



# The National Agricultural Law Center

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## States' Farm Animal Welfare Statutes: *Ohio*



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# A National Agricultural Law Center Research Publication

## States' Farm Animal Welfare Statutes: Ohio

### Ohio Const. art XIV, § 1

*This document is current through Files 103, 105, 109, 112, 116, 118, 119, and 120 of the 134th General Assembly (2021-2022).*

#### **O.H. Const. art XIV, § 1: Livestock Care Standards Board**

(A) There is hereby created the Ohio Livestock Care Standards Board for the purpose of establishing standards governing the care and well-being of livestock and poultry in this state.

In carrying out its purpose, the Board shall endeavor to maintain food safety, encourage locally grown and raised food, and protect Ohio farms and families. The Board shall be comprised of the following thirteen members:

(1) The director of the state department that regulates agriculture who shall be the chairperson of the Board;

(2) Ten members appointed by the Governor with the advice and consent of the Senate. The ten members appointed by the Governor shall be residents of this state and shall include the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian who is licensed in this state;

(e) The State Veterinarian in the state department that regulates agriculture;

(f) The dean of the agriculture department of a college or university located in this state;

(g) Two members of the public representing Ohio consumers;

(h) One member representing a county humane society that is organized under state law.

(3) One member appointed by the Speaker of the House of Representatives who shall be a family farmer;



(4) One member appointed by the President of the Senate who shall be a family farmer.

Not more than seven members appointed to the Board at any given time shall be of the same political party.

(B) The Board shall have authority to establish standards governing the care and well-being of livestock and poultry in this state, subject to the authority of the General Assembly. In establishing those standards, the Board shall consider factors that include, but are not limited to, agricultural best management practices for such care and well-being, biosecurity, disease prevention, animal morbidity and mortality data, food safety practices, and the protection of local, affordable food supplies for consumers.

(C) The state department that regulates agriculture shall have the authority to administer and enforce the standards established by the Board.

(D) The General Assembly may enact laws that it deems necessary to carry out the purposes of this section, to facilitate the execution of the duties of the Board and the state department that regulates agriculture under this section, and to set the terms of office of the Board members and conditions for the Board members' service on the Board.

(E) If any part of this section is held invalid, the remainder of this section shall not be affected by that holding and shall continue in full force and effect.

## **Chapter 904, Livestock Care Standards**

### **904.01 Livestock defined**

As used in this chapter, "livestock" means either of the following:

- (A) Equine animals regardless of the purpose for which they are raised;
- (B) Any of the following animals that are raised for human food products or fiber:
  - (1) Porcine animals;
  - (2) Bovine animals;
  - (3) Caprine animals;
  - (4) Ovine animals;
  - (5) Poultry;
  - (6) Alpacas;



(7) Llamas;

(8) Any other animal designated in rules adopted under section 904.03 of the Revised Code.

#### **904.02 Livestock care standards board created**

(A) There is hereby created the Ohio livestock care standards board consisting of the following members:

(1) The director of agriculture, who shall be the chairperson of the board;

(2) Ten members appointed by the governor with the advice and consent of the senate. The ten members shall be residents of this state and shall include the following:

(a) One member representing family farms;

(b) One member who is knowledgeable about food safety in this state;

(c) Two members representing statewide organizations that represent farmers;

(d) One member who is a veterinarian licensed under Chapter 4741. of the Revised Code;

(e) The state veterinarian in the department of agriculture;

(f) The dean of the agriculture department of a college or university located in this state;

(g) Two members of the public representing consumers in this state;

(h) One member representing a county humane society organized under Chapter 1717. of the Revised Code.

(3) One member appointed by the speaker of the house of representatives who shall be a family farmer;

(4) One member appointed by the president of the senate who shall be a family farmer.

Not more than seven members appointed to the board at any given time shall be of the same political party.

(B)

(1) The governor, the speaker of the house of representatives, and the president of the senate shall make appointments to the board not later than forty-five days after the effective date of this section.



(2) The following initial members of the board appointed by the governor shall be appointed for a term ending January 25, 2011:

- (a) The member representing family farmers;
- (b) The dean of the agriculture department of a college or university located in this state;
- (c) The member who is a veterinarian licensed under Chapter 4741. of the Revised Code;
- (d) One of the members of the public representing consumers in this state.

(3) The following initial members of the board shall be appointed for a term ending January 15, 2012:

- (a) The member appointed by the speaker of the house of representatives who is a family farmer;
- (b) One of the members representing a statewide organization that represents farmers;
- (c) The member representing a county humane society organized under Chapter 1717. of the Revised Code;
- (d) The member who is knowledgeable about food safety in this state.

(4) The following initial members of the board shall be appointed for a term ending January 15, 2013:

- (a) The member appointed by the president of the senate who is a family farmer;
- (b) One of the members of the public representing consumers in this state;
- (c) One of the members representing a statewide organization that represents farmers.

(C) After the initial terms served in accordance with division (B) of this section, terms of office shall be for three years with each term ending on the same day of the same month as did the term that it succeeds. However, the terms for the director of agriculture and the state veterinarian shall coincide with the length of time that the person holds the position of director or state veterinarian, as applicable. If the director or the state veterinarian resigns or that person's employment is terminated, the director or state veterinarian, as applicable, shall cease to serve on the board, and the successor of the director or state veterinarian shall then serve on the board in accordance



with this section. Every other member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed.

Vacancies on the board shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of one hundred eighty days has elapsed, whichever occurs first. A member may be reappointed upon the expiration of the member's term.

(D) The board shall hold at least three regular meetings each year and may hold additional meetings at times that the chairperson or a majority of the board members considers appropriate. At the three regular meetings held by the board each year, the board shall conduct a review of the rules governing the care and well-being of livestock that have been or are proposed to be adopted under section 904.03 of the Revised Code.

At the first meeting of the board in each calendar year, the director shall designate one member of the board to serve as its vice-chairperson. A majority of the board constitutes a quorum. The board may act only if a quorum is present and only by majority vote of that quorum. A vacancy on the board does not impair the right of the other members to exercise all of the board's powers.

(E) Serving as an appointed member of the board does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment.

(F) Appointed members of the board shall receive no compensation for their services. Members shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members. The expenses shall be paid from the Ohio livestock care standards fund created in section 904.06 of the Revised Code. The expenses shall be paid in accordance with the rules and requirements adopted by the department of administrative services that are applicable to state employees.

(G) The board may create committees that it considers appropriate to make recommendations to the board. Committees may include non-board members.

### **904.03 Rules governing care and well-being of livestock in Ohio**

(A) The Ohio livestock care standards board shall adopt rules in accordance with Chapter 119. of the Revised Code governing the care and well-being of livestock in this state. In adopting those rules, the board shall consider the following factors:

- (1) Best management practices for the care and well-being of livestock;
- (2) Biosecurity;



- (3) The prevention of disease;
- (4) Animal morbidity and mortality data;
- (5) Food safety practices;
- (6) The protection of local, affordable food supplies for consumers;
- (7) Generally accepted veterinary medical practices, livestock practice standards, and ethical standards established by the American veterinary medical association;
- (8) Any other factors that the board considers necessary for the proper care and well-being of livestock in this state.

With regard to organic producers that are certified by the United States department of agriculture under the national organic program, if there is a conflict between the rules adopted under this section and the standards established by the United States department of agriculture under the national organic program, the standards established under the national organic program shall prevail.

(B) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish the amount of civil penalties to be assessed against persons who violate the rules adopted under division (A) of this section.

(C) The rules adopted under this section do not apply to animals that are used in agricultural, biological, or biomedical research or confined in research or medical facilities that operate in accordance with “The Guide for the Care and Use of Agricultural Animals in Research and Teaching” published by the federation of animal science societies or “The Guide for the Care and Use of Laboratory Animals” published by the national academy of sciences.

#### **904.04 Duties of director of agriculture; entry on premises**

(A) In order to assist the Ohio livestock care standards board in the administration and enforcement of this chapter, the director of agriculture shall do all of the following:

- (1) Hire all employees of the board, including an executive director. Employees of the board shall be in the unclassified civil service, serve at the pleasure of the director of agriculture, and be compensated with money from the Ohio livestock care standards fund created in section 904.06 of the Revised Code.
- (2) Enter into contracts on behalf of the board;
- (3) Do all of the following with regard to rules governing the care and well-being of livestock adopted by the board under section 904.03 of the Revised Code:

(a) Process and submit the rules to the joint committee on agency rule review pursuant to Chapter 119. of the Revised Code;



- (b) Contract for surveys and analyses;
- (c) Perform any other activities that assist the board in adopting the rules.

(4) Publish and distribute information related to livestock care, including educational materials, to livestock producers and members of the public;

(5) Investigate complaints regarding violations of the rules adopted under section 904.03 of the Revised Code in accordance with the authority granted by this chapter, sections 901.25 to 901.29 of the Revised Code, and rules adopted under this chapter and section 901.03 of the Revised Code;

(6) Enforce the rules adopted under section 904.03 of the Revised Code and levy the civil penalties established by those rules. The director may apply to a court of competent jurisdiction for a temporary or permanent injunction or other appropriate relief for violations of this chapter and rules adopted under it. For purposes of this division, the court of competent jurisdiction shall be either the court of common pleas of Licking county or the court of common pleas of the county where the violation is occurring. Money collected from civil penalties levied under division (A)(6) of this section shall be deposited in the state treasury to the credit of the general revenue fund.

(7) Perform any other duties necessary to assist the board in the administration and enforcement of this chapter.

(B) With the consent of the premises owner and, if the premises owner is different from the livestock owner, the livestock owner, the director or the director's authorized representative may enter at all reasonable times on any premises for the purpose of determining compliance with the rules adopted under section 904.03 of the Revised Code. If the director or the director's authorized representative is denied access to the premises and the director or the director's authorized representative suspects that those rules are not being complied with, the director may apply for a search warrant authorizing access from a court of competent jurisdiction. The court shall issue the search warrant if there is probable cause. Probable cause may be based on hearsay, provided that there is substantial basis for believing the source is credible and there is factual basis for the information.

Upon entry on premises in accordance with this division, the director or the director's authorized representative shall observe biosecurity measures in order to prevent spreading disease and infecting livestock.

#### **904.05 Prohibitions**

No person shall do either of the following:

(A) Falsify any plans, specifications, data, reports, records, or other information required by this chapter or rules adopted under it to be kept or submitted to the director of agriculture or the Ohio livestock care standards board;



(B) Violate any provision of this chapter or any order, rule, or determination of the director or board issued, adopted, or made under this chapter or rules adopted under it.

#### **904.06 Request to controlling board for transfer of appropriation; livestock care standards fund**

(A) Until the general assembly appropriates money for the purposes of this chapter and rules adopted under it, the director of agriculture shall request the controlling board to authorize the transfer of all or part of an appropriation from any fund administered by the department of agriculture to the Ohio livestock care standards fund created in division (B) of this section.

(B) All money appropriated by the general assembly for use by the Ohio livestock care standards board, money transferred from any fund administered by the department as provided in division (A) of this section, and all money donated to the department or the board for the purposes of advancing livestock care shall be deposited in the state treasury to the credit of the Ohio livestock care standards fund, which is hereby created.

(C) Money credited to the fund shall be used by the director to carry out the purposes of this chapter, including the administration and enforcement costs of the department and the compensation of employees of the board.

#### **904.07 Effect on county humane societies**

The authority granted to the Ohio livestock care standards board and the director of agriculture by this chapter does not detract from or expand the authority or obligations of county humane societies or county officials under Chapter 1717. of the Revised Code.

#### **904.08 Food processing production activity exception**

The authority granted to the Ohio livestock care standards board and the director of agriculture by this chapter does not apply to food processing production activity that is regulated by the department of agriculture under Title IX of the Revised Code.

#### **904.09 Statewide animal identification system prohibited**

The Ohio livestock care standards board shall not create a statewide animal identification system.

