

901-5-05

Terms of office for society directors and officers and conduct of election.

- (A) Each society shall annually, and not later than the fifteenth day of November, elect as near as mathematically possible, one third of its directors. The directors shall serve a three year term, not to expire later than the thirtieth day of November.
- (B) Any society may:
- (1) Specify in its constitution the number of consecutive terms any person may serve as a member of the board of directors; and
 - (2) Provide in its constitution or by-laws for honorary directors with no voting power.
- (C) The president of each society shall appoint three judges and two clerks. The election judges and clerks shall remain impartial and avoid any conflicts of interest while conducting and declaring the results of the election of directors. The election judges and clerks may be county board of election officials, or members of the society. The election judges and clerks shall not be candidates for election. Candidates may witness the count either personally or by proxy.
- (D) Each society shall:
- (1) Keep polls open not less than four hours between six a.m. and nine p.m. on the day of the elections; and
 - (2) State the times polls open and close in each notice of the election which is published or mailed in compliance with section 1711.07 of the Revised Code.
- (E) The secretary of each society shall supply the membership roll of the society to the election judges.
- (F) The election judges shall:
- (1) Verify the right of each member to vote before they issue ballots; and
 - (2) Permit no member of a society to vote by proxy or by absentee ballot.
- (G) The election clerks shall:
- (1) Register the name of each person who votes;
 - (2) Tally the count on poll books and tally sheets supplied by the department;

- (3) Place one copy of said poll book and tally sheet on file with the secretary of the society; and
 - (4) Mail or submit electronically one copy to the department within ten days after said election.
- (H) A majority of the board of directors or any group of twenty-five citizens of legal voting age in a county or district may petition the department to supervise the annual election of directors of the society in said county or district.
- Each group shall:
- (1) State the reasons for such request in their petition;
 - (2) Include the address of each person who signed the petition; and
 - (3) File their petition with the director of agriculture at least fourteen days before the election.
- (I) Upon receipt of a petition, or upon receipt of other information which indicates that such action may be desirable, the director of agriculture may:
- (1) Make such investigation as he deems necessary and proper; and
 - (2) Assign one or more representatives of the department to supervise the election of a society.
- (J) If an election results in a tie vote, the election shall be resolved as follows:
- (1) In the case of a tie vote on a referendum for a constitutional amendment, provision, by-law or other issue, the referendum shall be deemed defeated.
 - (2) In the case of a tie vote in an election for a director, the winner shall be determined by a flip of a coin.

Effective:

Five Year Review (FYR) Dates: 9/20/2021

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 901.06
Rule Amplifies: 1711.07, 1711.08
Prior Effective Dates: 01/01/1973, 10/01/1990, 11/21/1994, 09/15/1995,
12/22/2006, 07/07/2016

901:1-4-13

Examinations.

- (A) As provided for in division (B)(6) of section 935.05 of the Revised Code and division (B)(5) of section 935.08 of the Revised Code, an applicant for a wildlife shelter permit, a wildlife propagation permit, a restricted snake possession permit, or a restricted snake propagation permit may take a written examination in lieu of proving two years experience in the care of the dangerous wild animals or restricted snakes that are the subject of the application.
- (B) Opportunity to take examinations will be provided at such times and places as determined by the director in consideration of the number and location of requests, but there shall be at least four opportunities to take an examination per year.
- (C) No less than thirty days prior to an examination, the dates and locations will be announced on the department's website and pending applicants shall be informed by ~~first-class mail~~ electronic mail.
- (D) Registration for exams shall be on a form provided on the department's website,
- (E) Registration forms must be received by the department two business days prior to the examination, and may be returned to the department by mail or electronic mail, ~~email,~~ ~~or fax~~.
- (F) Applicants who fail to pass an examination may apply to be re-tested at the next scheduled examination.
- (G) Each examination shall consist of a core examination that will assess the applicant's knowledge of the duties and responsibilities of permit holders specific to the type of permit for which the applicant is applying.
- (H) All examinations will contain a species specific section, which will assess that applicants have sufficient knowledge to provide for the proper diet, health care, exercise needs, and housing of the dangerous wild animals or restricted snakes listed on the permit application.

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Statutory Authority: 935.17
Rule Amplifies: 935.17
Prior Effective Dates: 07/18/2013

901:1-5-02

Definition of "official brucellosis vaccinate".

(A) "Official brucellosis calfhood vaccinate" means a female bovine or bison animal:

- (1) To which an approved brucella biologic was administered by a licensed accredited veterinarian, an employee of the department or a veterinary services representative, United States department of agriculture, in accordance with the manufacturers' recommendations when the animal was:
 - (a) Not less than one hundred twenty days of age nor more than one hundred eighty days of age for dairy breeds; or
 - (b) Not less than one hundred twenty days nor more than two hundred forty days for beef breeds; or
- (2) Which is listed as an official brucellosis calfhood vaccinated in the state or country of origin.
- (3) Which does not meet the age requirements of paragraph (A)(1)(a) or (A)(1)(b) of this rule but is intended for interstate movement and meets the age requirement of the receiving state for official brucellosis calfhood vaccinates provided:
 - (a) The vaccination was done at a livestock auction or livestock concentration market; and
 - (b) The vaccination was done by a person meeting the requirements of paragraph (A)(1) of this rule; and
 - (c) The animal is moved to the receiving state within seven days of the date of vaccination.

All vaccinations done under authority of this paragraph must be reported to the department of agriculture ~~by telephone~~ on the next state business day. Any animals vaccinated in accordance with the provisions of this paragraph that are not shipped to the receiving state within seven days of the date of vaccination shall not be used for any purpose other than finish feeding to slaughter.

(B) Any licensed accredited veterinarian who administers an approved brucella biologic to any animal within the state of Ohio shall:

- (1) Identify each animal with an individual identification in the right ear consisting of an official orange-colored vaccination eartag, an existing official eartag, or in the case of cattle registered with their respective breed association, by the registration identification; and

- (2) Mark the right ear with a vaccination tattoo code consisting of three sections. The first section shall be an "R" designating the use of the RB51 brucella vaccine. The second section shall be the letter "V," enclosed in a shield, and the third shall be the last digit of the year in which the biologic is administered.
- (C) Upon request and for good cause shown the director of agriculture may grant written permission to vaccinate animals not eligible for vaccination under paragraph (A)(1) or (A)(3) of this rule.
 - (D) No person shall administer, or permit the administration of, an approved brucella biologic to:
 - (1) A male bovine or bison animal: or
 - (2) Any female bovine or bison animal except as stipulated in paragraphs (A) and (C) of this rule.

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Certification

Date

Promulgated Under: 119.03
Statutory Authority: 941.03
Rule Amplifies: 941.21, 941.27
Prior Effective Dates: 08/09/1968, 10/03/1989 (Emer.), 12/31/1989,
06/15/1998

901:4-6-03

Application, registration, licensure, and market categories.

(A) Persons wishing to participate in the Ohio proud program shall:

(1) Apply to the director of agriculture for a license on the forms provided by the department, provide all of the information required on the forms and any additional information if requested;

(2) Submit to the department:

(a) A product registration application for each product they will market in conjunction with the logotype providing all of the information requested on the forms and any additional information requested by the director; and,

(b) A signed license agreement; and,

(c) The actual employment, ~~or a facsimile,~~ or scanned electronic copy of the actual employment of the logotype in complete content; and,

(d) The product registration fee set by rule 901:4-6-05 of the Administrative Code; and,

(e) If requested, samples of products with which the logotype will be used.

(B) Upon compliance with paragraph (A) of this rule, and approval the actual employment of the logotype, and the product for marketing in conjunction with the logotype, a license to the applicant, register the product, and approve the employment of the logotype will be issued.

(C) Each product registered under this rule shall expire on December thirty-first of each calendar year. To continue use of the logotype in conjunction with a product, registration must be renewed and the registration fee paid within thirty days immediately preceding the expiration date.

(D) Products, whose registration is not renewed, may, if in the channel of distribution at expiration date, continue to be marketed in conjunction with the logotype until either sold or otherwise removed from the channel of distribution, or for one year, whichever occurs first. Products which have not been sold or otherwise removed from the channel of distribution at the end of the one year period must discontinue use of the logotype or withdrawn from distribution.

(E) Upon expiration of a product registration or termination of a license agreement, except as provided in paragraph (D) of this rule, the licensee shall cease any and all use of

the logotype in conjunction with those products for which the registration has expired or the license been terminated.

(F) The director of agriculture shall designate market categories for products and publish a schedule of the market categories and products within each market category.

Effective:

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Certification

Date

Promulgated Under: 119.03
Statutory Authority: 901.171
Rule Amplifies: 901.171
Prior Effective Dates: 03/25/1991, 06/01/1993, 03/25/1994, 04/30/1999,
02/19/2008, 08/13/2018

901:5-48-04

Conditions for movement.

- (A) No person shall transport into or within Ohio any regulated article listed in rule 901:5-48-03 of the Administrative Code, which originates in a quarantined state except as covered in paragraphs (B), (C), and (D) of this rule.
- (B) Hemlock seedlings and nursery stock may be imported into Ohio from a non-regulated area of a quarantined state if the following requirements are met:
- (1) Each lot of hemlock seedlings and hemlock nursery stock shall only be shipped if the articles are accompanied by a certificate signed by an authorized agricultural inspection official of the state of origin affirming that:
 - (a) The articles have been inspected and found free from hemlock woolly adelgid; and,
 - (b) The articles originated and were grown in a county where the hemlock woolly adelgid has not been found.
 - (2) Upon issuance, a copy of the certificate specified in paragraph (B)(1) of this rule must be ~~faxed to the Ohio department of agriculture, division of plant health, at 614-728-6453 or such fax number as the division may publish, or~~ emailed to plantpest@agri.ohio.gov; or mailed to the "Division of Plant Health, 8995 E. Main Street, Reynoldsburg, OH, 43068."
- (C) Hemlock logs with bark and hemlock lumber with bark shall only be shipped if the articles are accompanied by a certificate signed by an authorized agricultural inspection official of the state of origin affirming that:
- (1) The articles are free from hemlock woolly adelgid; or,
 - (2) The articles originated in a county where hemlock woolly adelgid has not been found.
- (D) Regulated articles that have been grown and shipped in accordance with the stipulations of a valid a compliance agreement or its equivalent that has been reviewed and approved by the Ohio department of agriculture may be allowed to enter into and move through Ohio.

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