

As Introduced

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H. B. No. 733

Representatives Fowler Arthur, Thomas, D.

To amend sections 1.61, 303.01, 519.01, 901.511, 1
929.01, 1311.55, 1729.01, and 5501.50 of the 2
Revised Code to expressly include the production 3
of maple syrup and maple products in the laws 4
relating to agriculture. 5

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

Section 1. That sections 1.61, 303.01, 519.01, 901.511, 6
929.01, 1311.55, 1729.01, and 5501.50 of the Revised Code be 7
amended to read as follows: 8

Sec. 1.61. As used in any statute except section 303.01 or 9
519.01 of the Revised Code, "agriculture" includes farming; 10
ranching; aquaculture; algaculture meaning the farming of algae; 11
apiculture and related apicultural activities, production of 12
honey, beeswax, honeycomb, and other related products; 13
horticulture; viticulture, winemaking, and related activities; 14
animal husbandry, including, but not limited to, the care and 15
raising of livestock, equine, and fur-bearing animals; poultry 16
husbandry and the production of poultry and poultry products; 17
dairy production; the production of field crops, tobacco, 18
fruits, vegetables, nursery stock, ornamental shrubs, ornamental 19
trees, flowers, sod, or mushrooms; the production of maple syrup 20
and maple products; timber; pasturage; any combination of the 21

foregoing; the processing, drying, storage, and marketing of 22
agricultural products when those activities are conducted in 23
conjunction with, but are secondary to, such husbandry or 24
production; and any additions or modifications to the foregoing 25
made by the director of agriculture by rule adopted in 26
accordance with Chapter 119. of the Revised Code. 27

Sec. 303.01. As used in sections 303.02 to 303.25 of the 28
Revised Code, "agriculture" includes farming; ranching; 29
algaculture meaning the farming of algae; aquaculture; 30
apiculture; horticulture; viticulture; animal husbandry, 31
including, but not limited to, the care and raising of 32
livestock, equine, and fur-bearing animals; poultry husbandry 33
and the production of poultry and poultry products; dairy 34
production; the production of field crops, tobacco, fruits, 35
vegetables, nursery stock, ornamental shrubs, ornamental trees, 36
flowers, sod, or mushrooms; the production of maple syrup and 37
maple products; timber; pasturage; any combination of the 38
foregoing; and the processing, drying, storage, and marketing of 39
agricultural products when those activities are conducted in 40
conjunction with, but are secondary to, such husbandry or 41
production. 42

Sec. 519.01. As used in sections 519.02 to 519.25 of the 43
Revised Code, "agriculture" includes farming; ranching; 44
algaculture meaning the farming of algae; aquaculture; 45
apiculture; horticulture; viticulture; animal husbandry, 46
including, but not limited to, the care and raising of 47
livestock, equine, and fur-bearing animals; poultry husbandry 48
and the production of poultry and poultry products; dairy 49
production; the production of field crops, tobacco, fruits, 50
vegetables, nursery stock, ornamental shrubs, ornamental trees, 51
flowers, sod, or mushrooms; the production of maple syrup and 52

maple products; timber; pasturage; any combination of the 53
foregoing; and the processing, drying, storage, and marketing of 54
agricultural products when those activities are conducted in 55
conjunction with, but are secondary to, such husbandry or 56
production. 57

Sec. 901.511. (A) As used in this section: 58

(1) "Agricultural product" means any of the following 59
items that is produced for testing or research in the context of 60
a product development program in conjunction or coordination 61
with a private research facility, a university, or any federal, 62
state, or local governmental agency or that is produced for 63
personal, commercial, pharmaceutical, or educational purposes: 64
field crop or field crop product; timber or timber product; 65
forestry product; livestock or livestock product; meat or meat 66
product; milk or dairy product; poultry or poultry product; 67
equine animal; wool; fruit or vegetable crop; aquacultural 68
product; algacultural product; horticultural crop, including 69
plant materials grown in a greenhouse, nursery stock grown 70
inside or outside of a container, ornamental grass, turf grass, 71
ornamental trees, ornamental shrubs, or flowers; sod; mushrooms; 72
viticultural product; apicultural product; tobacco; pasture;_ 73
maple syrup or maple product; wild animal or domestic deer, as 74
"wild animal" and "domestic deer" are defined in section 1531.01 75
of the Revised Code; monitored captive deer, captive deer with 76
status, or captive deer with certified chronic wasting disease 77
status as defined in section 943.01 of the Revised Code; or any 78
combination of those items. 79

(2) "Algacultural product" means algal paste, algal 80
powder, or dried algae that is comprised primarily of algal 81
biomass. 82

(3) "Equipment" means any implement, machinery, real or personal property, building, or structure that is used in the production, growing, harvesting, or housing of any agricultural product. "Equipment" also includes any laboratory, research, product, samples, supplies, or fixed equipment that is used to test, develop, or analyze the process of producing, growing, or maintaining any agricultural product.

(4) "Material support or resources" means currency, payment instruments, other financial securities, financial services, lodging, training, safehouses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.

(5) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money regardless of whether the item in question is negotiable.

(6) "Specified offense" means either of the following:

(a) A violation of section 2909.02, 2909.03, 2909.05, 2909.06, 2909.07, 2911.13, 2911.21, 2913.02, 2913.04, or 2913.42 of the Revised Code;

(b) An attempt to commit, complicity in committing, or a conspiracy to commit an offense listed in division (A) (5) (a) of this section.

(B) No person shall commit a specified offense involving any agricultural product or equipment with the intent to do any of the following:

(1) Intimidate or coerce a civilian population;

(2) Influence the policy of any government by intimidation	111
or coercion;	112
(3) Affect the conduct of any government;	113
(4) Interrupt or interfere with agricultural production,	114
agricultural research, or equipment for purposes of disrupting	115
or influencing, through intimidation or other means, consumer	116
confidence or agricultural production methods.	117
Division (B) of this section does not apply to the	118
practice of veterinary medicine by a person who has been issued	119
a valid license, temporary permit, or registration certificate	120
to practice veterinary medicine under Chapter 4741. of the	121
Revised Code. As used in this division, "practice of veterinary	122
medicine" has the same meaning as in section 4741.01 of the	123
Revised Code.	124
(C) No person shall raise, solicit, collect, donate, or	125
provide any material support or resources with the purpose that	126
the material support or resources will be used in whole or in	127
part to plan, prepare, carry out, or aid in either a violation	128
of division (B) of this section or in the concealment of, or an	129
escape from, a violation of that division.	130
(D) (1) In addition to the penalties established in section	131
901.99 of the Revised Code for a violation of this section, the	132
court may require any person who violates this section to pay	133
the victim of the offense an amount up to triple the value of	134
the agricultural product or equipment that was the subject of	135
the violation.	136
(2) In ordering restitution under division (D) (1) of this	137
section, the court shall consider as part of the value of the	138
agricultural product or equipment the market value of the	139

agricultural product or equipment prior to the violation and the 140
production, research, testing, replacement, and development 141
costs directly related to the agricultural product or equipment 142
that was the subject of the violation. 143

(E) The enactment of this section is not intended to 144
require the prosecution exclusively under this section of an 145
act, series of acts, or course of behavior that could be 146
prosecuted either under this section or under another section of 147
the Revised Code. One or more acts, series of acts, or courses 148
of behavior that may be prosecuted either under this section or 149
under another section of the Revised Code may be prosecuted 150
under this section, the other section, or both sections. 151

Sec. 929.01. As used in this chapter: 152

(A) "Agricultural production" means commercial 153
aquaculture, algaculture meaning the farming of algae, 154
apiculture, animal husbandry, or poultry husbandry; the 155
production for a commercial purpose of timber, field crops, 156
tobacco, fruits, vegetables, maple syrup, nursery stock, 157
ornamental shrubs, ornamental trees, flowers, or sod; the growth 158
of timber for a noncommercial purpose if the land on which the 159
timber is grown is contiguous to or part of a parcel of land 160
under common ownership that is otherwise devoted exclusively to 161
agricultural use; or any combination of such husbandry, 162
production, or growth; and includes the processing, drying, 163
storage, and marketing of agricultural products when those 164
activities are conducted in conjunction with such husbandry, 165
production, or growth. 166

"Agricultural production" includes conservation practices, 167
provided that the tracts, lots, or parcels of land or portions 168
thereof that are used for conservation practices comprise not 169

more than twenty-five per cent of tracts, lots, or parcels of 170
land that are otherwise devoted exclusively to agricultural use 171
and for which an application is filed under section 929.02 of 172
the Revised Code. 173

(B) "Withdrawal from an agricultural district" includes 174
the explicit removal of land from an agricultural district, 175
conversion of land in an agricultural district to use for 176
purposes other than agricultural production, and withdrawal of 177
land from a land retirement or conservation program to use for 178
purposes other than agricultural production. Withdrawal from an 179
agricultural district does not include land described in 180
division (A) (3) of section 5713.30 of the Revised Code. 181

(C) "Conservation practice" has the same meaning as in 182
section 5713.30 of the Revised Code. 183

Sec. 1311.55. (A) As used in this section: 184

(1) "Agricultural product" means all fruit and vegetable 185
crops, maple syrup and maple products, meat and meat products, 186
milk and dairy products, poultry and poultry products, wool, and 187
all seeds harvested by a producer for sale, except that it does 188
not include any grain crop that is subject to the fee that the 189
director of agriculture may require to be remitted under section 190
926.16 of the Revised Code. "Agricultural product" also includes 191
an agricultural product as defined in section 901.511 of the 192
Revised Code. 193

(2) "Agricultural product handling" means engaging in or 194
participating in the business of buying, selling, exchanging, or 195
negotiating or soliciting a purchase, sale, resale, exchange, or 196
transfer of an agricultural product. 197

(3) "Agricultural product handler" or "handler" means any 198

person who is engaged in the business of agricultural product 199
handling, except that a person who sells only those agricultural 200
products that the person has produced, or buys agricultural 201
products for the person's own use, is not an agricultural 202
product handler. 203

(4) "Agricultural producer" or "producer" means any person 204
who grows, raises, or produces an agricultural product on land 205
that the person owns or leases. 206

(5) "Proceeds" has the same meaning as in division (A) (64) 207
of section 1309.102 of the Revised Code. 208

(B) An agricultural producer who delivers an agricultural 209
product under an express or implied contract to an agricultural 210
product handler, or an agricultural product handler who delivers 211
an agricultural product under an express or implied contract to 212
another agricultural product handler, has a lien to secure the 213
payment for all of the agricultural product delivered under that 214
contract. The lien attaches to the product, whether in a raw or 215
processed condition, while in the possession of the agricultural 216
product handler, and to the proceeds of the sale of the 217
agricultural product. The lien attaches from the date of 218
delivery of the agricultural product to the handler, or if there 219
is a series of deliveries under the contract, from the date of 220
the first delivery. The lien is contingent until the producer or 221
handler complies with section 1311.56 of the Revised Code. 222

(C) The lien on an agricultural product covers the 223
contract price agreed upon, or when there is no agreed price at 224
the time of delivery, the value of the agricultural product as 225
determined by the "market news service" of the Ohio department 226
of agriculture on the date the agricultural producer or handler 227
files the affidavit permitted under section 1311.56 of the 228

Revised Code.	229
(D) Any waiver by a producer or handler of the producer's or handler's right to an agricultural product lien is void as being contrary to public policy.	230 231 232
Sec. 1729.01. As used in this chapter:	233
(A) "Agricultural cooperative" means a cooperative to which all of the following apply:	234 235
(1) The cooperative engages in any activity in connection with the propagation, raising, producing, harvesting, storing, drying, handling, processing, or marketing of agricultural products; procuring equipment and supplies or providing services for producers and others; bargaining; and any activity related to the foregoing.	236 237 238 239 240 241
(2) Producers or agricultural cooperatives exercise more than fifty per cent of the voting control of the cooperative.	242 243
(3) The cooperative does at least fifty per cent of its business with producers or agricultural cooperatives.	244 245
(B) "Agricultural products" includes aquacultural, horticultural, viticultural, forestry, dairy, livestock, poultry, bee, and farm products, and the produce or byproducts of any of such products. "Agricultural products" also includes algacultural products as defined in section 901.511 of the Revised Code <u>and maple syrup and maple products.</u>	246 247 248 249 250 251
(C) "Association" means any corporation organized under this chapter.	252 253
(D) "Bargaining" means the mutual obligation of a handler and a marketing cooperative to meet at reasonable times and confer and negotiate in good faith. Negotiations may include all	254 255 256

terms relative to trading between handlers and producers. The 257
obligation does not require either party to agree upon price, 258
terms of sale, or any other marketing agreement, or to make a 259
concession. 260

(E) "Board" means the board of directors of an 261
association. 262

(F) "Cooperative" means an association or a foreign 263
association. 264

(G) "Entity," except as otherwise provided, means a 265
foreign association, a foreign or domestic corporation other 266
than a cooperative, or a foreign or domestic limited liability 267
company. 268

(H) "Foreign association" means a corporation organized 269
under the cooperative laws of another state or the District of 270
Columbia or a foreign corporation organized under corporation 271
laws of another state, the District of Columbia, or the United 272
States that operates on a cooperative basis. 273

(I) "Handler" means a person who acquires agricultural 274
products under a sales contract for the purpose of processing or 275
reselling agricultural products. 276

(J) "Marketing agreement" means an agreement, contract, or 277
other arrangement between a cooperative and a member in which 278
the member agrees to market all or a part of the products or 279
produce produced by the member, or agrees to purchase all or a 280
part of the member's requirements for inputs, services, or 281
supplies. 282

(K) "Marketing cooperative" means any agricultural 283
cooperative meeting the requirements of the "Co-operative 284
Marketing Associations Act," 42 Stat. 388 (1922), 7 U.S.C.A. 285

291, that negotiates sales contracts with handlers on behalf of	286
its members and is not in direct competition with any handler	287
with which it negotiates such contracts.	288
(L) "Member" means a person who has been qualified and	289
accepted into membership in a cooperative.	290
(M) "Membership stock" means any class of stock or other	291
equity interest in a cooperative, continuous ownership of which	292
is required for membership in the cooperative.	293
(N) "Patron" means a person with which a cooperative has	294
made an enforceable agreement to allocate and distribute a per	295
unit retain, patronage dividend, or patronage refund with	296
respect to business conducted by the cooperative with or for the	297
person.	298
(O) "Patronage stock" means any stock or other equity	299
interest in a cooperative that was originally issued by the	300
cooperative with respect to patronage transactions.	301
(P) "Person" includes a natural person, partnership,	302
corporation, cooperative, or other entity.	303
(Q) "Processing" means changing the physical or chemical	304
characteristics of agricultural products.	305
(R) "Producer" means a person engaged in the production of	306
agricultural products for the market, including a lessor of real	307
or personal property used for production of agricultural	308
products for the market that receives as rent part of the	309
agricultural product.	310
(S) "Sales contract" means a marketing agreement or other	311
similar arrangement between a handler and a producer, negotiated	312
by the producer or by an agricultural cooperative acting as	313

agent for a producer, under which the producer agrees to grow or 314
produce agricultural products for sale to the handler. 315

Sec. 5501.50. (A) As used in this section, "agricultural 316
purposes" means commercial animal or poultry husbandry, or the 317
production for a commercial purpose of maple syrup or maple 318
products, field crops, tobacco, fruits, or vegetables. 319
"Agricultural purposes" also includes algaculture meaning the 320
farming of algae. 321

(B) Whenever the director of transportation acquires real 322
property as provided in section 5501.32 of the Revised Code or 323
otherwise acquires real property in fee simple in the name of 324
the state for highway purposes and subsequently finds the 325
property is not needed for such purposes, or will not be needed 326
for such purposes for a period of two years or more following 327
the date of acquisition of the property, and the property is 328
adjacent to or in the near vicinity of property used for 329
agricultural purposes, the director may, at the director's 330
discretion, offer to lease the property for agricultural 331
purposes for one year at a price consistent with rentals of 332
adjacent agricultural lands in the manner provided in divisions 333
(C), (D), (E), (F), (G), (H), and (I) of this section before 334
conveying or transferring the fee simple estate or any lesser 335
estate or interest in the property, or permitting its use by 336
another. 337

(C) Real property shall be offered for lease by mailing a 338
notice, in writing, to each person who owns or leases property 339
being used for agricultural purposes that adjoins or is in the 340
near vicinity of the property. The notice shall include a 341
general description of the property offered for lease, the cost 342
of the lease, the manner in which the lease will be made, the 343

requirements of this section, a statement that the person shall 344
notify the director in writing within no more than four weeks 345
following mailing of the notice if the person is interested in 346
leasing the property, and such other information as the director 347
considers necessary. 348

(D) If the director receives information in writing from 349
two or more persons who are interested in leasing the real 350
property, one of whom is the owner of real property that adjoins 351
the property offered for lease, the director may lease the 352
property to that person. If the director receives such 353
information from two or more persons, two or more of whom are 354
owners of real property that adjoins the property offered for 355
lease, the director shall lease the property to the person whose 356
information is contained in the envelope bearing the earliest 357
postmark. 358

(E) Any lease made under this section shall be conditioned 359
upon the lessee's written agreement to maintain weed control on 360
the property. If the director has reasonable cause to believe 361
that such an agreement is violated, the director, or any of the 362
director's authorized agents, may, at the director's or 363
authorized agent's discretion, do either of the following: 364

(1) Provide necessary weed control. The expense of 365
providing weed control shall be paid by the director out of any 366
appropriation to the department of transportation available for 367
the establishment, use, maintenance, or repair of highways and 368
the amount thereof shall be reimbursed by the lessee to the 369
department and if not reimbursed the amount thereof shall be 370
certified to the attorney general for collection by civil action 371
against the lessee of the property. 372

(2) File a complaint by petition in the court of common 373

pleas of the county in which the property is located. Upon a 374
finding by the court that a violation of the agreement exists as 375
alleged in the petition, the court shall enter an order of 376
abatement against the lessee of the property. 377

(F) If real property offered for lease as provided in this 378
section is located near a highway where the use of the property 379
for crops such as corn and wheat will obstruct the view of any 380
part of the highway from a person operating a vehicle on the 381
highway or on an intersecting highway or private road, or near 382
an airport where such use of the property may interfere with 383
airport safety, any lease made shall be conditioned upon the 384
lessee's written agreement to use the property for only crops 385
that will not create such an obstruction of the view of the 386
highway or interference with airport safety. If the director has 387
reasonable cause to believe that such an agreement is violated, 388
the director, or any of the director's authorized agents, may, 389
at the director's or authorized agent's discretion, do either of 390
the following: 391

(1) Remove the crop or such part thereof as may be 392
necessary to ensure that the view of the highway will not be 393
obstructed, or that airport safety will not be reduced. The 394
expense of the removal shall be paid by the director out of any 395
appropriation to the department of transportation available for 396
the establishment, use, maintenance, or repair of highways and 397
the amount thereof shall be reimbursed by the lessee to the 398
department and if not reimbursed the amount thereof shall be 399
certified to the attorney general for collection by civil action 400
against the lessee of the property. 401

(2) File a complaint by petition in the court of common 402
pleas of the county in which the property is located. Upon a 403

finding by the court that a violation of the agreement exists as 404
alleged in the petition, the court shall enter an order of 405
abatement against the lessee of the property. 406

(G) The director may offer to renew annually any lease of 407
real property made under this section to the current lessee or 408
may offer the opportunity to lease to others in the manner and 409
subject to the requirements and limitations as provided for in 410
this section. 411

(H) The requirements of sections 5501.32, 5501.34, and 412
5501.45 of the Revised Code relating to the appraisal, 413
advertisement, manner of sale, and minimum sale price of 414
property not needed for highway purposes and the requirements of 415
sections 5501.34 and 5501.45 of the Revised Code relating to the 416
use of property not needed for highway purposes for recreation 417
purposes, do not apply to a lease or renewal of a lease of real 418
property made in accordance with this section. 419

(I) Except as provided in divisions (E)(1) and (F)(1) of 420
this section, all expense incurred in the lease of real property 421
under this section shall be paid out of the proceeds of the 422
lease and the balance shall be deposited in the highway fund 423
from which the purchase of the real property giving rise to the 424
proceeds was made. 425

(J) Nothing in this section shall be construed to permit 426
the director to acquire real property by appropriation for the 427
purpose of leasing it for agricultural purposes. 428

Section 2. That existing sections 1.61, 303.01, 519.01, 429
901.511, 929.01, 1311.55, 1729.01, and 5501.50 of the Revised 430
Code are hereby repealed. 431

Section 3. Section 901.511 of the Revised Code is 432

presented in this act as a composite of the section as amended 433
by both H.B. 276 and H.B. 389 of the 129th General Assembly. The 434
General Assembly, applying the principle stated in division (B) 435
of section 1.52 of the Revised Code that amendments are to be 436
harmonized if reasonably capable of simultaneous operation, 437
finds that the composite is the resulting version of the section 438
in effect prior to the effective date of the section as 439
presented in this act. 440