shall adopt, by reference, the following chapters of the 490
American society for testing and materials (ASTM) international 491
regarding amusement ride safety standards and any other 492
equivalent national standard: 493

(i) ASTM F1193-18; 494

(ii) ASTM F770-18; 495

(iii) ASTM F2291-18. 496

(d) Insofar as is practicable and consistent with this 497
chapter, rules adopted under this division shall be consistent 498
with the rules of other states. 499

(3) The department shall cause this chapter and the rules 500
adopted in accordance with this division and division (B) of 501
section 993.08 of the Revised Code to be published in pamphlet 502
form and a copy to be furnished without charge to each owner of 503
an amusement ride who holds a current permit or is an applicant 504
therefor. 505

(C) With respect to an application for a permit for an 506
amusement ride, an owner may apply to the director for a waiver 507

or modification of any rule adopted under division (B) of this 508
section if there are practical difficulties or unnecessary 509
hardships for the amusement ride to comply with the rules. Any 510
application shall set forth the reasons for the request. The 511
director, with the approval of the advisory council on amusement 512
ride safety, may waive or modify the application of a rule to 513
any amusement ride if the public safety is secure. Any 514
authorization by the director under this division shall be in 515
writing and shall set forth the conditions under which the 516
waiver or modification is authorized, and the department shall 517
retain separate records of all proceedings under this division. 518

(D) (1) The director shall employ and provide for training 519
of a chief inspector and additional inspectors and employees as 520
may be necessary to administer and enforce this chapter. The 521
director may appoint or contract with other persons to perform 522
inspections of amusement rides, provided that the persons meet 523
the qualifications for inspectors established by rules adopted 524
under division (B) of this section and are not owners, or 525
employees of owners, of any amusement ride subject to inspection 526
under this chapter. When employing a new chief inspector or an 527
additional inspector after November 6, 2019, the director shall 528
give preference to the following: 529

(a) An individual holding a level one or higher inspector 530
certification from either the national association of amusement 531
ride safety officials (NAARSO), the amusement industry 532
manufacturers and suppliers (AIMS) international, or another 533
substantially equivalent organization as determined by the 534
director; and 535

(b) An individual who intends, within one year of being 536
hired as an inspector, to complete the requirements for issuance 537

of a level one or higher inspector certification from NAARSO, 538
AIMS International, or another substantially equivalent 539
organization as determined by the director. 540

(2) No person shall inspect an amusement ride who, within 541
six months prior to the date of inspection, was an employee of 542
the owner of the ride. 543

(3) Before the director contracts with other persons to 544
inspect amusement rides, the director shall seek the advice of 545
the advisory council on amusement ride safety on whether to 546
contract with those persons. The advice shall not be binding 547
upon the director. After having received the advice of the 548
council, the director may proceed to contract with inspectors in 549
accordance with the procedures specified in division (E) (2) of 550
section 1711.11 of the Revised Code. 551

(4) With the advice and consent of the advisory council on 552
amusement ride safety, the director may employ a special 553
consultant to conduct an independent investigation of an 554
amusement ride accident. This consultant need not be in the 555
civil service of the state, but shall have qualifications to 556
conduct the investigation acceptable to the council. 557

(E) (1) Except as otherwise provided in division (E) (1) of 558
this section, the department shall charge the following 559
amusement ride fees: 560
561

1

2

A	Permit, <u>non-inflatable ride</u>	\$225
B	Permit, <u>inflatable ride</u>	\$100

C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	<u>Family rides</u>	<u>\$200</u>
F	<u>Major rides</u>	<u>\$300</u>
G	<u>Spectacular rides</u>	<u>\$400</u>
H	<u>Family/portable roller coasters</u>	<u>\$1,200</u>
I	<u>Tower rides</u>	<u>\$1,800</u>
J	Roller coaster <u>Large roller coasters</u>	\$1,200 <u>\$4,000</u>
K	Aerial lifts or bungee jumping facilities	\$450
L	Go karts, per kart	\$5
M	<u>Inflatable rides, three or fewer that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$100 per inflatable ride</u>
N	<u>Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner</u>	<u>\$75 per inflatable ride</u>
O	<u>Inflatable rides, eleven or more that are inspected at the same time at the same</u>	<u>\$50 per inflatable ride</u>

	<u>location and that are owned by the same</u> <u>owner</u>	
P	Other rides	\$160
Q	Midseason operational inspection per ride	\$25
R	Expedited inspection per ride	\$100
S	Failure to cancel scheduled inspection per ride	\$100
T	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 562
inspection fee for the go kart track. 563

~~The director shall adopt rules in accordance with Chapter 564
119. of the Revised Code establishing an annual fee that is less 565
than one hundred five dollars for an inspection and reinspection 566
of an inflatable ride. In adopting the rules, the director shall 567
ensure that the fee reasonably reflects the costs of inspection- 568
and reinspection of an inflatable ride. If the director issues a 569
permit for an inflatable ride for a time period of less than one 570
year, the director shall charge a prorated fee for the permit- 571
equal to one-twelfth of the annual permit fee multiplied by the 572
number of full months for which the permit is issued.- 573~~

The fees for an expedited inspection, failure to cancel a 574
scheduled inspection, and failure to have an amusement ride 575
ready for inspection do not apply to go karts. 576

As used in division (E)(1) of this section, "expedited 577
inspection" means an inspection of an amusement ride by the 578

department not later than ten days after the owner of the 579
amusement ride files an application for a permit under this 580
section. 581

(2) All fees and fines collected by the department under 582
this chapter shall be deposited in the state treasury to the 583
credit of the amusement ride inspection fund, which is hereby 584
created, and shall be used only for the purpose of administering 585
and enforcing section 1711.11 of the Revised Code and this 586
chapter. 587

(3) The owner of an amusement ride shall be required to 588
pay a reinspection fee only if the reinspection is required by 589
division (B)(2) of this section or rules adopted under that 590
division, if the reinspection was conducted at the owner's 591
request under division (F) of this section, if the reinspection 592
is required by division (F) of this section because of an 593
accident, or if the reinspection is required by division (F) of 594
section 993.07 of the Revised Code. If a reinspection is 595
conducted at the request of the chief officer of a fair, 596
festival, or event where the ride is operating, the reinspection 597
fee shall be charged to the fair, festival, or event. 598

(4) The rules adopted under division (B) of this section 599
shall define "roller coaster," "aerial lifts," "inflatable ride," 600
"go karts," and "other rides" "kiddie ride," "family ride," 601
"major ride," "spectacular ride," "family/portable roller 602
coaster," "tower ride," and "large roller coaster" for purposes 603
of determining the fees under division (E) of this section. ~~The~~ 604
~~rules shall define "other rides" to include go kart tracks.~~ 605

(F) A reinspection of an amusement ride shall take place 606
if an accident occurs, if the owner of the ride or the chief 607
officer of the fair, festival, or event where the ride is 608

operating requests a reinspection, if the chief inspector 609
determines reinspection is necessary in accordance with section 610
993.042 of the Revised Code, or if the reinspection is required 611
by division (F) of section 993.07 of the Revised Code. 612

(G) As a supplement to its annual inspection of a 613
temporary amusement ride, the department may inspect the ride 614
during each scheduled event, as listed in the schedule of events 615
provided to the department by the owner pursuant to division (C) 616
of section 993.07 of the Revised Code, at which the ride is 617
operated in this state. These supplemental inspections are in 618
addition to any other inspection or reinspection of the ride as 619
may be required under this chapter or rules adopted under it, 620
and the owner of the temporary amusement ride is not required to 621
pay an inspection or reinspection fee for this supplemental 622
inspection unless the supplemental inspection is being conducted 623
pursuant to division (B) (2) of this section or rules adopted 624
under that division. Nothing in this division shall be construed 625
to prohibit the owner of a temporary amusement ride having a 626
valid permit to operate in this state from operating the ride at 627
a scheduled event before the department conducts a supplemental 628
inspection. 629

(H) The department may annually conduct a midseason 630
operational inspection of every amusement ride upon which it 631
conducts an annual inspection pursuant to division (A) of this 632
section. The midseason operational inspection is in addition to 633
any other inspection or reinspection of the amusement ride as 634
may be required pursuant to this chapter. The owner of an 635
amusement ride shall submit to the department, at the time 636
determined by the department, the midseason operational 637
inspection fee specified in division (E) of this section. The 638
director, in accordance with Chapter 119. of the Revised Code, 639

shall adopt rules specifying the time period during which the 640
department will conduct midseason operational inspections. 641

Sec. 1327.52. Any weights and measures official elected or 642
appointed for a county or municipality shall have the duties 643
enumerated in divisions (I) to (M) and (T) of section 1327.50 of 644
the Revised Code, and the powers enumerated in section 1327.51 645
of the Revised Code. These powers and duties shall extend to the 646
respective jurisdictions, except that the jurisdiction of a 647
county official shall not extend to any municipal corporation 648
for which a weights and measures official has been appointed. 649
The director of agriculture shall advise and assist these 650
officials. 651

Sec. 1327.55. Except as otherwise provided by the director 652
of agriculture or by firmly established trade customs and 653
practices, commodities shall be sold as follows: 654

(A) Commodities in liquid form shall be sold by liquid 655
measure or by weight; 656

(B) Commodities not in liquid form shall be sold only by 657
weight, measure, or ~~county~~count, or a combination thereof; 658

(C) The method of sale of commodities shall provide 659
accurate quantity information that enables the buyer to make 660
price and quantity comparisons. 661

Sec. 3715.04. (A) As used in this section: 662

(1) "Certificate of health and freesale" means a document 663
issued by the director of agriculture that certifies to states 664
and countries receiving products that the products have been 665
produced and warehoused in this state under sanitary conditions 666
at a food processing establishment or at a place of business of 667
a manufacturer of over-the-counter drugs or cosmetics, as 668

applicable, that has been inspected by the department of 669
agriculture. Other names of documents that are synonymous with 670
"certificate of health and freesale" include, but are not 671
limited to, "sanitary certificate of health and freesale"; 672
"certificate of origin"; "certificate of freesale"; "certificate 673
of health and origin"; "certificate of freesale, sanitary and 674
purity"; and "certificate of freesale, health and origin." 675

(2) "Food processing establishment" has the same meaning 676
as in section 3715.021 of the Revised Code. 677

(B) Upon the request of a food processing establishment, 678
manufacturer of over-the-counter drugs, or manufacturer of 679
cosmetics, the director may issue a certificate of health and 680
freesale after determining that conditions at the establishment 681
or place of business of the manufacturer, as applicable, have 682
been found to be sanitary through an inspection conducted 683
pursuant to this chapter. For each certificate issued, the 684
director ~~shall~~ may charge the establishment or manufacturer a 685
fee in ~~the~~ an amount ~~of twenty dollars~~ established in division 686
(G) of section 901.43 of the Revised Code. The director shall 687
deposit all fees collected under this section to the credit of 688
the food safety fund created in section 915.24 of the Revised 689
Code. 690

Sec. 4707.091. ~~(A)~~ (A) (1) Prior to the expiration of an 691
auctioneer's license, an auctioneer may submit an application to 692
the department of agriculture, on forms provided by the 693
department, to place the license on deposit with the department 694
for a period not to exceed two years. Not later than fourteen 695
days after receipt of ~~an~~ the application ~~under this section~~, the 696
department shall accept or deny the application. 697

(2) If a licensee fails to place the license on deposit 698

prior to expiration of the auctioneer license, the director of 699
agriculture or the director's designee, may grant a medical 700
exception upon written request by the licensee to retroactively 701
place the auctioneer license on deposit. To receive an 702
exception, the licensee shall submit along with the request 703
satisfactory proof that a medical exception is warranted. 704

(B) ~~If the department accepts the application,~~ an 705
auctioneer ~~who~~ has a license on deposit with the department 706
under this section, the auctioneer shall not act as an 707
auctioneer while the license is on deposit. In addition, such an 708
auctioneer shall not be required to pay an assessment under 709
section 4707.25 of the Revised Code. 710

(C) An auctioneer may reacquire a license on deposit from 711
the department if the auctioneer does all of the following prior 712
to reacquisition: 713

(1) Submits a written request to the department that 714
contains the business address and telephone number of the 715
auctioneer; 716

(2) Pays a reactivation fee for the license in the 717
following amount: 718

(a) In the case of an auctioneer whose license is 719
reacquired during the first half of the biennium according to 720
the biennial schedule established in division (A) of section 721
4707.10 of the Revised Code, two hundred dollars; 722

(b) In the case of an auctioneer whose license is 723
reacquired during the second half of the biennium according to 724
that biennial schedule, one hundred dollars. 725

(3) Pays the assessment that is levied under section 726
4707.25 of the Revised Code for the current year, if applicable; 727

(4) Provides proof of financial responsibility as required 728
in section 4707.11 of the Revised Code, if applicable; 729

(5) Complies with any other requirement established in 730
rules adopted by the director under section 4707.19 of the 731
Revised Code; 732

(6) Provides proof of completion of the continuing 733
education requirements established in section 4707.101 of the 734
Revised Code. 735

(D) If an auctioneer, at the time of placing the 736
auctioneer's license on deposit, has not maintained proof of 737
financial responsibility for the entire period of time required 738
under section 4707.11 of the Revised Code, the auctioneer, 739
beginning at the time of reacquisition, shall maintain proof of 740
financial responsibility for the remainder of the time required 741
under that section. 742

Sec. 4707.151. (A) No person shall engage in bid rigging. 743

(B) As used in this section, ~~"bid":~~ 744

(1) "Bid rigging" means a conspiracy between auctioneers, 745
any participants in an auction, or any other persons who agree 746
not to bid against each other at an auction or who otherwise 747
conspire to decrease or increase the number or amounts of bids 748
offered at auction. 749

(2) "Auction" includes an online auction. 750

Section 2. That existing sections 905.39, 905.55, 905.59, 751
915.14, 917.20, 918.12, 923.43, 923.47, 924.07, 924.53, 993.01, 752
993.04, 1327.52, 1327.55, 3715.04, 4707.091, and 4707.151 of the 753
Revised Code are hereby repealed. 754

Section 3. That section 1345.021 of the Revised Code is 755

hereby repealed. 756

Section 4. (A) Notwithstanding section 993.04 of the 757
Revised Code, as amended by this act, beginning on the effective 758
date of this section and expiring on November 30, 2027, the 759
Department of Agriculture shall charge the following amusement 760
ride fees: 761

	1	2
A	Permit, non-inflatable	\$225
B	Permit, inflatable ride	\$162.50
C	Annual inspection and reinspection per ride:	
D	Kiddie rides	\$100
E	Family rides	\$180
F	Major rides	\$230
G	Spectacular rides	\$280
H	Family/portable roller coasters	\$1,200
I	Tower rides	\$1,300
J	Large roller coasters	\$3,250
K	Go karts, per kart	\$5
L	Inflatable rides, three or fewer that are	\$102 per inflatable

	inspected at the same time at the same location and that are owned by the same owner	ride
M	Inflatable rides, four to ten that are inspected at the same time at the same location and that are owned by the same owner	\$89.50 per inflatable ride
N	Inflatable rides, eleven or more that are inspected at the same time at the same location and that are owned by the same owner	\$77 per inflatable ride
O	Midseason operational inspection per ride	\$25
P	Expedited inspection per ride	\$100
Q	Failure to cancel scheduled inspection per ride	\$100
R	Failure to have amusement ride ready for inspection per ride	\$100

The go kart inspection fee is in addition to the 764
inspection fee for the go kart track. 765

The fees for an expedited inspection, failure to cancel a 766
scheduled inspection, and failure to have an amusement ride 767
ready for inspection do not apply to go karts. 768

As used in this section, "expedited inspection" has the 769
same meaning as division (E) (1) of section 993.04 of the Revised 770
Code, as amended by this act. 771

(B) Beginning on and after December 1, 2027, such fees	772
shall be levied in accordance with division (E)(1) of section	773
993.04 of the Revised Code, as amended by this act.	774