

HB 10 -- Redline

As Passed by the House to Enrolled -- Regulate imitation meat and egg products

Deletions ~~struck~~ · Insertions underlined

~~As (136th Passed General Assembly) by (Substitute House Bill Number 10) ANACT To amend sections 909.07, 921.01, 921.06, 921.11, 921.16, 921.24, 943.26, 3314.03, 3326.11, 3328.24, 3701.132, and 3715.60 and to enact sections 3313.8110, 3345.88, 3715.601, 3715.602, 3715.603, 3715.604, 3715.605, and 5101.5410 of the House Revised 136th Code General to Assembly regulate Regular imitation Session meat H- and egg products and to revise various agriculture laws.~~

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1.

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

Sec.

909.07.

The board of county commissioners may appoint, with the consent and concurrence of the director of agriculture, a deputy apiarist.

Except as otherwise specified in this section, a deputy serves at the pleasure of the applicable board of county commissioners.

A deputy apiarist shall be paid a salary as the board of county commissioners determines for inspection work and other expenses as are necessarily incurred directly related to inspection work.

Before the board approves the salary and expenses for payment, the a deputy apiarist shall submit the same to the director for review.

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

The director may terminate the appointment of any deputy apiarist if there is evidence that the deputy has been unethical, negligent, incompetent, inefficient, or untrustworthy in the discharge of official duties.

A deputy apiarist shall furnish to the director reports as are required by the director.

Sec.

921.01.

As used in this chapter:

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

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

(C) "Agricultural commodity" means any plant or part thereof or animal or animal product, Sub.

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~~10 2025-2026 136th Representatives G.A. - Klopfenstein, Daniels Cosponsors:~~

~~Representatives produced Thomas, for D., commercial Sigrist, use King, by Johnson, a Williams, person, Lear, including Miller, farmers, K., ranchers, Brennan, vineyardists, Gross, plant Dealer, propagators, Click, Christmas Rogers, tree Bird, growers, Santucci, aquaculturists, Fowler floriculturists, Arthur, orchardists, Claggett, foresters, Mathews, or T., other Peterson, comparable Hiner, persons, Miller, primarily J., for Schmidt, Abdullahi, Abrams, Barhorst, Creech, Demetriou, Devilla, Ferguson, Hall, T., Hoops, John, Kishman, LaRo, Lorenz, Mathews, A., Miller, M., Mohamed, Odioso, Pizzulli, Plummer, Richardson, Ritter, Robb Blasdel, Salvo, Stephens, Swearingen, White, A., Willis, Workman A BILL To amend sections 3314.03, 3326.11, 3328.24, 1 3701.132, and 3715.60 and to enact sections 2 3313.8110, 3345.88, 3715.601, 3715.602, 3 3715.603, 3715.604, 3715.605, and 5101.548 of 4 the Revised Code consumption, to propagation, regulate or imitation other meat use, and by 5 humans egg or products, animals.~~

(D) BE "Aircraft" IT means ENACTED any BY device THE used GENERAL or ASSEMBLY designed OF for THE navigation STATE or OF flight OHIO in the air, except a parachute or other device used primarily as safety equipment.

Section (E) 1- "Animal" means all vertebrate and invertebrate species, including, but not limited to, humans and other mammals, birds, fish, and shellfish.

That (F) sections "Authorized 3314.03, diagnostic 3326.11, inspection" 3328.24, means 7 a 3701.132, diagnostic

~~and inspection 3715.60 conducted by amended a and commercial sections applicator 3313.8110, in 8 the 3345.88, pesticide-use 3715.601, category 3715.602, in 3715.603, which 3715.604, 3715.605, and 9 5101.548 of the Revised commercial Code applicator be is enacted licensed to under read this as chapter. follows:~~

~~10 (G) Sec. "Beneficial insects" means those insects that, during their life cycle, are effective pollinators of plants, are parasites or predators of pests, or are otherwise beneficial.~~

~~3313.8110. (H) "Brand" means any word, name, symbol, device, or combination thereof, that serves to distinguish the pesticide manufactured or distributed by one person from that manufactured or distributed by any other person.~~

~~(A) (I) The "Pesticide board applicator" of means education of each city, 11 exempted village, local, and joint vocational school district 12 shall adopt a policy commercial to applicator prevent or the purchase of a food private that applicator. is 13 either of the following:~~

~~14 (J) H. "Private applicator" means an individual who is licensed under section 921.11 of the Revised Code.~~

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

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

~~(M) "Federal act" means the "Federal Insecticide, Fungicide and Rodenticide Act," 61 Stat.~~

~~(1947), 7 U.S.C.A.~~

~~136, as amended.~~

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

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

~~(P) "Device" means any instrument or contrivance, other than a firearm, that is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life, other than human beings and other than bacteria, virus, or other microorganism on or in living human beings or other living animals.~~

~~"Device" does not include equipment used for the application of pesticides when sold separately therefrom.~~

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

~~(1) Unless otherwise prescribed by its labeling, a restricted use pesticide is considered to be Sub. H.~~

~~10 Page 136th 26 A. As Passed by the House (1) Misbranded as a meat product or an egg product as 15 prohibited in section 3715.602 of the Revised Code;~~

~~16 applied (2) under A the cultivated-protein direct food supervision product of a defined commercial applicator, if it is applied by a trained service person who is trained in 17 accordance with standards prescribed by the director under section 3715.601 921.16 of the Revised Code. Code and who is acting under the instructions and control of a commercial applicator.~~

~~18 (2) (B) Unless The otherwise department prescribed of by education its and labeling, workforce a shall general adopt use 19 pesticide a is policy considered to prevent be applied under the purchased direct supervision of a food commercial that applicator, if it is either applied of by a trained service person acting under the 20 instructions following; and control of a commercial applicator.~~

~~21 (3) (1) Unless Misbranded otherwise as prescribed by its labeling, a meat restricted product use or pesticide a is egg considered product to as be 22 used prohibited under in the section direct 3715.602 supervision of a private applicator if all of the Revised following Code; apply:~~

~~23 (a) (2) The A restricted cultivated-protein use food pesticide product. is used by an immediate family member or a subordinate employee of that private applicator.~~

~~24 (b) Sec. The immediate family member or a subordinate employee of that private applicator is trained in accordance with standards prescribed by the director of agriculture under section 921.16 of the Revised Code and is acting under the instructions and control of the private applicator.~~

~~3314.03. (c) The private applicator is responsible for the actions of that immediate family member or subordinate employee and is available when needed, even though the private applicator is not physically present at the time and place the restricted use pesticide use is occurring.~~

~~A (R) copy "Directly of supervise" every means contract providing entered direct into supervision under 25 division this (Q) (Q) (1), section (2), shall or be (3) filed with the director of education this and section, 26 as workforce applicable.~~

~~The (S) department "Distribute" of means education to and offer workforce or shall hold make for 27 sale, available sell, on barter, its ship, web deliver site for a shipment, copy or of receive every and,~~

~~approved, having executed so 28 received, contract to filed deliver with the offer director to under deliver, pesticides in this section-state.~~

~~29 "Distribute" (A) does Each not contract mean entered to into hold between for ause, sponsor apply, and or the use 30 pesticides governing or authority dilutions of pesticides, except when a community pesticide school dealer shall holds specify for use, applies, or uses pesticides or dilutions of pesticides in the 31 course following: of business with a commercial applicator who is employed by that pesticide dealer.~~

~~32 (T) (1) "Environment" That includes the water, school air, shall land, be and established all as plants either and of human beings and other animals living therein, and the 33 interrelationships following; that exist among them.~~

~~34 (U) (a) "Fungus" A means non profit any corporation non chlorophyll-bearing established thallophyte, under which Chapter is 35 any 1702- non chlorophyll- bearing plant of a lower order than mosses and liverworts, as for example, rust, smut, mildew, mold, yeast, and bacteria, except those on or in living human beings or other animals, or processed food, beverages, or pharmaceuticals.~~

~~of (V) the "General Revised use Code, pesticide" if means established a prior pesticide to that April is 8- classified 36 for 2003; general use under the federal act.~~

~~37 (W) (b) "Ground A equipment" public means benefit any corporation device, established other under than Chapter aircraft, 38 used 1702- on land or water to apply pesticides in any form.~~

~~of (X) "Incidental use" or "incidentally use" means the Revised application Code, of if a established general after use April pesticide 8, on 2003- an occasional, isolated, site-specific basis in order to avoid immediate personal harm.~~

~~39 "Incidental (2) use" The or education "incidentally program use" of does the not school, mean including regular, the routine, 40 or school's maintenance mission, application the characteristics of the students general the use school pesticide. 41 H.~~

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~~10 Page 136th 3G.A. As Passed by the House is expected to attract, the ages and grades of students, and the 42 focus of the curriculum;~~

~~43 (Y) (3) "Inert The ingredient" academic means goals an to ingredient be achieved and the method of 44 measurement that will is be not used active. to determine progress toward those 45 goals, which shall include the statewide achievement 46 assessments;~~

~~47 (Z) (4) "Ingredient Performance statement" standards, means including a but statement not of limited the to name 48 and all percentage applicable report card measures set forth in section 3302.03 49 or 3314.017 of the each Revised active Code, ingredient, by together which with the success total percentage of the inert 50 ingredients. school will be evaluated by the sponsor;~~

~~51 When (5) the The pesticide admission contains standards arsenic of in section any 3314.06 form, of the 52 ingredient Revised statement Code shall and, include if percentages applicable, of section total 3314.061 and of water the soluble Revised arsenic, 53 each Code; calculated as elemental arsenic.~~

~~54 (AA) (6) (a) "Insect" Dismissal means procedures; any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class insecta, including, but not limited to, beetles, bugs, bees, and flies, and to other allied classes of arthropods, including, but not limited to, spiders, mites, ticks, centipedes, and wood lice.~~

~~55 (BB) (b) "Integrated A pest requirement management" that means the governing authority adopt an 56 attendance policy that includes a procedure sustainable for approach automatically to 57 managing withdrawing pests a by student combining from biological, the cultural, school physical, if and the chemical student tools without in a 58 way legitimate that excuse minimizes fails economic, to health, participate and in environmental seventy-two risks. 59 consecutive hours of the learning opportunities offered to the 60 student.~~

~~61 (CC) (7) "Label" The means ways the by written, which printed, the or school graphic will matter achieve on, racial or and attached 62 to ethnic the balance pesticide reflective or device, or any of the its community containers it or serves; wrappers.~~

~~63 (DD) (8) "Labeling" Requirements means for all financial labels audits and by other the written, auditor printed, of or 64 graphic state-matter:~~

~~The (1) contract Accompanying shall require financial records of the 65 pesticide school product too or be device maintained at in any the time; same manner as are financial 66 records of school districts, pursuant to rules of the auditor of 67 state.~~

~~Audits (2) shall To be which conducted reference is made on the label or in accordance literature with accompanying section the 68 pesticide 117.10 product or device, except when accurate, non misleading reference is made to current official publications of the Revised United Code, States environmental protection agency, the United States department of agriculture or interior, the United States department of health and human services, state experiment stations, state agricultural colleges, or other similar federal or state institutions or official agencies, authorized by law to conduct research in the field of pesticides;~~

~~69~~(3) ~~H.~~ Including all brochures, technical and sales bulletins, and all advertising material.

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

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

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

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

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

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

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

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

(b) The labeling accompanying it does not contain directions for use that are necessary for Sub.

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~~10 Page 136th 4G.A. As Passed by the House (9) An addendum to the contract outlining the facilities 70 to be used that contains at least the following information:~~

~~71 effecting (a) the purpose detailed for description which of the each pesticide facility is used intended for and, 72 if instructional complied purposes; with, together with any requirements imposed by the federal act, that are adequate to protect the environment.~~

~~73 (c) (b) The annual label costs does associated not with bear leasing all each facility 74 that are paid by or on behalf of the school; following:~~

~~75 (i) (c) The annual name, mortgage brand, principal and trademark interest under payments which 76 the that pesticide are is paid distributed; by the school;~~

~~77 (ii) (d) An The ingredient name statement on the part of the lender immediate or container landlord, and identified on as the 78 outside such, container and wrapper of the lender's retail package, if any, through which the ingredient statement on the immediate container cannot be clearly read, which is presented or landlord's displayed relationship under to customary conditions of purchase, provided that the 79 ingredient operator, statement if may any, appear prominently on another part of the container as permitted by the amended federal act or by the director;~~

~~80 (iii) (10) A Qualifications warning of for employees, caution including statement both that of may be necessary and that, if complied with together with any requirement imposed under the 81 federal following act, would be adequate to protect the environment;~~

~~82 (iv) (a) The A net requirement weight that or the measure school's of classroom the teachers contents, be subject 83 to licensed such unreasonable accordance variations with as sections the 3319.22 administrator to 3319.31 of the 84 United Revised States Code, environmental except protection that agency a community school may engage 85 noncertificated persons to teach up to twelve hours or forty the 86 director hours per week pursuant to section 3319.301 of the agriculture Revised may Code; permit;~~

~~87 (v) (b) The A name prohibition and against address the school employing an 88 individual described in section 3314.104 of the Revised manufacturer, Code registrant, in or 89 person any for position, whom manufactured;~~

~~90 (vi) (11) The That United States environmental protection agency registration number assigned to each establishment in which the school pesticide will was comply produced with and the following agency 91 registration requirements, number assigned to it, as required by regulations under the federal act.~~

~~92 (d) (a) The school pesticide will contains provide any learning substance opportunities or to substances a in 93 quantities minimum highly of toxic twenty-five to students human for beings a unless minimum the of label nine bears, hundred in 94 addition twenty to hours other per label school requirements, year, all of the following:~~

~~95 (i) (b) The governing skull authority and will cross bones; purchase liability 96 H.~~

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

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

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

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

(HH) "Pest" means a harmful, destructive, or nuisance insect, fungus, rodent, nematode, bacterium, bird,

snail, weed, or parasitic plant or a harmful or destructive form of plant or animal life or virus, or any plant or animal species that the director declares to be a pest, except viruses, bacteria, or other microorganisms on or in living animals, including human beings.

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

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~~10 Page 136th 5G.A. As Passed by the House insurance, or otherwise provide for the potential liability of 97 the school.~~

~~98 (1) (c) Preventing, The destroying, school repelling, will be nonsectarian in its programs, 99 admission policies, employment practices, and all other 100 operations, and will not be operated by a sectarian school or 101 mitigating religious any institution pest;~~

~~102 (2) (d) Use The as schools a will plant comply regulator, with defoliant, sections or 9.90, desiccant. 9.01, 103 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 104 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 105 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 106 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 107 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 108 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 109 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 110 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 111 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 112 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 113 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 114 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 115 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 116 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 117 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 118 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 119 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 120 4123., 4141., and 4167.~~

~~of "Pesticide" the includes Revised Code as if it were a 121 pest school monitoring district system and designated will by comply rule. with section 3301.0714 of the 122 Revised Code in the manner specified in section 3314.17 of the 123 Revised Code.~~

~~124 (JJ) (e) "Pesticide The dealer" school means shall any comply person with who Chapter distributes 102. restricted use pesticides or pesticides whose uses or distribution are further restricted by the director to the ultimate user or to a commercial applicator who is employed by that pesticide dealer.~~

~~and (KK) section "Pesticide 125 business" 2021.42 means of a the person Revised who Code. performs pesticide business activities.~~

~~126 (LL) H. "Pesticide business activities" means any of the following:~~

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

~~(2) The solicitation to apply pesticides;~~

~~(3) The conducting of authorized diagnostic inspections.~~

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

~~(NN) "Plant regulator" means any substance or mixture of substances, intended, through physiological action, for accelerating or retarding the growth or rate of maturation, or for otherwise altering the behavior of plants or the produce thereof, but does not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.~~

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

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

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

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

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

~~(TT) "State restricted use pesticide" means any pesticide or pesticides classified by the director subsequent to a hearing held in accordance with Chapter 119.~~

~~of the Revised Code for use only by pesticide applicators or individuals who are trained in accordance with standards prescribed by the director under section 921.16 of the Revised Code and who are working under their direct supervision.~~

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

~~(VV) "Trained service person" means an employee of a pesticide business, other business, agency of the~~

United States government, state agency, or political subdivision who has been trained Sub.

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10 Page 136th 6G.A. As Passed by the House (f) The school will comply with sections 3313.61, 127 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 128 Revised Code, except that for students who enter ninth grade for 129 the first time before July 1, 2010, the requirement in sections 130 3313.61 and 3313.611 of the Revised Code that a person must 131 successfully complete the curriculum in any high school prior to 132 receiving a high school diploma may be met by completing the 133 curriculum adopted by the governing authority of the community 134 school rather than the curriculum specified in Title XXXIII of 135 the Revised Code or any rules of the department.

Beginning with 136 students who enter ninth grade for the first time on or after 137 July 1, 2010, the requirement in sections 3313.61 and 3313.611 138 of the Revised Code that a person must successfully complete the 139 curriculum of a high school prior to receiving 140 either a general high school diploma or a career diploma shall be met by completing the requirements prescribed 141 in section 3313.6027 and division (C) of section 3313.603 of the 142 following: Revised Code, unless the person qualifies under division (D) or 143 (F) of that section.

Each (1) school 144 shall 145 apply pesticides while with under the plan direct for supervision 146 awarding high school credit based on demonstration of subject a 147 commercial area applicator; competency, and beginning with the 2017-2018 school year, 148 with the updated plan that permits students enrolled in seventh 149 and eighth grade to meet curriculum requirements based on 150 subject area competency adopted by the department under 151 divisions (J)(1) and (2) of section 3313.603 of the Revised Code.

Beginning (2) with 152 the 2018-2019 school year, after the being school trained shall 153 in accordance with the standards framework prescribed for by granting the units director of under high section school 921.16 154 of credit the to Revised students Code who and demonstrate while subject working area under competency 155 through work-based learning experiences, internships, or 156 cooperative education developed by the department direct under supervision division 157 (J)(3) of section a 3313.603 commercial of applicator. the Revised Code.

158 (WW) (g) "Weed" means school any governing plant authority that will grow submit where within not four wanted. 159 H.

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

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

(ZZ) "Immediate family" means familial relationships limited to a person's spouse, parents, stepparents, foster parents, father-in-law, mother-in-law, children, stepchildren, foster children, sons-in-law, daughters-in-law, grandparents, grandchildren, brothers, sisters, brothers-in-law, sisters-in-law, aunts, uncles, nieces, nephews, and first cousins.

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

Sec.

921.06.

(A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

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

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

of the Revised Code, respectively;

(c) Apply restricted use pesticides.

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

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

(i) Food service operations that are licensed under Chapter 3717.

of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717.

of the Revised Code;

(iii) Golf courses;

- (iv) Rental properties of more than four apartment units at one location;
 - (v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;
 - (vi) Child care centers or licensed school child programs as defined in section 5104.01 of the Sub.
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~~10 Page 136th 7G.A. As Passed by the House months after the end of each school year a report of its 158 activities and progress in meeting the goals and standards of 159 divisions (A)(3) and (4) of this section and its financial 160 status to the sponsor and the parents of all students enrolled 161 in the school.~~

~~162 (h) The school, unless it is an internet or computer 163 based community school, will comply with section 3313.801 of the 164 Revised CodeCode; as if it were a school district.~~

~~165(vii) (i)Facilities Ifowned theor schooloperated isby the recipient of moneys from a grantschool 166district awardedestablished under theChapter federal3311. race to the top program, Division (A), 167 Title XIV, Sections 14005 and 14006 of the "American Recovery 168 and Reinvestment Act of 2009," Pub. L. of the Revised Code, including an educational service center, a community school established under Chapter 3314.~~

of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the director of education and workforce;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713.

of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332.

of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;

(x) Any other site designated by rule.

(e) Conduct authorized diagnostic inspections.

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

(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule.

The fee for each such license shall be established by rule.

If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application.

The director shall by rule classify by pesticide-use category licenses to be issued under this section.

A single license may include more than one pesticide-use category.

No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.

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

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

(C)(1) Except as provided in division (C)(2) of this section, if the director finds that the applicant is competent to apply pesticides and conduct diagnostic inspections and that the applicant has passed both the general examination and each applicable pesticide-use category examination as required under division (A) of section 921.12 of the Revised Code, the director shall issue a commercial applicator license limited to the pesticide-use category or categories for which the applicant is found to be competent.

If the director rejects an application, the director may explain why the application was rejected, describe the additional requirements necessary for the applicant to obtain a license, and return the application.

The applicant may resubmit the application without Sub.

H.

B.

~~111-5, 10 123136th Stat. G.A.~~

~~115, payment 169 the school will pay teachers based upon performance in 170 accordance with section~~

~~3317.141 and will comply with section 171 3319.111 of the any Revised additional Code fee, as if it were a school district.~~

~~172(2) (j) The If director the shall school issue operates a preschool commercial program applicator that license is in 173 accordance licensed by the department under sections 3301.52 to 3301.59 of 174 the Revised Code, the school shall comply with sections Chapter 3301.50 4796. 175 to 3301.59 of the Revised Code and the minimum standards for 176 preschool programs prescribed in rules adopted by the department 177 of children and youth under section 3301.53 of the Revised Code.~~

~~178 (k) The school will comply with sections 3313.6021 and 179 3313.6023 of the Revised Code as to if an individual were if a school district 180 unless it is either of the following: following applies:~~

~~181(a) (i) The An individual internet holds or a computer-based commercial community applicator school, license in another state.~~

~~182(b) (ii) The A individual community has school satisfactory in work which experience, a majority government of certification, the or 183 a enrolled private students certification areas children described within disabilities that chapter as described a in commercial 184 applicator division in (B)(2) a of state section that 3314.35 does of not the issue Revised that Code, license.~~

~~185A (l) license The issued school under will this comply division with shall section be 3321.101 limited of to the 186 pesticide-use H, category or categories for which the applicant is licensed in another state or has satisfactory work experience, a government certification, or a private certification in that state.~~

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

~~(2) A commercial applicator shall apply pesticides only in the pesticide-use category or categories in which the applicator is licensed under this chapter.~~

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

~~Sec.~~

~~921.11.~~

~~(A) As used in this section, "use" means any of the following:~~

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

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

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

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

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

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

~~(3) A trained service person who is trained in accordance with standards prescribed by the director under section 921.16 of the Revised Code and who is acting under the direct supervision of a commercial applicator;~~

~~(4) An immediate family member or a subordinate employee of a private applicator who is trained in accordance with standards prescribed by the director under section 921.16 of the Revised Code and who is acting under the direct supervision of that private applicator.~~

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

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

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

~~Sub.~~

~~H.~~

~~10 Page 136th 8G.A. As Passed by the House Revised Code, unless it is an internet or computer-based 187 community school that is subject to section 3314.261 of the 188 Revised Code.~~

~~189(D)(1) (12) Subject Arrangements to for division providing (D)(2) health of and this other section, benefits the 190 director of agriculture shall adopt rules to employees; establish standards and procedures for the licensure of private applicators.~~

~~191An (13) individual The shall length apply of for the a contract, private which applicator shall license begin to at the 192 director, beginning on of forms an prescribed academic by year the director.~~

~~No The contract individual shall exceed include five in 193 the years application unless the such pesticide-use contract category has or been categories renewed of pursuant the to license division for 194 which (E) the individual is applying and any other information that the director determines is essential to the administration of this section chapter.~~

~~105 (14) The governing fee authority for of each the license school, which shall be 106 established responsible by for rule. carrying out the provisions of the contract;~~
~~107 Licenses (15) shall be financial issued plan detailing an estimated school budget 108 for each a year period of the time period established of by the rule contract and specifying shall the be 109 renewed total in estimated accordance per with pupil deadlines expenditure established amount by for rule. each such year.~~

~~200 If (16) a Requirements license and is procedures not regarding issued the or disposition renewed, 201 of employees of the school state in shall the retain event any the fee contract submitted is as 202 payment terminated for or reasonable not expenses renewed pursuant to section 3314.07 of processing the 203 application. Revised Code;~~

~~204 (2) (17) The whether director the shall school issue is to be created by converting all 205 or part of an existing public school or educational service 206 center building or is to be a new private start-up applicator school, license and in if accordance it is 207 a converted public school or service center building, 208 specification of any duties or responsibilities of an employer 209 that the board of education or service center governing board 210 that operated the school or building before conversion is 211 delegating to the governing authority of the community school 212 with respect Chapter to 4796. all or any specified group of employees provided 213 the delegation is not prohibited by a collective bargaining 214 agreement applicable to such employees;~~

~~215 of H. the Revised Code to an individual if either of the following applies:~~

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

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

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

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

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

~~Sec.~~

~~921.16.~~

~~(A) The director of agriculture shall adopt rules the director determines necessary for the effective enforcement and administration of this chapter.~~

~~The rules may relate to, but are not limited to, the time, place, manner, and methods of application, materials, and amounts and concentrations of application of pesticides, may restrict or prohibit the use of pesticides in designated areas during specified periods of time, and shall encompass all reasonable factors that the director determines necessary to minimize or prevent damage to the environment.~~

~~In addition, the rules shall establish the deadlines and time periods for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code; the fees for registration, registration renewal, late registration renewal, and failure to register under section 921.02 of the Revised Code that shall apply until the fees that are established under that section take effect on January 1, 2007;~~

~~and the fees, deadlines, and time periods for licensure and license renewal under sections 921.06, 921.09, 921.11, and 921.13 of the Revised Code.~~

~~(B) The director shall adopt rules that establish a schedule of civil penalties for violations of this chapter, or any rule or order adopted or issued under it, provided that the civil penalty for a first violation shall not exceed five thousand dollars and the civil penalty for each subsequent violation Sub.~~

~~H.~~

~~10 Page 136th 9G.A. As Passed by the House (18) Provisions establishing procedures for resolving 216 disputes or differences of opinion between the sponsor and the 217 governing authority of the community school;~~

~~218 shall (19) not A exceed provision ten requiring thousand the dollars. governing authority to 219 adopt a policy regarding the admission of students who reside 220 outside the district in which the school is located.~~

~~That In policy determining 221 the shall amount comply of with a the civil admissions penalty procedures for specified a in violation, 222 the sections director 3314.06 shall and consider 3314.061 factors relevant to the severity of the Revised violation, Code including and past at violations and the 223 amount sole of discretion actual of or the potential authority, damage shall to do the one environment of or the to~~

following human beings.

~~224 All (a) money Prohibit collected the under enrollment this of division students shall who be reside credited outside to 225 the district pesticide, fertilizer, and lime program fund created in which section the 921.22 school of is the located; Revised Code.~~

~~226 (C) (b) The Permit director the shall enrollment adopt of rules students that who set reside forth in 227 districts adjacent to the district conditions in under which the school director: is 228 located;~~

~~229 (1) (c) Requires Permit that the notice enrollment of posting students be who given reside of in a any proposed 230 application other of district a in pesticide; the state.~~

~~231 (2) (20) Requires A inspection, provision condemnation, recognizing or the repair authority of the equipment 232 used department to take apply over a the pesticide; sponsorship of the school in 233 accordance with the provisions of division (C) of section 234 3314.015 of the Revised Code;~~

~~235 (3) (21) Will A suspend, provision revoke, recognizing or the refuse sponsor's authority to 236 issue assume any the pesticide operation registration offer a school violation under the conditions specified 237 in division (B) of section this 3314.073 chapter; of the Revised Code;~~

~~238 (4) (22) Requires A safe provision handling, recognizing transportation, both storage, display, distribution, and disposal of the pesticides following; and their containers;~~

~~239 (5) (a) Ensures The the authority protection of public the health and safety official of to agricultural 240 workers inspect storing, the handling, facilities or of applying the pesticides, school and to all order residents the of facilities agricultural 241 labor closed camps, if as those that official term find is that defined in section 3733.41 of the facilities Revised are Code, not who in are 242 living compliance or with working health in and the safety vicinity laws of and pesticide-treated regulations; areas;~~

~~243 (6) H. Requires a record to be kept of all pesticide applications made by each commercial applicator and of all general use applications made by any trained service person acting under the commercial applicator's direct supervision and of all restricted use pesticide applications made by each private applicator and by any immediate family member or subordinate employee of that private applicator who is acting under the private applicator's direct supervision as required under section 921.14 of the Revised Code;~~

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

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

~~(D) The director shall prescribe standards for the licensure of applicators of pesticides and the training of those supervised by commercial applicators or private applicators in the use of restricted use pesticides consistent with those prescribed by the federal act and the regulations adopted under it or prescribe standards that are more restrictive than those prescribed by the federal act and the regulations adopted under it.~~

~~The standards may relate to the use of a pesticide or to an individual's pesticide-use category. The director shall take into consideration standards of the United States environmental protection agency.~~

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

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

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

~~(3) Prescribe other necessary registration information.~~

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

~~Sub.~~

~~H.~~

~~10 Page 136th 10 G.A. As Passed by the House (b) The authority of the department as the community 244 school oversight body to suspend the operation of the school 245 under section 3314.072 of the Revised Code if the department has 246 evidence of conditions or violations of law at the school that 247 pose an imminent danger to the health and safety of the school's 248 students and employees and the sponsor refuses to take such 249 action.~~

~~250 (1) (23) Designate, A in description addition of to the those learning restricted opportunities uses that so will classified 251 by be the offered administrator to of students the including United both States classroom-based environmental and protection non-agency, 252 restricted classroom-based uses learning of opportunities pesticides that for is the in state compliance or 253 with criteria for student designated participation areas established within by the 254 state department and, under if division the (H) (2) director of considers section it 3314.08 necessary, of to the further 255 restrict Revised such Code; use;~~

~~256 (2) (24) Define The what school constitutes will "acting comply under with the sections instructions 3302.04 and 257 control 3302.041 of the a Revised commercial Code, applicator" except as that used any in action the required definition to of 258 "direct be supervision" taken in by division a (Q) school of district section pursuant 921.01 to those sections shall 259 be taken by the sponsor of the school. Revised Code.~~

~~260 In (25) adopting Beginning a rule under 2006-2007 division school (F)(2) year, of the this school section, 261 the will director open shall for consider operation the not factors later associated than with the thirtieth use day of 262 pesticide September in each school year, unless the mission various of pesticide-use the categories. school as 263 specified under division (A)(2) of this section is solely to 264 serve dropouts.~~

~~In Based it on initial consideration year of operation, the if factors, the school director 265 may fails define to "acting open under by the thirtieth instructions day and of control September, or within one 266 year after the adoption of the a contract commercial pursuant applicator" to division include (D) communications 267 between of a section commercial 3314.02 applicator of and the a Revised trained Code service person if that the are mission conducted of via the landline 268 telephone school or is a solely means to of serve wireless dropouts, communication. the contract shall be void.~~

~~269 Any (26) rules whether adopted the under school's division governing (F)(2) authority of is this planning section 270 shall to be seek drafted designation in for consultation the with school representatives as a STEM school equivalent 271 under section 3326.032 of the Revised pesticide Code; industry.~~

~~272 (G) H. Except as provided in division (D) of this section, the director shall not adopt any rule under this chapter that is inconsistent with the requirements of the federal act and regulations adopted thereunder.~~

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

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

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

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

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

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

~~(a) Standards and requirements that a training program must satisfy in order to be offered by the director or the director's representative or in order to be approved by the director if a third party wishes to offer it;~~

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

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

~~Sub.~~

~~H.~~

~~10 Page 136th 116.A. As Passed by the House (27) That the school's attendance and participation 273 policies will be available for public inspection;~~

~~274 (d) (28) Criteria that that the school's director attendance must and consider participation when 275 determining records whether shall be made available to the authorize department, a auditor commercial of applicator 276 or state, private and applicator school's sponsor to the participate extent permitted under and in 277 a accordance training with program the instead "Family of Educational being Rights required and to Privacy pass Act a 278 re-examination. of 1974," 88 Stat.~~

~~571, (3) 20 Training U.S.C. requirements for a trained service person.~~

~~1232g, (L) as The amended, director and shall any adopt 279 all regulations rules promulgated under that this act, chapter and in section accordance 3319.321 with of Chapter 280 119. the Revised Code;~~

~~281 (20) If a school operates using the blended learning 282 model, as defined in section 3301.070 of the Revised Code, Code. all 283 of the following information:~~

~~284 Sec. (a) An indication of what blended learning model or models 285 will be used;~~

~~286 921.24. (b) A description of how student instructional needs will 287 be determined and documented;~~

~~288 No (c) person The shall method do to any be of used the for following: determining competency, 289 granting credit, and promoting students to a higher grade level;~~

~~290 (A) (d) Apply, The use, school's directly attendance supervise requirements, such including application how or 291 use, or recommend a pesticide for use inconsistent with the school pesticide's will labeling, document treatment participation standards, in or learning other 292 restrictions opportunities; imposed by the director of agriculture;~~

~~293 (B) (e) Act A as statement a describing commercial how applicator student without progress being~~

~~will be licensed before 204 do monitored; so;~~

~~205 (C) (f) Use Any statement restricted describing use how pesticide, private unless student the data person will is 206 licensed before protected; of the following:~~

~~207 (1) (g) Licensed A to description do of so the under professional this development chapter; 208 activities that will be offered to teachers.~~

~~209 (2) H. A trained service person who is trained in accordance with standards prescribed by the director under section 921.16 of the Revised Code and who is acting under the direct supervision of a commercial applicator;~~

~~(3) An immediate family member or a subordinate employee of a private applicator who is trained in accordance with standards prescribed by the director under section 921.16 of the Revised Code and who is acting under the direct supervision of that private applicator.~~

~~(D) Refuse or fail to keep or maintain records required by the director in rules adopted under this chapter, or to make reports when and as required by the director in rules adopted under this chapter;~~

~~(E) Falsely or fraudulently represent the effect of pesticides or methods to be utilized;~~

~~(F) Apply known ineffective or improper materials;~~

~~(G) Operate in a negligent manner, which includes the operation of faulty or unsafe equipment;~~

~~(H) Impersonate any federal, state, county, or municipal official;~~

~~(I) Make false or fraudulent records, invoices, or reports;~~

~~(J) Fail to provide training to trained service persons in the application of general use or restricted use pesticides, as applicable;~~

~~(K) Fail to provide direct supervision as specified in rules adopted under division (C) of section 921.16 of the Revised Code;~~

~~(L) Distribute a misbranded or adulterated pesticide;~~

~~(M) Use fraud or misrepresentation in making application for a license or registration or renewal of a license or registration;~~

~~(N) Refuse, fail, or neglect to comply with any limitation or restriction of a license or registration issued under this chapter or rules adopted thereunder;~~

~~(O) Aid or abet a licensee or another person in violating this chapter or rules adopted Sub.~~

~~H.~~

~~10 Page 136th 126.A. As Passed by the House (30) A provision requiring that all moneys the school's 300 operator loans to the school, including facilities loans or cash 301 flow assistance, must be accounted for, documented, and bear 302 interest at a fair market rate;~~

~~303 thereunder; (31) A provision requiring that, if the governing 304 authority contracts with an attorney, accountant, or entity 305 specializing in audits, the attorney, accountant, or entity 306 shall be independent from the operator with which the school has 307 contracted.~~

~~308 (P) (32) Make A provision requiring the governing authority to 309 adopt an enrollment and attendance policy that requires a 310 false student's or parent misleading to statement notify the community school in which an the inspection 311 concerning student any is infestation enrolled of when pests there or is a change in the location use of 312 pesticides; the parent's or student's primary residence.~~

~~313 (Q) (33) Refuse A or provision fail requiring the governing authority to 314 comply adopt with a this student chapter, residence the and rules address adopted verification thereunder, policy or for any 315 lawful students order enrolling of in or attending the school. director;~~

~~316 (R) (B) Distribute The restricted community use school pesticides shall also submit to the sponsor ultimate 317 user without a comprehensive pesticide plan dealer's for license; the school.~~

~~The (S) plan Except shall as specify provided in division (F) of section 921.26 of the 318 Revised following Code, distribute restricted use pesticides to an ultimate user who is not licensed under section 921.06 or 921.11 of the Revised Code and rules adopted under this chapter;~~

~~319 (T) (1) Use The any process pesticide by that which is the under governing an authority experimental of use the permit 320 contrary school to will the be provisions selected of in the future; permit;~~

~~321 (U) (2) Engage The in management fraudulent and business administration practices; of the school;~~

~~322 (V) (3) Dispose If of the any community pesticide school product is a currently existing public 323 school or educational container service in centers such building, a alternative manner 324 as arrangements for current public school students who choose not 325 to attend have the unreasonable converted adverse school effects and on for teachers who choose not 326 to teach in the school environment; or building after conversion;~~

~~327 (W) H. Display any pesticide in any manner to produce unreasonable adverse effects on the environment, or to contaminate adjacent food, feed, or other products;~~

~~(X) Apply any pesticide by aircraft without being licensed as a commercial applicator;~~

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

~~(Z) Fail to properly supervise a trained service person.~~

Sec.

943.26.

The animal and consumer protection fund is created in the state treasury.

The fund shall consist of livestock dealer or broker fees and civil penalties collected under this chapter, all money collected through the issuance of licenses to captive whitetail deer licensees under this chapter and any other money credited to it under the Revised Code.

The director of agriculture shall use money in the fund to administer sections 943.20 to 943.26 of the Revised Code this chapter and rules and Chapters 904., 935., and 942.

of the Revised Code and rules adopted under those chapters.

Sec.

3313.8110.

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

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

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

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

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

(2) A cultivated-protein food product.

Sec.

3314.03.

A copy of every contract entered into under this section shall be filed with the Sub.

H.

~~10 Page 136th 13G.A. As Passed by the House (4) The instructional program and educational philosophy 328 of the school;~~

~~329 director (5) of Internal education financial and controls workforce.~~

~~330 The When department submitting of the education plan and under workforce this shall division, make the available school on 331 its shall web also site submit a copies copy of all every policies approved, and executed procedures contract 332 filed regarding with internal financial controls adopted by the governing director 333 under authority this of section. the school.~~

~~334 (A) (C) Each A contract entered into under section 3314.02 of the 335 Revised Code between a sponsor and the governing authority of a 336 community school may shall provide specify for the community following: school governing 337 authority to make payments to the sponsor, which is hereby 338 authorized to receive such payments as set forth in the contract 339 between the governing authority and the sponsor.~~

~~The (1) total That 340 amount of such payments for monitoring, oversight, and technical 341 assistance of the school shall not be exceed established three as per either cent of the 342 following: total amount of payments for operating expenses that the school 343 receives from the state.~~

~~344 (a) (D) A The nonprofit contract corporation shall established specify the duties of the sponsor 345 which shall be in accordance with the written agreement entered 346 into with the department under division Chapter (B) 1702. of section 3314.015 347 of the Revised Code and shall include the following:~~

~~348 of (1) Monitor the community Revised school's Code, compliance if with established all prior 349 laws applicable to the April school 8, and 2003; with the terms of the 350 contract;~~

~~351 (b) (2) A Monitor public and benefit evaluate corporation the established academic under and Chapter fiscal 1702. 352 performance and the organization and operation of the community 353 school on at least an annual basis;~~

~~354 of (3) Provide technical assistance to the community Revised school Code, 355 if in established complying after with April laws 8, applicable 2003. to the school and terms of the 356 H.~~

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

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

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

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

(6)(a) Dismissal procedures;

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

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

(8) Requirements for financial audits by the auditor of state.

The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state.

Audits shall be conducted in accordance with section 117.10 of the Revised Code.

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

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

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

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

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's Sub.

H.

10 Page 136th 14G.A. - As Passed by the House contract;

357relationship (4) Take steps to intervene in the school's operation if to any - 358 correct problems in the school's overall performance, declare 359 the school to be on probationary status pursuant to section 360 3314.072 of the Revised Code, suspend the operation of the 361 school pursuant to section 3314.072 of the Revised Code, or 362 terminate the contract of the school pursuant to section 3314.07 363 of the Revised Code as determined necessary by the sponsor;

364(10) (5)Qualifications Have of in employees, place including a both plan of action to be undertaken in the 365 following: - event the community school experiences financial difficulties or 366 closes prior to the end of a school year.

367(a) (E)A Upon requirement the that expiration of a contract entered into under 368 this section, the sponsor school's of classroom a teachers community be school licensed may, in accordance with the sections 369 3319.22 approval to of 3319.31 the governing authority of the school, Revised renew Code, except that 370 contract for a period community of school time may determined engage by noncertificated the persons sponsor, to but teach not up 371 to ending twelve earlier hours than or the forty end hours offer any week school pursuant year, to if section the 3319.301 sponsor 372 finds that the school's compliance with applicable laws and 373 terms of the contract Revised and Code; the school's progress in meeting the 374 academic goals prescribed in the contract have been 375 satisfactory.

Any (b) contract A that prohibition is against renewed under this division 376 remains subject to the provisions school of employing sections an 3314.07, individual 3314.072, described 377 in and section 3314.073 3314.104 of the Revised Code Code in any position.

378(11) (F) That If a community school fails to open for operation 379 within one year after the contract entered into under this 380 section is adopted pursuant to division (D) of section 3314.02 381 of the Revised Code or permanently closes prior to the 382 expiration of the contract, the contract shall be void and the 383 school shall will not comply enter into a contract with any the other following sponsor requirements:

A(a) 384 The school shall will not provide be learning considered opportunities permanently to closed a because minimum the of 385 twenty-five operations students offer the a school minimum have of been nine suspended hundred pursuant twenty to hours section per 386 school H-year.

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.753, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.8110, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3319.614, 3320.01, 3320.02, 3320.03, 3320.04, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167.

of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

(e) The school shall comply with Chapter 102.

and section 2921.42 of the Revised Code.

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any Sub.

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~~10 Page 136th 15G.A. As Passed by the House 3314.072 of the Revised Code.~~
~~387rules Sec. of the department.~~

Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section.

Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the department under divisions (J)(1) and (2) of section 3313.603 of the Revised Code.

Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

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

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

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub.

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111-5, 123 Stat.

115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.

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

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

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

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

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

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

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(13) The length of the contract, which shall begin at the beginning of an academic year.

No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of

this section.

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

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

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

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

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

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located.

That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

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

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

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

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

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

(22) A provision recognizing both of the following:

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

(b) The authority of the department as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence Sub.

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of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

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

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

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts.

In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

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

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

(28) That the school's attendance and participation records shall be made available to the department, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat.

571, 20 U.S.C.

1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;

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

(a) An indication of what blended learning model or models will be used;

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

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

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

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

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

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

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

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

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

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

(B) The community school shall also submit to the sponsor a comprehensive plan for the school.

The plan shall specify the following:

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

(2) The management and administration of the school;

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

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

(5) Internal financial controls.

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

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor.

The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

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

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

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

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

(4) Take steps to intervene in the school's operation to correct problems in the school's Sub.

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overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

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

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory.

Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor.

A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

Sec.

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

of the Revised Code as if it were ~~412~~ a school district.

~~413~~ Sec.

A college-preparatory boarding school ~~414~~ established under this chapter and its board of trustees shall ~~415~~ comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, ~~416~~ 3301.0714, ~~3301.0720~~, Sub. ~~3301.948, 3302.037, 3313.5318, 3313.5319, 417 H.~~

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10 Page 136th 16G.A. As Passed by the House 3313.6013, 3313.6021, 3313.6023, 3313.6024, 3313.6025, 418 3313.6026, 3313.6029, 3313.617, 3313.618, 3313.6114, 3313.6411, 419 3313.6413, 3313.668, 3313.660, 3313.6610, 3313.717, 3313.7112, 420 3313.7117, 3313.721, 3313.753, 3313.8110, 3313.80, 3319.073, 421 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 422 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, 423 and 5502.262, and Chapter 3365.

of 3301.0729, the 3301.948, Revised 3302.037, Code 3313.5318, as 3313.5319, if 3313.6013, the 3313.6021, 424 3313.6023, school 3313.6024, were 3313.6025, a 3313.6026, school 3313.6029, district 3313.617, and 3313.618, the 3313.6114, school's 3313.6411, board 3313.6413, of 3313.668, trustees 3313.669, 425 3313.6610, were 3313.717, a 3313.7112, district 3313.7117, board 3313.721, of 3313.753, education 3313.8110, 3313.89, 3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3320.04, 3323.251, and 5502.262, and Chapter 3365.

426 of Sec. the Revised Code as if the school were a school district and the school's board of trustees were a district board of education.

Sec.

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

~~430~~ (A) Misbranded as a meat product or an egg product as ~~431~~ prohibited in section 3715.602 of the Revised Code;

~~432~~ (B) A cultivated-protein food product as defined in ~~433~~ section 3715.601 of the Revised Code.

~~434~~ This section does not apply to a state institution's ~~435~~ purchase of food described in divisions (A) and (B) of this ~~436~~ section for research purposes.

~~437~~ Sec.

(A) As used in this section, "WIC program" ~~438~~ means the "special supplemental nutrition program for women, ~~439~~ infants, and children" established under the "Child Nutrition-~~440~~ Act of 1966," 80 Stat.

~~441~~ (B) The department of health is hereby designated as the ~~442~~ state agency to administer the WIC program.

~~443~~ The director of health shall adopt rules pursuant to ~~444~~ Chapter 119.

of the Revised Code as necessary for administering ~~445~~ the WIC program.

The rules may include civil money penalties for ~~446~~ violations H. of the rules.

B. (C) In determining eligibility for services provided under the WIC program, the department may use the application form established under section 5163.40 of the Revised Code for the healthy start program.

No. The department may require applicants to furnish their social security numbers.

10 Page 17 If the As department Passed determines by that a vendor has committed an act with respect to the House WIC violations program of that federal statutes or regulations or state statutes or rules prohibit, the rules department shall take action against the vendor in the manner required by 7 C.F.R.

447 part (C) 246, In including determining imposition eligibility for services provided under 448 the WIC program, the department may use the application form 449 established under section 5163.40 of the Revised civil Code money for penalty the in 450 accordance healthy with start 7 program C.F.R.

The 246.12, department or may rules require adopted applicants under to this 451 section, furnish their social security numbers.

452 (E) (D) If the United States department determines of that agriculture approves vendor cultivated-protein has food 453 products committed as an defined act in with section respect 3715.601 to of the WIC Revised program Code that for federal purchase 454 under statutes the or WIC regulations program, or the state director statutes of or health rules shall prohibit, submit a request to the 455 United States department shall of take agriculture action for against a the waiver vendor that in excludes the those manner products 456 from required program by eligibility 7 in C.F.R. this state.

part Sec. 246, including imposition of a civil 457 money penalty in accordance with 7 C.F.R.

246.12, or rules 458 adopted under this section.

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

~~466~~ Sec.

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

~~470~~ (A) Its labeling is false or misleading in any particular.

~~471~~ Sub. (B) It is offered for sale under the name of another food.

~~472~~ H. (C) Its container is so made, formed, or filled as to be ~~473~~ misleading.

~~474~~ H.

10 Page 136 th 18 G.A. As Passed by the House (D) It is an imitation of another food, unless its label 475 bears in type of uniform size and prominence, the word 476 "imitation," and immediately thereafter the name of the food 477 imitated.

478 (B) (E) It When it is in offered package for form, sale it under does the not name bear of a another label food. 479 containing:

480 (C) (1) Its The container name is and so place made, of formed, business or of filled the as manufacturer, to 481 be packer, misleading, or distributor;

482 (D) (2) It An is accurate an statement imitation of the another quantity food, of unless the its contents label 483 bears in term type of weight, uniform measure, size or and numerical prominence, count; the word "imitation," and immediately thereafter the name of the food imitated.

provided, (E) that When 484 it reasonable is variations in shall package be form, permitted, it and does exemptions not as bear to a 485 label small containing: packages shall be established by rules adopted by the 486 director of agriculture;

487 (1) (3) The In name the and case place of food business subject to section 3715.023 of the 488 manufacturer, Revised packer, Code, or the distributor; information specified in that section.

489 (2) (F) An Any accurate word, statement statement, or other information required by 490 or under authority of sections the 3715.01, quantity 3715.02, and 3715.52 to 491 3715.72 of the Revised contents Code, to appear on the label or labeling 492 is not prominently placed thereon with such conspicuousness

~~as 493 compared with other words, statements, designs, or devices, in 494 the labeling, and in such
terms as of toweight, rendermeasure, itor likelynumerical tocount; be 495 read and understood by the
ordinary individual under customary 496 conditions of purchase and use.~~

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