

# LAWS AND RULES

County and Independent Agricultural Societies

## **“REDBOOK”**



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**\*\* THIS VERSION OF THE REDBOOK CONTAINS \*\***  
**\*\* RULES THAT ARE NOT YET IN EFFECT \*\***

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In compiling the *Redbook*, we have included sections of the Ohio Revised Code (law) and the administrative code (rules) of the Ohio Department of Agriculture that pertain to the activities of county and independent agricultural societies and the Ohio Expositions Commission.

To access all sections of the Ohio Revised Code and the Ohio Administrative Code, please visit ODA's web-site at: <http://www.agri.ohio.gov/>. Click the link <http://codes.ohio.gov/oac> (for the laws) and <http://codes.ohio.gov/oac> (for the rules). All of the sections of the Ohio Revised Code and Ohio Administrative Code can be accessed from these websites. After you have clicked these sections, type the specific section of the Ohio Revised Code (i.e. 1711) or Administrative Code (i.e. 901-5-01) for current language in Ohio's laws and ODA's administrative rules.

This edition does not contain livestock exhibitor rules pursuant to Ohio's Livestock Exhibitor Reform Act. For updates on the livestock rules or any questions on the livestock rules, please call the Ohio Department of Agriculture's Animal Industry at (614) 728-6220 or review the following websites: <http://codes.ohio.gov/orc> for laws or <http://codes.ohio.gov/oac> for rules.

Persons desiring a copy of the laws and rules governing amusement rides, games of skill and the sale of novelties at agricultural fairs can download a PDF version by visiting the Ohio Department of Agriculture; Division of Amusement Ride Safety <http://www.agri.ohio.gov/divs/rides/> or the Office of Fairs; <http://www.agri.ohio.gov/divs/fairs/fairs.aspx>.

Information from the *Redbook* is intended to be used merely as a guide and should not be substituted for the advice of a competent attorney when legal questions arise. If a point of law is raised, it is best to consult an attorney.

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# LAWS OF OHIO PERTAINING TO AGRICULTURAL SOCIETIES

## **Section 121.02 (Administrative Departments and Directors Created)**

The following administrative departments and their respective directors are hereby created:<sup>1</sup>

(E) The department of agriculture, which shall be administered by the director of agriculture;

The director of each department shall exercise the powers and perform the duties vested by law in such department.

## **Section 901.06 (Annual Meeting with County Societies)**

(A) Prior to the first day of December of each year, the director of agriculture shall set a date in January of the following year, on which the director shall meet with the presidents or other authorized delegates of agricultural societies which conduct fairs in compliance with sections [1711.01](#) to [1711.35](#), inclusive, of the Revised Code, and regulations of the department of agriculture. At such meeting the director shall consult with such presidents and delegates about the wants, prospects, and conditions of agricultural societies throughout the state.

(B) Each society shall deliver its annual report to the director at or before each meeting required by division [A] of this section.

(C) The Director shall:

(1) Notify the president and the secretary of each society of the date of such meeting not less than thirty days prior to the meeting;

(2) Adopt regulations which provide:

(a) A uniform method for the election of the directors and officers of all agricultural societies which receive any support out of the state or county treasuries, except the date for holding such election;

(b) General rules under which such societies shall be conducted.

## **Section 901.07 (County with No Society)**

In a county having no agricultural society organized and conducted as described in section [901.06](#) of the Revised Code, a majority of the presidents of the farmers' institutes of the county holding meetings

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<sup>1</sup> Paragraphs not directly relevant from Ohio Revised Code Section 121.02 are omitted.



under the auspices of the trustees of the Ohio State University may choose a representative to the annual meeting provided for in such section, who upon a proper certificate of his appointment, shall be entitled to all the privileges conferred on representatives from agricultural societies.

**Section 901.70 (Livestock Exhibition Definitions)**

As used in sections 901.70 to [901.76](#) of the Revised Code:

- (A) "Exhibition" means any of the following:
- (1) A show or sale of livestock at a fair or elsewhere that is sponsored by or under the control of a county or independent agricultural society organized under section [1711.01](#) or [1711.02](#) of the Revised Code;
  - (2) A show or sale of livestock at the Ohio state fair;
  - (3) A livestock show at a fair or elsewhere or a livestock sale at or associated with a fair or livestock show that is assembled for any length of time;
  - (4) A livestock show at a fair or elsewhere or a livestock sale at or associated with a fair or livestock show that includes livestock with origins outside this state;
  - (5) Any show or sale of livestock at a fair or elsewhere that is specified by rule of the director of agriculture adopted under section [901.72](#) of the Revised Code.
- (B) "Livestock" means any animal generally used for food or in the production of food, including cattle, sheep, goats, rabbits, poultry, swine, and any other animal included by the director by rules adopted under section [901.72](#) of the Revised Code, alpacas, and llamas.
- (C) "Sponsor" means any of the following:
- (1) A county or independent agricultural society organized under section [1711.01](#) or [1711.02](#) of the Revised Code;
  - (2) The Ohio state fair;
  - (3) Any other public or private entity sponsoring an exhibition.

**Section 901.71 (Advisory Committee on Livestock Exhibitions)**

- (A) There is hereby created the advisory committee on livestock exhibitions consisting of not more than twenty-one members, as follows:
- (1) The director of agriculture, or the director's designee;
  - (2) The state veterinarian, or the state veterinarian's designee;
  - (3) A representative of the Ohio cattlemen's association, the Ohio purebred dairy cattle association, the Ohio pork producers council, the Ohio poultry association, the Ohio sheep

improvement association, the Ohio fair managers association, the Ohio farm bureau federation, the Ohio farmers union, the Ohio department of education's agricultural education service, the Ohio state university extension, the national farmers organization, and the Ohio state grange, or their designees. Each of these members shall be chosen by the organization the member represents.

- (4) The chairperson of the Ohio expositions commission, or the chairperson's designee;
- (5) Three persons who shall be appointed by the director, each of whom shall serve as a member of a board of directors of a county or independent agricultural society organized under section [1711.01](#) or [1711.02](#) of the Revised Code. Of the initial appointments made by the director, one shall be for a term ending on December 31, 1996; one shall be for a term ending on December 31, 1997; and one shall be for a term ending on December 31, 1998.
- (6) Not more than three additional members appointed at the option of the director. If the director appoints one or more additional members, the first additional appointment shall be for a term ending on December 31, 1996; the second additional appointment shall be for a term ending on December 31, 1997; and the third additional appointment shall be for a term ending on December 31, 1998.

Following the completion of the initial terms of the appointments made by the director, each term of office shall be three years, commencing on the first day of January and ending on the thirty-first day of December. A member appointed by the director shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Vacancies shall be filled in the same manner as the original appointment. 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 the unexpired term. Any 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 ninety days has elapsed, whichever occurs first.

Members may be removed from the committee only for misfeasance, malfeasance, or nonfeasance. A vacancy on the committee shall not impair the right of the other members to exercise all of the functions of the committee. A simple majority constitutes a quorum for the conduct of business of the committee. On request, each member shall be reimbursed for the actual and necessary expenses incurred in the discharge of the member's duties as a committee member.

- (B) The committee shall be considered a part of the department of agriculture for the administrative purposes required by this section, including the payment of expenses authorized to each member of the committee under this section. The director or the director's designee shall serve as chairperson of the committee. The director shall designate an employee or official of the department to act as the secretary of the committee. The secretary shall keep the minutes of the committee's meetings and a permanent journal of all meetings, proceedings, findings, determinations, and recommendations of the committee, including an itemized statement of the expenses allowed to each member of the committee under this section. The committee may request from the director, and the director shall provide, meeting space, assistance, services, and information to enable the committee to carry out its duties

- (C) The committee shall meet at least once annually after the fifteenth day of October and before the first day of December. The committee may meet at other times as the chairperson or a majority of the committee members considers appropriate, provided the chairperson gives members written notice of any meeting at least seven days prior to the meeting.
- (D) The committee may propose rules and may advise and counsel the director on all matters relating to the administration of exhibitions and any other matters that the committee and the director consider appropriate in carrying out sections [901.71](#) to [901.76](#) of the Revised Code.

**Section 901.72 (Administrative Rules for Livestock Exhibitions)**

- (A) The director of agriculture, in accordance with Chapter 119. of the Revised Code, may adopt rules for the governance and administration of exhibitions, and to provide for related food safety and the health, safety, and welfare of livestock, and may adopt by reference rules adopted by other public or private agencies such as the Ohio farm animal care commission. Rules of the director may specify those grooming, commercial, or medical practices that are generally accepted within the community of persons exhibiting livestock and may specify false, deceptive, misleading, unethical, or unprofessional practices that constitute grounds for disciplinary action under section [901.74](#) of the Revised Code.
- (B) Rules of the director that apply to exhibition-related food safety and the health, safety, and welfare of livestock shall apply to every exhibition operated within this state and to every sponsor. A sponsor may exempt itself from any other rules adopted by the director under this section that do not apply to food safety or the health, safety, or welfare of livestock, including, without limitation, rules for the governance and administration of exhibitions, by, not later than thirty days before the commencement of its exhibition, filing with the director, on a form prescribed and provided by the director, a list of the rules that shall not apply to its exhibition.
- (C) The director may provide mediation, dispute resolution, and arbitration services in any dispute involving an alleged violation of a rule adopted under division [A] of this section from which the sponsor could have exempted itself under division [B] of this section, but chose not to.
- (D) Nothing in this section or in sections [901.73](#) or [901.74](#) of the Revised Code precludes any sponsor from doing any of the following:
  - (1) Adopting rules or written policies for the governance and administration of its own exhibition, including, without limitation the adoption of any rule by reference to a rule adopted by other public or private agencies;
  - (2) Adopting rules or written policies providing for appeals regarding alleged violations of rules or written policies adopted by the sponsor;
  - (3) Taking any disciplinary action established in the rules or written policies adopted by the sponsor in connection with violations of the sponsor's rules or written policies for the governance and administration of its exhibition. Any such disciplinary action taken by a sponsor in regard to its own exhibition is in addition to any disciplinary action taken by the director under section [901.74](#) of the Revised Code.

- (4) Establishing by rule or written policy criteria and procedures for the reinstatement of any person disqualified from participation in the sponsor's exhibition by a disciplinary action taken by the sponsor and for deciding requests for reinstatements submitted under those rules.

### **Section 901.73 (Investigations Concerning Livestock Exhibitions)**

- (A)
  - (1) The director of agriculture may inspect and investigate any matter involving livestock that is not present at an exhibition, but is registered or entered in an exhibition, or raised with the apparent intent of being so registered or entered, when the director reasonably suspects any of the following:
    - (a) There has been a violation of section [901.76](#) or [2925.09](#) of the Revised Code or a rule adopted under section [901.72](#) of the Revised Code;
    - (b) The livestock's health, safety, or welfare may be threatened;
    - (c) The livestock constitutes a threat to or may adversely affect food safety.
  - (2) The director may conduct random inspections and investigations regarding any matter involving livestock present at an exhibition.
  - (3) With the consent of the property owner and the livestock owner, the director or the director's designee may enter at all reasonable times any premises, facility, pen, yard, vehicle, or means of conveyance for the purpose of sampling and testing livestock registered or entered in an exhibition or raised with the apparent intent of being so registered or entered. If the director or director's designee is denied access to any premises, facility, pen, yard, vehicle, or means of conveyance by the property owner or to livestock by the livestock owner, and if the director reasonably suspects that food safety or the health, safety, or welfare of livestock is threatened, the director may apply to a court of competent jurisdiction in the county where the premises, facility, pen, yard, vehicle, means of conveyance, or livestock are located for a search warrant authorizing access to the premises, facility, pen, yard, vehicle, means of conveyance, or livestock for the purposes of this section. The court shall issue the search warrant for the purposes requested if there is probable cause to believe that livestock is involved that is registered or entered in an exhibition or raised with the apparent intent of being so registered or entered, and that food safety or the health, safety, or welfare of livestock is threatened. The finding of probable cause may be based on hearsay, provided there is a substantial basis for believing that the source of the hearsay is credible and that there is a factual basis for the information furnished.

The director may designate employees of the department of agriculture, employees of the United States department of agriculture, licensed veterinarians, or employees or students of an approved or accredited veterinary school or college to perform the inspecting, sampling, and testing. The director may contract with laboratories, universities, or other persons or institutions, both public and private, to perform the livestock testing.

- (B) While the director or the director's designee is sampling or testing the livestock, the owner or custodian of the livestock shall render assistance in accordance with sections [941.05](#) and [941.08](#) of

the Revised Code. Any person who refuses to cooperate with the director or the director's designee in the inspection, sampling, and testing of livestock may be prohibited by the director acting under section [901.74](#) of the Revised Code from participating in any exhibition.

- (C) A person may register, enter, or exhibit at an exhibition only livestock owned by that person for the length of time specified by rule of the director, unless one of the following applies:
- (1) The livestock owner suffers from a recognized physical handicap that prevents the owner from showing the livestock;
  - (2) The sponsor provides written permission to someone other than the livestock owner to register, enter, or exhibit the livestock;
  - (3) A rule of the director provides that this division shall not apply to an exhibition.

### **Section 901.74 (Disciplinary Actions)**

- (A) Any person involved in any activity in connection with exhibiting livestock at an exhibition or with raising livestock with the apparent intent that the livestock eventually is to be entered in an exhibition is subject to disciplinary action by the department of agriculture for any of the following reasons:
- (1) The person has been convicted of or pleaded guilty to a violation of section [901.76](#) or [2925.09](#) of the Revised Code, or has been found by the director of agriculture to have tampered with or sabotaged livestock;
  - (2) The director reasonably suspects that the person's conduct in regard to raising or exhibiting the livestock threatens, endangers, or adversely affects food safety or the health, safety, or welfare of livestock;
  - (3) The person has refused to cooperate with the director or the director's designee in the inspection, sampling, and testing of livestock under section [901.73](#) of the Revised Code, unless the person withheld consent to the inspection, sampling, and testing and no search warrant was issued;
  - (4) The person has violated a rule adopted by the director under section [901.72](#) of the Revised Code from which the sponsor of the exhibition at which the violation occurred could have exempted itself under that section, but chose not to.
- (B) If one or more of the grounds for disciplinary action listed in division [A] [1], [2], or [3] of this section exist, the director, upon the director's own initiative, may conduct an adjudication in accordance with Chapter 119. of the Revised Code and may take any disciplinary action established by the director by rules adopted in accordance with Chapter 119. of the Revised Code. If one or more of the grounds for disciplinary action listed in division [A] of this section exist, the director, upon the request of a sponsor, may conduct an adjudication in accordance with Chapter 119. of the Revised Code. and may take any disciplinary action established by the director by rules adopted in accordance with Chapter 119. of the Revised Code. Disciplinary action imposed under

this section by the director may include disqualifying the person, the person's family, members of the person's household, or any other person associated with the activity resulting in the disciplinary action from participating in any class or with any species of livestock in any current or future exhibition.

- (C) The director, in accordance with Chapter 119. of the Revised Code, may adopt rules establishing the criteria and procedures for the reinstatement of any person disqualified from participation in an exhibition as a result of disciplinary action taken by the director under this section. Any person disqualified by disciplinary action of the director may file a written request with the director to seek reinstatement after the period of disqualification ends or at any other time established by rule. Upon the written request of the person seeking the reinstatement, the director shall conduct an adjudication in accordance with Chapter 119. of the Revised Code.

#### **Section 901.75 (No Exhibition After Disqualification)**

No person shall exhibit livestock owned or raised by another person if the person owning or raising the livestock has been disqualified by the director of agriculture under section [901.74](#) of the Revised Code or has been disqualified from exhibiting livestock by any court having jurisdiction.

#### **Section 901.76 (Tampering With or Sabotaging Livestock at an Exhibition Prohibited)**

- (A) No person shall tamper with any livestock.
- (B) No person shall sabotage any livestock exhibited at an exhibition.
- (C) In addition to the penalties established in section [901.99](#) of the Revised Code, whoever violates division [A] or [B] of this section is subject to disciplinary action by the director of agriculture under section [901.74](#) of the Revised Code.
- (D) This section does not apply to either of the following:
  - (1) Any action taken or activity performed or administered by a licensed veterinarian or in accordance with instructions of a licensed veterinarian if the action or activity was undertaken for accepted medical purposes during the course of a valid veterinarian-client-patient relationship;
  - (2) Accepted grooming, commercial or medical practices as defined by rules of the director adopted under section [901.72](#) of the Revised Code.
- (E) As used in this section:
  - (1) "Tamper" means any of the following:
    - (a) Treatment of livestock in such a manner that food derived from the livestock would be considered adulterated as defined in division [A], [B], [C], [D], [E], [H], [I], or [J] of section [3715.59](#) of the Revised Code;
    - (b) The injection, use, or administration of any drug that is prohibited under any federal law or law of this state, or any drug that is used in any manner that is not authorized

under any federal law or law of this state. Whenever the commissioner of the United States food and drug administration or the secretary of the United States department of agriculture, pursuant to the "Federal Food, Drug and Cosmetic Act," 52 Stat. 1040 [1938], 21 U.S.C.A. 301, as amended, or the federal "Virus-Serum-Toxin Act," 37 Stat. 832 [1913], 21 U.S.C.A. 151, as amended, approves, disapproves, or modifies the conditions of the approved use of a drug, the approval, disapproval, or modification automatically is effective for the purposes of division [E][1][b] of this section, unless the director, in accordance with Chapter 119. of the Revised Code, adopts a rule to alter for the purposes of that division the action taken by the commissioner or secretary. The director may adopt such a rule if the director considers it to be necessary or appropriate for the protection of food safety or the health, safety, or welfare of livestock or to prevent the use of a drug for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, or condition of livestock. No such rule shall authorize the use of any drug the use of which is prohibited by, or authorize the use of any drug in a manner not authorized by, the commissioner or secretary under either of those acts.

- (c) The injection, or other internal or external administration of any product or material, whether gas, solid, or liquid, to livestock for the purpose of concealing, enhancing, transforming, or changing the true conformation, configuration, condition, or age of the livestock or making the livestock appear more sound than it actually is;
  - (d) The use or administration, for cosmetic purposes, of steroids, growth stimulants, or internal artificial filling, including paraffin, silicone injection, or any other substance;
  - (e) The use or administration of any drug or feed additive affecting the central nervous system of the livestock;
  - (f) The use or administration of diuretics for cosmetic purposes;
  - (g) The surgical manipulation or removal of tissue so as to change, transform, or enhance the true conformation or configuration of, or to conceal the age, of the livestock;
- (2) "Sabotage" means intentionally tampering with any livestock belonging to or owned by another person that has been registered, entered in, or exhibited in any exhibition, or raised with the apparent intent of being entered in an exhibition.

### **Section 901.99 (Penalty)**

- (A) Whoever violates section [901.51](#) of the Revised Code is guilty of a misdemeanor of the fourth degree.
- (B) Whoever violates section [901.75](#) or division [C] of section [901.73](#) of the Revised Code is guilty of a misdemeanor of the first degree.
- (C) Whoever violates division [A] of section [901.76](#) of the Revised Code is guilty of a felony of the fifth degree on a first offense and of a felony of the fourth degree on each subsequent offense.

- (D) Whoever violates division [B] of section [901.76](#) of the Revised Code is guilty of a felony of the fourth degree.
- (E) Whoever violates division (B) of section [901.511](#) of the Revised Code is guilty on a first offense of a misdemeanor or a felony that is one degree higher than the penalty for the most serious underlying specified offense that is involved in the violation. However, if on such an initial violation the penalty for the most serious underlying specified offense is a felony of the first degree, the violator is guilty of a felony of the first degree.

On each subsequent violation of division (B) of that section, the violator is guilty of a misdemeanor or a felony that is two degrees higher than the penalty for the most serious underlying specified offense that is involved in the subsequent violation. However, if on such a subsequent violation the penalty for the most serious underlying specified offense is a felony of the first or second degree, the violator is guilty of a felony of the first degree.

As used in this division, “specified offense” has the same meaning as in section [901.511](#) of the Revised Code, and “most serious underlying specified offense” refers to the underlying specified offense that carries the highest maximum penalty.

- (F) Whoever violates division (C) of section [901.511](#) of the Revised Code is guilty of a felony of the third degree.

#### **Section 1711.01 (County Agricultural Societies)**

- (A) A county agricultural society is created when both of the following occur:
  - (1) Thirty or more persons who are residents of the same county adopt a constitution and bylaws governing the society.
  - (2) The residents described in division (A) of this section elect a board of directors in accordance with section [1711.08](#) of the Revised Code.
- (B) A county agricultural society created under this section shall operate in accordance with this chapter and the rules adopted by the director of agriculture.
- (C) A county agricultural society shall consist solely of members who are residents of the county in which the society is organized.
- (D)
  - (1) A member of a county agricultural society shall pay an annual membership fee in an amount fixed by each society or its board of directors. The member shall pay the fee to the society's secretary or treasurer as the society's bylaws direct.
  - (2) A county agricultural society shall issue a printed certificate of membership to each member who pays the required fee. The society shall issue the certificates from a book in which duplicate stubs of the certificates are properly filled out. The society shall keep each stub for not less than five years after the date on which the corresponding certificate is issued. The society shall ensure that all certificates are numbered consecutively.



- (E) No person shall pay for or secure more than one membership. No person shall secure a membership for any other person.
- (E) A society shall keep a list of the members of the society in the office of the society secretary. The society shall make the list available for public inspection upon request.
- (G)
  - (1) The county auditor of the county in which a county agricultural society has been created shall request the county treasurer to transfer sixteen hundred dollars to the society each year. The county treasurer shall transfer the money if all of the following have occurred:
    - (a) The society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code.
    - (b) The society has made a report to the director of agriculture in accordance with section 1711.06 of the Revised Code.
    - (c) The director of agriculture presents a certificate to the county auditor indicating that the society has complied with the applicable laws of this state and the applicable rules adopted by the director.
  - (2) The county auditor shall not transfer an amount under division (C)(1) of this section that exceeds the amount paid in regular class premiums by the county agricultural society under section 1711.04 of the Revised Code.

**Section 1711.02 (Independent Agricultural Societies)**

- (A) An independent agricultural society is created if both of the following occur:
  - (1) Thirty or more persons of the same county, or of not more than three contiguous counties, adopt a constitution and bylaws governing the society.
  - (2) The persons described in division (A)(1) of this section elect a board of directors in accordance with section 1711.08 of the Revised Code.
- (B) An independent agricultural society created under division (A) of this section shall operate in accordance with this chapter and applicable rules adopted by the director of agriculture.
- (C) (1) For purposes of division (C)(2) of this section, "appropriate amount" means the share of the sum of sixteen hundred dollars, calculated in proportion to the populations of the respective counties according to the last federal census before the annual payment is made, but not exceeding the amount paid in regular class premiums. If the independent agricultural society is located in only one county, the appropriate amount is the amount paid in regular class premiums not exceeding sixteen hundred dollars.

(2) The auditor of a county in which an independent agricultural society is located annually shall request the county treasurer to transfer the appropriate amount to the independent agricultural society and the treasurer shall so transfer such money if all of the following have occurred:

(a) The society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code.

(b) The society has made a report to the director of agriculture in accordance with section 1711.06 of the Revised Code.

(c) The director of agriculture presents a certificate to the county auditor indicating that the society has complied with the laws of this state and the rules adopted by the director.

### **Section 1711.03 (Reimbursement to Agricultural Societies for Junior Club Work)**

(A) (1) The board of county commissioners of a county, in which a county or independent agricultural society is located that receives state or county aid, annually shall appropriate an amount determined by the board for the society's junior club. The board shall ensure that the amount appropriated is at least one hundred dollars. The board shall certify the amount appropriated to the county auditor.

(2) The county auditor shall request the county treasurer to pay the certified amount to the appropriate county or independent agricultural society. Upon receipt of the request, the county treasurer shall pay the requested amount to the society.

(B) (1) In any county in which there is no agricultural society that is then receiving state or county aid, the board of county commissioners of the county annually may appropriate to any society, either county or independent, located in an adjoining county, an amount of money for the purpose of encouraging junior club work in the county having no society. The board shall certify the amount appropriated to the county auditor.

(2) The county auditor shall request the county treasurer to pay the certified amount to the appropriate county or independent agricultural society. Upon receipt of the request, the county treasurer shall pay the requested amount to the society.

### **Section 1711.04 (Premiums)**

Every society formed under sections [1711.01](#) and [1711.02](#) of the Revised Code shall annually offer and award premiums for the improvement of grains, fruit, vegetables, livestock, articles of domestic industry, public school displays, and such other articles, productions and improvements as it deems proper, and may perform any acts best calculated to promote the agricultural interests and household manufacturing interests of the counties concerned and of the state. It shall regulate the amount of premiums, and their different grades, so that all may have an opportunity to compete for them. Persons offering to compete for premiums on improved methods of production of crops or other articles shall, before such a premium is adjudged, deliver to the awarding committee, if required to do so by such committee, a full and correct statement of the process, expense, and value of the method of production, with a view to showing accurately the profits derived or expected to be derived therefrom.

**Section 1711.05 (Annual financial report and report of proceedings)**

Every county agricultural society annually shall do all of the following:

- (A) Make a report of its proceedings during the year;
- (B) File a financial report, in accordance with section 117.38 of the Revised Code and forward it to the director of agriculture at or before the annual meeting of the directors of the society with the director of agriculture, as provided for in section 1711.06 of the Revised Code. No payment after such date shall be made from the county treasury to such society unless a certificate from the director is presented to the county auditor showing that the report has been made;
- (C) Publish an announcement in either a newspaper of general circulation in the county or on the society's web site for not less than two weeks that contains all of the following:
  - (1) A statement indicating that the annual financial report has been filed in accordance with division (B) of this section;
  - (2) A statement indicating that any person who wishes to obtain a copy of the report may contact the treasurer of the society;
  - (3) The treasurer of the society's contact information that a person may use to obtain a copy of the report.

**Section 1711.06 (Director's annual meeting with county societies.)**

- (A) Prior to the first day of December of each year, the director of agriculture shall set a date in January of the following year, on which the director shall meet with the presidents or other authorized delegates of agricultural societies which conduct fairs in compliance with this chapter and regulations of the department of agriculture. At such meeting the director shall consult with such presidents and delegates about the wants, prospects, and conditions of agricultural societies throughout the state.
- (B) Each society shall prepare and deliver an annual report to the director at or before each meeting required by division (A) of this section.
- (C) The director shall do both of the following:
  - (1) Notify the president and the secretary of each society of the date of the annual meeting at least thirty days prior to the meeting;
  - (2) Adopt rules in accordance with Chapter 119. of the Revised Code that provide for both of the following:

(a) A uniform method for the election of the directors and officers of all agricultural societies that receive any support out of the state or county treasuries, except the date for holding the election;

(b) Any other rules that the director determines are necessary to carry out this chapter.

(D) Except for section 1711.11 of the Revised Code, references made in this chapter to rules adopted by the director mean rules adopted under division (C) of this section.

**Section 1711.07 (Board of Directors of County or Independent Agricultural Society)**

(A) The board of directors of a county or independent agricultural society shall consist of at least eight members. An employee of the OSU extension shall serve with the board as a nonvoting member. The director of agriculture shall determine the terms of office for members of the board in accordance with rules adopted by the director of agriculture.

(B) The board may fill any vacancy on the board caused by death, resignation, refusal to qualify, removal from county, or other cause until the society's next annual election. At that election, a new director shall be elected for the unexpired term.

(C) (1) There shall be an annual election of directors by ballot at a time and a place fixed by the board. The election shall be held by the fifteenth day of November each year.

(2) The secretary of the society shall give notice of the election, for three weeks prior to the election, by doing one of the following:

(a) Publishing the notice in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code;

(b) Mailing the notice to each member of the society;

(c) Publishing the notice on the society's web site.

(D) Only the following persons may vote in an election held in accordance with this section:

(1) Those who hold membership certificates at the close of the annual county fair, or at least fifteen calendar days before the date of election, as may be fixed by the board;

(2) Those who hold membership certificates on the date and hour of the election if the election is held on the fairground during the fair. When the election is to be held during the fair, notice of the election also shall be prominently mentioned in the premium list.

(E) The terms of office of the retiring directors shall expire, and those of the directors-elect shall begin, not later than the thirtieth day of November each year.

(F) The secretary of the society shall send, within ten days after the election, both of the following to the director:

- (1) The name and address of each member of its board;
  - (2) A copy of the document containing the member's signature verifying that the member voted in the election.
- (G) A candidate for director shall not count or record votes in any election conducted in accordance with this section.

**Section 1711.071 (Election of Officers)**

The treasurer of a county or independent agricultural society, or a person under the supervision of the treasurer, shall collect, account for, record, deposit, and disburse all funds of the society.

**Section 1711.08 (Election of Officers)**

- (A) The board of directors of a county or independent agricultural society shall annually meet not later than the thirtieth day of November. At such meeting, the board shall elect a president, a vice-president, a treasurer, a secretary, and such other officers as it may deem proper.
- (B) The president, the vice-president, and the treasurer shall serve one year, and the secretary not more than three years as the board may determine, and until their successors are elected and qualified. The president and the vice-president shall be directors. The secretary and the treasurer may be directors. Before election of officers the newly elected directors shall qualify by taking oath or affirmation before a competent authority, and in electing officers the board shall conform to the rules adopted by the director of agriculture.

**Section 1711.081 (Eligibility for Public Office)**

The positions of members of the board of directors, officers, and employees of a county or independent agricultural society are not public offices, and persons holding such positions are eligible to hold any public office except for the office of county commissioner.

**Section 1711.09 (Forbidden Activities)**

- (A) Except as otherwise provided in this section, county agricultural societies, independent agricultural societies, and the Ohio expositions commission shall not permit during any fair, or for one week before or three days after any fair, any dealing in spirituous liquors, or at any time allow or tolerate immoral shows, lottery devices, games of chance, or gambling of any kind, including pool selling and paddle wheels, anywhere on the fairground.
- (B) A county or independent agricultural society or the Ohio expositions commission shall not permit a person at any time to operate any side show, amusement, game, or device, or offer for sale any novelty by auction or solicitation, on the fairground who has not first obtained from the director of agriculture a license under section [1711.11](#) of the Revised Code.
- (C) This section does not prohibit the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair. In addition, a county

or independent agricultural society may permit, at any time except during a fair or for one week before or three days after a fair, a charitable organization to conduct in accordance with Chapter 2915. of the Revised Code games of chance or bingo on the fairground of any county. A charitable organization may lease all or part of the fairground from the agricultural society for that purpose.

- (D) Any sales of intoxicating liquor transacted on the fairground is subject to Chapters 4301., 4303., and 4399. of the Revised Code.

**Section 1711.091 (Sale of seasonal tickets, fundraisers)**

- (A) Any member of a county or independent agricultural society may sell seasonal tickets or passes for the society's annual exhibition. The sale of such tickets or passes need not be conducted on the premises of the fairgrounds.
- (B) Any person may sell tickets for fundraisers held by a county or independent agricultural society, or for the benefit of the society, during the society's annual exhibition.
- (C) The treasurer of the society shall deposit any funds generated from ticket sales under this section in an appropriate fund used by or for the benefit of the society.

**Section 1711.10 (Aid of State Withheld)**

If it is shown from the report of any county agricultural society, from witnesses, or otherwise that the annual exhibition held by such society was not conducted along moral or agricultural lines or was not of sufficient educational value to justify the expenditure of funds as provided by section [1711.01](#) of the Revised Code, the certificate for financial aid may be withheld by the director of agriculture.

**Section 1711.11 (License required to operate certain concessions – inspectors.)**

- (A) No person shall operate any concession at any fair or exposition conducted by a county or independent agricultural society or by the Ohio expositions commission without first obtaining from the director of agriculture a license to do so under division (B) of this section, nor shall any officer, agent, or employee of a county or independent agricultural society or of the Ohio expositions commission grant a privilege or concession to any person to do so, unless the person holds a license.

For the purposes of this section, "concession" means any show, amusement other than an amusement ride as defined in section [993.01](#) of the Revised Code, game, or novelty stand operation at a fair or exposition, but does not include food or drink operations.

- (B) The director shall issue a license only upon a written application containing a detailed description of the concession. The director shall prepare and furnish blank applications for licenses.
- (C) The director shall not issue a license until the applicant has paid a fee of seventy dollars to the director. However, the director shall not collect a fee from a nonprofit organization that is recorded as such by the secretary of state or with the internal revenue service. The director shall pay the fee

into the state treasury to the credit of the amusement ride inspection fund established by section [993.04](#) of the Revised Code.

- (D) The director shall include on a license issued under this section a detailed description of the concession licensed. A license expires on the thirty-first day of December following the date of issue. A licensee shall keep the license in a conspicuous place where the licensee's concession is in operation.
- (E) (1) The director shall employ and provide training for a chief inspector and additional inspectors and employees as necessary to administer and enforce this section. The director may appoint or contract with other persons to perform inspections of concessions, provided that the persons meet the qualifications for inspectors established by rules adopted under division (G) of this section and are not owners or employees of owners of any concession subject to inspection under this section. No person shall inspect a concession who, within six months prior to the date of inspection, was an employee of the owner of the concession.  
  
(2) Before the director contracts with other persons to inspect concessions, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice is not binding upon the director. After receiving the advice of the council, the director may proceed to contract for amusement ride inspectors and award the contract to the lowest responsive and responsible bidder in accordance with section [9.312](#) of the Revised Code. In order to determine the lowest responsive and responsible bid, the director, with the advice of the council, shall adopt rules governing the terms of the contract between the department of agriculture and the inspector. The rules shall prescribe the training and work experience required of an inspector, any insurance or bonds required of an inspector, and all the services the inspector will be required to perform on behalf of the department in an efficient professional manner.
- (F) This section does not require the officers of any county or independent agricultural society or of the Ohio expositions commission to grant any privilege or concession to any licensee.
- (G) The director shall enforce this section and, in accordance with Chapter 119. of the Revised Code, adopt all rules that are necessary for its enforcement. If the director finds that this section has been violated or that the licensee has been dishonest or has been fraudulent in dealings with the public, the director, in accordance with Chapter 119. of the Revised Code, shall revoke the licensee's license or fine the licensee not more than one thousand dollars, or both. The director, for a period not exceeding two years from the date of revocation, may refuse to issue another license to a person for a concession for which the person's license has been revoked. Notwithstanding section [119.12](#) of the Revised Code, all appeals from any fine by, or order of, the director shall be to the court of common pleas of the county where the place of business of the person is located or to the common pleas court of the county in which the person is a resident or in which the concession is located.
- (H) Any person holding a license issued under this section who permits or tolerates at any place on the fairground where the person's concession is in operation, any immoral show, lottery device, game of chance, or gambling of any kind, including pool selling and paddle wheels, or who violates the terms of the license issued to the person, shall forfeit the license, and the director shall not issue any other license to the person until after a period of two years from the forfeiture. For the

purposes of this division, "lottery device," "game of chance," and "gambling of any kind" do not include the sale of lottery tickets by the state lottery commission pursuant to Chapter 3770. of the Revised Code at the state fairground during the state fair. For the purposes of this section and section [1711.09](#) of the Revised Code, contests, games, tournaments, and other activities, the outcome of which is predominantly determined by the skill of the contestants, participants, or players, whether or not the contestants, participants, or players pay a price for the opportunity to win a prize, do not constitute a game of chance or gambling within the meaning, purpose, and intent of this section and section [1711.09](#) of the Revised Code or sections [2915.01](#) to [2915.04](#) of the Revised Code. The foregoing definition does not apply where the contest, game, tournament, or other activity contains or includes any mechanical or physical device which directly or indirectly impedes, impairs, or thwarts the skill of the contestant, participant, or player.

### **Section 1711.12 (Certain Activities Forbidden)**<sup>2</sup>

During an Ohio state fair or county or independent agricultural society fair, no person shall cry, hawk, sell, or expose for sale any merchandise except the official fair or race program upon any public road at any point within one thousand feet of any entrance or exit of the fairground or, within the fairground, engage in any solicitation more than four feet from a concession or booth assigned to such person, except that vendors under contract may solicit within the immediate area of a grandstand or coliseum for the purpose of vending food, soft drinks, and souvenirs directly related to the program attraction.

### **Section 1711.13 (Nature and Powers of County Society)**

County agricultural societies are hereby declared bodies corporate and politic, and as such they shall be capable of suing and being sued and of holding in fee simple any real estate purchased by them as sites for their fairs. In addition, they may do either or both of the following:

- (A) Mortgage their grounds for the purpose of renewing or extending pre-existing debts, and for the purpose of furnishing money to purchase additional land, but if the board of county commissioners has caused money to be paid out of the county treasury to aid in the purchase of the grounds, no mortgage shall be given without the consent of the board.

Deeds, conveyances, and agreements in writing, made to and by such societies, for the purchase of real estate as sites for their fairs, shall vest a title in fee simple to the real estate described in those documents, without words of inheritance.

- (B) Subject to section 1711.33 of the Revised Code, enter into agreements to obtain loans and credit for expenses related to the purposes of the county agricultural society, provided that the agreements are in writing and are first approved by the board of directors of the society. The total annual payments for debt obligation incurred by a county agricultural society pursuant to

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<sup>2</sup> (Use of fairgrounds) Ohio expositions commission may properly prohibit roving solicitation at state fair even though such solicitation is for religious purposes in view of the fact that religious group could obtain booth space for such purpose. *International Soc. For Krishna Consciousness, Inc. v. Evans* (D.C. Ohio 1977) 440 F.Supp. 414. The basis for this case was Ohio Department of Agriculture Administrative Code Rule 901:9-2-02(H).



this division shall not exceed an amount equal to twenty-five per cent of its prior three-year average of annual revenues.

**Section 1711.131 (Use of Credit Card for Expenses)**

- (A) Not later than three months after the effective date of this amendment, the board of directors of a county agricultural society or an independent agricultural society that holds a credit card account on the effective date of this amendment shall adopt a written policy for the use of credit card accounts. Otherwise, a board shall adopt a written policy before first holding a credit card account.

The policy shall include provisions addressing all of the following:

- (1) The officers or positions authorized to use credit card accounts;
  - (2) The types of expenses for which a credit card account may be used;
  - (3) The procedure for acquisition, use, and management of a credit card account and presentation instruments related to the account including cards and checks;
  - (4) The procedure for submitting itemized receipts to the treasurer or the treasurer's designee;
  - (5) The procedure for credit card issuance, credit card reissuance, credit card cancellation, and the process for reporting lost or stolen credit cards;
  - (6) The society's credit card account's maximum credit limit or limits;
  - (7) The actions or omissions by an officer or employee that qualify as misuse of a credit card account.
- (B) The name of the county agricultural society or independent agricultural society shall appear on each presentation instrument related to the account including cards and checks.
- (C) If the treasurer of the agricultural society does not retain general possession and control of the credit card account and presentation instruments related to the account including cards and checks, the board shall appoint a compliance officer to perform the duties enumerated under division (D) of this section. The compliance officer may not use a credit card account and may not authorize an officer or employee to use a credit card account. The treasurer is not eligible for appointment as compliance officer.
- (D) The compliance officer, if applicable, and the board at least quarterly shall review the number of cards and accounts issued, the number of active cards and accounts issued, the cards' and accounts' expiration dates, and the cards' and accounts' credit limits.
- (E) If the treasurer retains general possession and control of the credit card account and presentation instruments related to the account including cards and checks, and the board authorizes an officer or employee to use a credit card, the treasurer may use a system to sign out credit cards to the authorized users. The officer or employee is liable in person and upon any official bond the officer

or employee has given to the agricultural society to reimburse the society treasury the amount for which the officer or employee does not provide itemized receipts in accordance with the policy described in division (A) of this section.

- (F) The use of a credit card account for expenses beyond those authorized by the board constitutes misuse of a credit card account. An officer or employee of an agricultural society or a public servant as defined under section 2921.01 of the Revised Code who knowingly misuses a credit card account held by the society's board of directors violates section 2913.21 of the Revised Code.
- (G) The treasurer or the treasurer's designee annually shall file a report with the board detailing all rewards received based on the use of the society's credit card account.
- (H) As used in this section, "credit card account" means any bank-issued credit card account, store-issued credit card account, financial institution-issued credit card account, financial depository-issued credit card account, affinity credit card account, or any other card account allowing the holder to purchase goods or services on credit or to transact with the account, and any debit or gift card account related to the receipt of grant moneys. "Credit card account" does not include a procurement card account, gasoline or telephone credit card account, or any other card account where merchant category codes are in place as a system of control for use of the card account.

#### **Section 1711.14 (Appropriation of Land for Agricultural Fair Purposes-Procedures)**

When it is necessary in the opinion of any county agricultural society to procure or enlarge any site for the purpose of holding an agricultural fair, proceedings to appropriate may be had as provided for in sections [163.01](#) to [163.22](#), inclusive, of the Revised Code.

#### **Section 1711.15 (County Aid to County Agricultural Society)**

In any county in which there is a duly organized county agricultural society, the board of county commissioners or the county agricultural society itself may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the county agricultural society, and may erect suitable buildings on the real estate and otherwise improve it.

In counties in which there is a county agricultural society that has purchased, or leased for a term of not less than twenty years, real estate as a site on which to hold fairs, or if the title to the site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve the site and pay the rental of it, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the county agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The board may appropriate from the county's general fund or permanent improvement fund, and may appropriate revenue from a tax levied under division (T) of section 5739.09 of the Revised Code, any amount that it considers necessary for any of those purposes, provided that an appropriation of revenue from that tax may be expended only for the purposes provided in the resolution levying that tax.

#### **Section 1711.16 (Expenditure of County Aid by County Society)**

When the control and management of a fairground is in a county agricultural society, and the board of county commissioners has appropriated an amount for the aid of the society as provided in

section **1711.15** of the Revised Code, the society, with the consent of the board, may contract for the erection or repair of buildings or otherwise improve the fairground, to the extent that the payment for the improvement is provided by the board.

When the appropriation is made by the board, the county auditor shall place the proceeds in a special fund, designated the "county agricultural society fund," indicating the purpose for which it is available, provided that an appropriation of revenue from a tax levied by the board under division (T) of section **5739.09** of the Revised Code may be expended only for the purposes provided in the resolution levying that tax. On application of the treasurer of the society, the auditor shall issue an order for the amount of the appropriation to the treasurer of the society, if the society has secured the certificate required under section **1711.05** of the Revised Code, on the treasurer's filing with the auditor a bond in double the amount collected, with good and sufficient sureties approved by the auditor, conditioned for the satisfactory paying over and accounting of the funds for the purposes for which they were provided. The funds shall remain in the special fund in which they are placed by the auditor until they are applied for by the treasurer of the society and the bond is given, or until they are expended by the board for the purposes for which the fund was created. If the society ceases to exist or releases the fund as not required for the purposes for which the fund was created, the board may by resolution transfer the fund to the general fund of the county.

#### **Section 1711.17 (County Joint Ownership)**

- (A) In any counties in which there is a duly organized independent agricultural society, the respective boards of county commissioners may purchase or lease jointly, for a term of not less than twenty years, real estate on which to hold fairs under the management and control of the society, and may erect suitable buildings and otherwise improve the property, and pay the rental thereof, or contribute to or pay any other form of indebtedness of the society, if the director of agriculture has certified to the board that the independent agricultural society is complying with all laws and rules governing the operation of county agricultural societies. The boards may appropriate from their respective general funds such an amount as they consider necessary for any of those purposes.
- (B) An independent agricultural society may purchase or lease, for a term of not less than twenty years, real estate on which to hold fairs under its management and control and may erect suitable buildings on the real estate and otherwise improve it.

#### **Section 1711.18 (Issuance of County Bonds to Pay Debts of County Society)**

In a county in which there is a county agricultural society indebted fifteen thousand dollars or more, and such society has purchased a fairground or title to such fairground is vested in fee in the county, the board of county commissioners, upon the presentation of a petition signed by not less than five hundred resident electors of the county praying for the submission to the electors of the county of the question whether or not county bonds shall be issued and sold to liquidate such indebtedness, shall, by resolution within ten days thereafter, fix a date, which shall be within thirty days, upon which the question of issuing and selling such bonds, in the necessary amount and denomination, shall be submitted to the electors of the county. The board also shall cause a copy of such resolution to be certified to the county board of elections and such boards of election, within ten days after such

certification, shall proceed to make the necessary arrangements for the submission of such question to such electors at the time fixed by such resolution.

Such election shall be held at the regular places of voting in the county and shall be conducted, canvassed, and certified, except as otherwise provided by law, as are elections of county officers. The county board of elections must give fifteen days' notice of such submission by publication in a newspaper of general circulation in the county once a week for two consecutive weeks or as provided in section 7.16 of the Revised Code stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and places of holding such election. Those who vote in favor of the proposition shall have written or printed on their ballots "for the issue of bonds" and those who vote against it shall have written or printed on their ballots "against the issue of bonds". If a majority of those voting upon the question of issuing the bonds vote in favor thereof, then and only then shall they be issued and the tax provided for in section 1711.20 of the Revised Code be levied.

### **Section 1711.19 (Bonds)**

If a majority of the voters of a county voting upon the question of issuing bonds under section [1711.18](#) of the Revised Code vote in favor thereof, the board of county commissioners, for the purpose of liquidating the county agricultural society's indebtedness, shall issue and sell bonds of the county in the amount necessary. Such bonds shall bear interest at not more than the rate provided in section [9.95](#) of the Revised Code, payable semiannually, and shall be issued for a period of not less than ten nor more than twenty years. From the proceeds arising from the sale of such bonds, the board shall pay off the indebtedness for which such bonds were sold.

### **Section 1711.20 (Levy for Payment of Bonds)**

The board of county commissioners, upon the issuance of bonds under sections [1711.18](#) and [1711.19](#) of the Revised Code, shall levy a tax upon all the taxable property of the tax duplicate of the county for the purpose of paying such bonds as they mature and the interest thereon, at the rate and for such length of time as may be necessary for the purpose.

### **Section 1711.21 (Use of Money Raised by County Taxation)**

When money has been raised by taxation by a county for the purpose of leasing lands for county fairs, erecting buildings for county fair purposes, or making improvements on a county fairground, or for any purpose connected with the use of a county fairground or with the management thereof by a county agricultural society, such money shall be issued for such purpose only, even though the law under which the money was so raised has expired by limitation.

### **Section 1711.22 (County Aid to County and Independent Agricultural Societies)**

- (A) (1) When a county or a county agricultural society owns or holds under a lease real estate used as a fairground, and such society has the control and management of such lands and buildings, the board of county commissioners shall, on the request of such society, annually appropriate from the general fund not less than fifteen hundred dollars for the purpose of encouraging agricultural fairs.

(2) In any county in which there is located one or more independent agricultural societies, the board, for the purpose of encouraging such societies, may appropriate, in addition to the sum appropriated for the county agricultural society, a sum not greater than the amount appropriated for the county society.

- (B) In a county in which there is no county agricultural society, or in which there is no fair held by such a society, but in which there exists an independent agricultural society, the board shall, on the request of the independent agricultural society, annually appropriate from the general fund not less than fifteen hundred dollars for the purpose of encouraging such independent agricultural fairs.
- (C) No board shall appropriate money as provided by this section unless the director of agriculture has certified to the board that the county or independent agricultural society is complying with all laws, rules and regulations governing the operation of county or independent agricultural societies.
- (D) The county treasurer shall pay any money appropriated in accordance with this section to the treasurer of the society for whose use it was made, upon an order issued from the county auditor.

**Section 1711.23 (Title to Fairgrounds Vests in County on Dissolution of Society)**

When a county agricultural society ceases to exist, in a county out of whose treasury payments have been made for real estate, or improvements thereon, for the use of such society, or for the liquidation of indebtedness of such society, all such real estate and improvements shall vest in fee simple in the county by which the payments were made.

**Section 1711.24 (Insurance on County Society's Buildings)**

The board of county commissioners of a county in which there is a county agricultural society shall insure the buildings on the grounds of such society for the benefit of such society.

**Section 1711.25 (Sale, Lease, Purchase and Exchange of Sites by County Society)**

If a county agricultural society desires to sell its site in order to purchase another, or if for any reason such site is unfit or insufficient for the purposes for which it is used, and if at a regular meeting of such society's board of directors, by a vote, upon a call of the yeas and nays, of at least a majority of all the members of such board, it adopts a resolution for the purpose of securing the benefits of this section, and in such resolution declares that it desires to sell such site in order to buy another, or that the site has become unfit or insufficient, and that it is for the best interests of the society and the county that such site be sold or leased and a new one bought or leased, then the society may sell or lease such old site and buy or lease a new one for holding county fairs; but in cases where the county paid all or any portion of the purchase money for the site to be sold or leased, the written consent of the board of county commissioners shall first be given to such sale or lease. Within thirty days after the adoption of such resolution, such board of directors shall give notice in writing to the board of county commissioners of such county of the adoption of such resolution declaring the necessity of selling or leasing such site and of buying or leasing a new site, which notice shall contain or have annexed to it a certified copy of the resolution, signed by the president and the secretary of such board of directors.

### **Section 1711.26 (Authority to Sell or Exchange Site)**

- (A) A county agricultural society or independent agricultural society may sell any part of the premises that are used by the society as a site on which to hold annual exhibitions or exchange any part thereof for other lands if such premises are in the possession or under the control of the society and either of the following apply:
- (1) The premises are greater in size than is necessary for the purposes to which they are devoted.
  - (2) The premises are not suitable in their formation or character for the purposes to which they are devoted.
- (B) If the title to the premises described in division (A) of this section is held by the county, the board of county commissioners may sell any part of the premises or exchange any part thereof for other lands if division (A)(1) or (2) of this section applies. The board shall notify the applicable society of its intention to make such a sale or exchange. The board shall provide the notice in writing fourteen days prior to the sale or exchange.

### **Section 1711.27 (Contracts for Purchase or Lease of New Site by County Society)**

When a county agricultural society has given notice to the board of county commissioners as provided in section 1711.25 of the Revised Code and has selected, or secured options for the purchase or lease of, a new site for holding county fairs in the county, its board of directors shall immediately give notice of all such facts to the board of county commissioners. Such notice, if the old site is sold or leased before the purchase or lease of the new one, shall state the amount for which it was sold or leased, the amount of money necessary to acquire the new site, and the terms of the purchase or lease of the new site, together with a full description of the parcels of land included in the new site and of any improvements thereon. After the filing of such notice, the board of county commissioners may carry into effect any contract which such society has made for the purchase or lease of the new site.

### **Section 1711.28 (Payment for New Site with County Funds or Bonds)**

Payment for the new site purchased or leased for the use of a county agricultural society under sections 1711.25 and 1711.27 of the Revised Code and for improvements thereon may be made by the board of county commissioners from any unappropriated funds in the county treasury at the time such payment is to be made. If no such funds are then in such treasury, the board may issue the bonds of the county for such amounts as are necessary for such payment; but if the old site is sold or leased before the new site is purchased or leased, such society, before such bonds are issued, shall apply the moneys realized from the sale or lease of the old site to such payment. If the old site is sold or leased after the purchase or lease of the new site, the amounts realized from the sale or lease of the old site shall be placed to the credit of the sinking fund for the redemption of any such bonds that have been issued. Such bonds shall bear not more than five percent interest per annum payable semi-annually, shall not be sold at less than their par value, and shall be payable at such place and times and in such denominations as the board determines.

### **Section 1711.29 (Levy for Payment of Bonds)**

To provide for the payment of bonds issued under section 1711.28 of the Revised Code and interest thereon, the board of county commissioners may levy such annual taxes on all the taxable property of the county as are necessary to provide a sinking fund for the redemption of the bonds at maturity and the payment of interest accruing thereon. Such levy shall be collected and accounted for to the county treasurer in the manner provided for the collection of other taxes.

### **Section 1711.30 (Election on Question of Issuing Bonds)**

Before issuing bonds under section 1711.28 of the Revised Code, the board of county commissioners, by resolution, shall submit to the qualified electors of the county at the next general election for county officers, held not less than ninety days after receiving from the county agricultural society the notice provided for in section 1711.25 of the Revised Code, the question of issuing and selling such bonds in such amount and denomination as are necessary for the purpose in view, and shall certify a copy of such resolution to the county board of elections.

The county board of elections shall place the question of issuing and selling such bonds upon the ballot and make all other necessary arrangements for the submission, at the time fixed by such resolution, of such question to such electors. The votes cast at such election upon such question must be counted, canvassed, and certified in the same manner, except as provided by law, as votes cast for county officers.

Fifteen days' notice of such submission shall be given by the county board of elections, by publication once a week for two consecutive weeks in a newspaper of general circulation in the county or as provided in section 7.16 of the Revised Code, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and places of holding such election. Such question must be stated on the ballot as follows:

"For the issue of county fair bonds, yes;"

"For the issue of county fair bonds, no".

If the majority of those voting upon the question of issuing the bonds vote in favor thereof, then and only then shall they be issued and the tax provided for in section 1711.29 of the Revised Code be levied.

### **Section 1711.31 (Control of Lands When Title Vested in County Commissioners; Division of Moneys When Land Appropriated for Another Public Purpose)**

When the title to grounds and improvements occupied by an agricultural society is in the board of county commissioners, the control and management of such lands and improvements shall be vested in the board of directors of such society so long as they are occupied by it and used by it for holding agricultural fairs.

When the title to such grounds or improvements, or any part thereof, is appropriated for another public purpose or sold to an agency which has the power to so appropriate, if such society notifies the county commissioners of an intention to proceed under sections [1711.25](#) to [1711.32](#), inclusive, of the Revised Code, to replace such property, the moneys shall be divided between the county and the society in

accordance with the respective values of the interest of each in such property, as determined by agreement of the parties or pursuant to section [163.18](#) of the Revised Code. Each share of such moneys shall be held by the respective party solely for use in replacement of its respective interest in such property notwithstanding any limitations on expenditures otherwise provided in chapter [1711](#) of the Revised Code.

Moneys realized by the society in holding county fairs and for renting or leasing all or part of the grounds and buildings for the conduct of fairs or otherwise, over and above the necessary expenses thereof, shall be paid into the treasury of the society and used as a fund for keeping such grounds and buildings in good order and repair and for making other improvements deemed necessary by the society's directors.

#### **Section 1711.32 (Execution of Conveyance of Fairgrounds)**

Conveyances of grounds sold under section [1711.25](#) of the Revised Code, which are owned exclusively by any county agricultural society, may be executed by the president of such society, as such. Grounds owned partly by such a society and partly by the county may be conveyed by deed executed by the president of the society, as such, and by the board of county commissioners.

#### **Section 1711.33 (Encumbering of Fairgrounds Partly Owned by County)**

- (A) When a board of county commissioners pays or has paid money out of the county treasury for the purchase of real estate as a site for the holding of fairs by a county agricultural society, the society shall not incur any debt, by mortgage or otherwise, without the consent of the board, entered upon its journal.
- (B) With respect to real estate debt for which consent is obtained under division (A) of this section, a society may encumber such real estate, in order to pay the cost of necessary repairs and improvements thereon, up to an amount not exceeding fifty per cent of its value. In order to ascertain the value of such real estate the board shall appoint three disinterested freeholders who are residents of the county to appraise such real estate. The appraisers so appointed shall, within ten days after their appointment, upon actual view of such real estate, appraise it and return such appraisal under oath to the board. The appraisal so made shall be considered the value of such real estate for the purpose of mortgage or other encumbrance.

#### **Section 1711.34 (Purchase of Additional Fairgrounds)**

If the law makes it the duty of the board of county commissioners to purchase additional fairgrounds for the use of a county agricultural society, the board of directors of such society shall prosecute the proceedings for appropriation to their final conclusion, except as to payment of purchase money, before the board of county commissioners can be called upon to act in the matter. Then the board of county commissioners shall make such payment or deposit, not above fifteen thousand dollars in amount, as such board of directors or the court having jurisdiction in such proceedings requires, and delay by the board of county commissioners in so doing shall not prevent such purchase or appropriation.



### **Section 1711.35 (Special Constables)**

On the application of a state, county, township or independent agricultural society, of an industrial association, or of any other association or meeting of citizens for the purpose of promoting social or literary intercourse, a judge of a county court or judge of a municipal court having jurisdiction may appoint a suitable number of special constables to assist in keeping the peace during the time when such society or assembly is holding its annual fair or meeting. He shall make an entry in his docket of the number and names of all persons so appointed.

Constables so appointed have all the power of constables to suppress riots, disturbances, and breaches of the peace. Upon view they may arrest any person guilty of a violation of any law of the state, and pursue and arrest any person fleeing from justice in any part of the state. They may apprehend any person in the act of committing an offense; on reasonable information, supported by affidavit, they may procure process for the arrest of any person charged with a breach of the peace and forthwith bring him before a competent authority; and they may enforce all laws for the preservation of order.

### **Section 2915.01 (Gambling Definitions)3456**

As used in this chapter:

- (A) "Bookmaking" means the business of receiving or paying off bets.
- (B) "Bet" means the hazarding of anything of value upon the result of an event, undertaking, or contingency, but does not include a bona fide business risk.

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<sup>3</sup> A promotional game which requires a participant to make a purchase on the premises of a commercial enterprise as a prerequisite to obtaining a token necessary for participation is a lottery. [O.A.G. Opinion No. 67-064]

<sup>4</sup> A promotional game which requires a participant to pass through a check-out line on the premises of a commercial enterprise to obtain a token necessary for participation, although no purchase is required, is a lottery. [O.A.G. Opinion No. 67-064]

<sup>5</sup> A promotional game which requires a participant to go onto the premises of a commercial enterprise to obtain a token necessary for participation, although no purchase is required to obtain the token, is a scheme of chance. [Opinion No. 3502, Opinions of the Attorney General for 1962, affirmed]

<sup>6</sup> When a religious group sought permission to move freely about the State fairgrounds during a State fair in order to engage in a religious practice known as Sankirtan which consisted of approaching members of the public and soliciting donations and explaining their religious beliefs, rules of the Ohio Expositions Commission which restricted all solicitors to an area within four feet of a booth or display, did not violate either of the Constitutional guarantees of freedom of religion or freedom of speech when applied to the religious group as long as booths were available for rental to prospective exhibitors on a nondiscriminatory basis and without regard to the content of the exhibitor's message. [Iskcon et. at. vs. Evans et. a. 400 F. Supp. 414]

(C) "Scheme of chance" means a slot machine unless authorized under Chapter 3772. of the Revised Code, lottery unless authorized under Chapter 3770. of the Revised Code, numbers game, pool conducted for profit, or other scheme in which a participant gives a valuable consideration for a chance to win a prize, but does not include bingo, a skill-based amusement machine, or a pool not conducted for profit. "Scheme of chance" includes the use of an electronic device to reveal the results of a game entry if valuable consideration is paid, directly or indirectly, for a chance to win a prize. Valuable consideration is deemed to be paid for a chance to win a prize in the following instances:

- (1) Less than fifty per cent of the goods or services sold by a scheme of chance operator in exchange for game entries are used or redeemed by participants at any one location;
- (2) Less than fifty per cent of participants who purchase goods or services at any one location do not accept, use, or redeem the goods or services sold or purportedly sold;
- (3) More than fifty per cent of prizes at any one location are revealed to participants through an electronic device simulating a game of chance or a "casino game" as defined in section 3772.01 of the Revised Code;
- (4) The good or service sold by a scheme of chance operator in exchange for a game entry cannot be used or redeemed in the manner advertised;
- (5) A participant pays more than fair market value for goods or services offered by a scheme of chance operator in order to receive one or more game entries;
- (6) A participant may use the electronic device to purchase additional game entries;
- (7) A participant may purchase additional game entries by using points or credits won as prizes while using the electronic device;
- (8) A scheme of chance operator pays out in prize money more than twenty per cent of the gross revenue received at one location; or
- (9) A participant makes a purchase or exchange in order to obtain any good or service that may be used to facilitate play on the electronic device.

As used in this division, "electronic device" means a mechanical, video, digital, or electronic machine or device that is capable of displaying information on a screen or other mechanism and that is owned, leased, or otherwise possessed by any person conducting a scheme of chance, or by that person's partners, affiliates, subsidiaries, or contractors. "Electronic device" does not include an electronic instant bingo system.

(D) "Game of chance" means poker, craps, roulette, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely by chance, but does not include bingo.

- (E) "Game of chance conducted for profit" means any game of chance designed to produce income for the person who conducts or operates the game of chance, but does not include bingo.
- (F) "Gambling device" means any of the following:
- (1) A book, totalizer, or other equipment for recording bets;
  - (2) A ticket, token, or other device representing a chance, share, or interest in a scheme of chance or evidencing a bet;
  - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, or other apparatus designed for use in connection with a game of chance;
  - (4) Any equipment, device, apparatus, or paraphernalia specially designed for gambling purposes;
  - (5) Bingo supplies sold or otherwise provided, or used, in violation of this chapter.
- (G) "Gambling offense" means any of the following:
- (1) A violation of this chapter;
  - (2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any provision of this chapter or a violation of section 2915.06 of the Revised Code as it existed prior to July 1, 1996;
  - (3) An offense under an existing or former municipal ordinance or law of this or any other state or the United States, of which gambling is an element;
  - (4) A conspiracy or attempt to commit, or complicity in committing, any offense under division (G)(1), (2), or (3) of this section.
- (H) Except as otherwise provided in this chapter, "charitable organization" means either of the following:
- (1) An organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
  - (2) A volunteer rescue service organization, volunteer firefighter's organization, veteran's organization, fraternal organization, or sporting organization that is exempt from federal income taxation under subsection 501(c)(4), (c)(7), (c)(8), (c)(10), or (c)(19) of the Internal Revenue Code.

To qualify as a "charitable organization," an organization shall have been in continuous existence as such in this state for a period of two years immediately preceding either the making of an application for a bingo license under section 2915.08 of the Revised Code or the conducting of any game of chance as provided in division (D) of section 2915.02 of the Revised Code.

- (I) "Religious organization" means any church, body of communicants, or group that is not organized or operated for profit and that gathers in common membership for regular worship and religious observances.
- (J) "Veteran's organization" means any individual post or state headquarters of a national veteran's association or an auxiliary unit of any individual post of a national veteran's association, which post, state headquarters, or auxiliary unit is incorporated as a nonprofit corporation and either has received a letter from the state headquarters of the national veteran's association indicating that the individual post or auxiliary unit is in good standing with the national veteran's association or has received a letter from the national veteran's association indicating that the state headquarters is in good standing with the national veteran's association. As used in this division, "national veteran's association" means any veteran's association that has been in continuous existence as such for a period of at least five years and either is incorporated by an act of the United States congress or has a national dues-paying membership of at least five thousand persons.
- (K) "Volunteer firefighter's organization" means any organization of volunteer firefighters, as defined in section 146.01 of the Revised Code, that is organized and operated exclusively to provide financial support for a volunteer fire department or a volunteer fire company and that is recognized or ratified by a county, municipal corporation, or township.
- (L) "Fraternal organization" means any society, order, state headquarters, or association within this state, except a college or high school fraternity, that is not organized for profit, that is a branch, lodge, or chapter of a national or state organization, that exists exclusively for the common business or sodality of its members.
- (M) "Volunteer rescue service organization" means any organization of volunteers organized to function as an emergency medical service organization, as defined in section 4765.01 of the Revised Code.
- (N) "Charitable bingo game" means any bingo game described in division (O)(1) or (2) of this section that is conducted by a charitable organization that has obtained a license pursuant to section 2915.08 of the Revised Code and the proceeds of which are used for a charitable purpose.
- (O) "Bingo" means either of the following:
  - (1) A game with all of the following characteristics:
    - (a) The participants use bingo cards or sheets, including paper formats and electronic representation or image formats, that are divided into twenty-five spaces arranged in five horizontal and five vertical rows of spaces, with each space, except the central space, being designated by a combination of a letter and a number and with the central space being designated as a free space.
    - (b) The participants cover the spaces on the bingo cards or sheets that correspond to combinations of letters and numbers that are announced by a bingo game operator.

- (c) A bingo game operator announces combinations of letters and numbers that appear on objects that a bingo game operator selects by chance, either manually or mechanically, from a receptacle that contains seventy-five objects at the beginning of each game, each object marked by a different combination of a letter and a number that corresponds to one of the seventy-five possible combinations of a letter and a number that can appear on the bingo cards or sheets.
  - (d) The winner of the bingo game includes any participant who properly announces during the interval between the announcements of letters and numbers as described in division (O)(1)(c) of this section, that a predetermined and preannounced pattern of spaces has been covered on a bingo card or sheet being used by the participant.
- (2) Instant bingo, electronic instant bingo, and raffles.
- (P) "Conduct" means to back, promote, organize, manage, carry on, sponsor, or prepare for the operation of bingo or a game of chance, a scheme of chance, or a sweepstakes.
  - (Q) "Bingo game operator" means any person, except security personnel, who performs work or labor at the site of bingo, including, but not limited to, collecting money from participants, handing out bingo cards or sheets or objects to cover spaces on bingo cards or sheets, selecting from a receptacle the objects that contain the combination of letters and numbers that appear on bingo cards or sheets, calling out the combinations of letters and numbers, distributing prizes, selling or redeeming instant bingo tickets or cards, selling or redeeming electronic instant bingo tickets, credits, or vouchers, accessing an electronic instant bingo system other than as a participant, supervising the operation of a punch board, selling raffle tickets, selecting raffle tickets from a receptacle and announcing the winning numbers in a raffle, and preparing, selling, and serving food or beverages. "Bingo game operator" does not include a person who is installing, maintaining, updating, or repairing an electronic instant bingo system."
  - (R) "Participant" means any person who plays bingo.
  - (S) "Bingo session" means a period that includes both of the following:
    - (1) Not to exceed five continuous hours for the conduct of one or more games described in division (O)(1) of this section, instant bingo, and electronic instant bingo;
    - (2) A period for the conduct of instant bingo and electronic instant bingo for not more than two hours before and not more than two hours after the period described in division (S)(1) of this section.
  - (T) "Gross receipts" means all money or assets, including admission fees, that a person receives from bingo without the deduction of any amounts for prizes paid out or for the expenses of conducting bingo. "Gross receipts" does not include any money directly taken in from the sale of food or beverages by a charitable organization conducting bingo, or by a bona fide auxiliary unit or society of a charitable organization conducting bingo, provided all of the following apply:

- (1) The auxiliary unit or society has been in existence as a bona fide auxiliary unit or society of the charitable organization for at least two years prior to conducting bingo.
  - (2) The person who purchases the food or beverage receives nothing of value except the food or beverage and items customarily received with the purchase of that food or beverage.
  - (3) The food and beverages are sold at customary and reasonable prices.
- (U) "Security personnel" includes any person who either is a sheriff, deputy sheriff, marshal, deputy marshal, township constable, or member of an organized police department of a municipal corporation or has successfully completed a peace officer's training course pursuant to sections 109.71 to 109.79 of the Revised Code and who is hired to provide security for the premises on which bingo is conducted.
- (V) "Charitable purpose" means that the net profit of bingo, other than instant bingo or electronic instant bingo, is used by, or is given, donated, or otherwise transferred to, any of the following:
- (1) Any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
  - (2) A veteran's organization that is a post, chapter, or organization of veterans, or an auxiliary unit or society of, or a trust or foundation for, any such post, chapter, or organization organized in the United States or any of its possessions, at least seventy-five per cent of the members of which are veterans and substantially all of the other members of which are individuals who are spouses, widows, or widowers of veterans, or such individuals, provided that no part of the net earnings of such post, chapter, or organization inures to the benefit of any private shareholder or individual, and further provided that the net profit is used by the post, chapter, or organization for the charitable purposes set forth in division (B)(12) of section 5739.02 of the Revised Code, is used for awarding scholarships to or for attendance at an institution mentioned in division (B)(12) of section 5739.02 of the Revised Code, is donated to a governmental agency, or is used for nonprofit youth activities, the purchase of United States or Ohio flags that are donated to schools, youth groups, or other bona fide nonprofit organizations, promotion of patriotism, or disaster relief;
  - (3) A fraternal organization that has been in continuous existence in this state for fifteen years and that uses the net profit exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, if contributions for such use would qualify as a deductible charitable contribution under subsection 170 of the Internal Revenue Code;
  - (4) A volunteer firefighter's organization that uses the net profit for the purposes set forth in division (K) of this section.
- (W) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as now or hereafter amended.

- (X) "Youth athletic organization" means any organization, not organized for profit, that is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are twenty-one years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
- (Y) "Youth athletic park organization" means any organization, not organized for profit, that satisfies both of the following:
- (1) It owns, operates, and maintains playing fields that satisfy both of the following:
    - (a) The playing fields are used for athletic activities by one or more organizations, not organized for profit, each of which is organized and operated exclusively to provide financial support to, or to operate, athletic activities for persons who are eighteen years of age or younger by means of sponsoring, organizing, operating, or contributing to the support of an athletic team, club, league, or association.
    - (b) The playing fields are not used for any profit-making activity at any time during the year.
  - (2) It uses the proceeds of bingo it conducts exclusively for the operation, maintenance, and improvement of its playing fields of the type described in division (Y)(1) of this section.
- (Z) "Bingo supplies" means bingo cards or sheets; instant bingo tickets or cards; electronic bingo aids; raffle tickets; punch boards; seal cards; instant bingo ticket dispensers; electronic instant bingo systems; and devices for selecting or displaying the combination of bingo letters and numbers or raffle tickets. Items that are "bingo supplies" are not gambling devices if sold or otherwise provided, and used, in accordance with this chapter. For purposes of this chapter, "bingo supplies" are not to be considered equipment used to conduct a bingo game.
- (AA) "Instant bingo" means a form of bingo that shall use folded or banded tickets or paper cards with perforated break-open tabs, a face of which is covered or otherwise hidden from view to conceal a number, letter, or symbol, or set of numbers, letters, or symbols, some of which have been designated in advance as prize winners, and may also include games in which some winners are determined by the random selection of one or more bingo numbers by the use of a seal card or bingo blower. "Instant bingo" also includes a punch board game. In all "instant bingo" the prize amount and structure shall be predetermined. "Instant bingo" does not include electronic instant bingo or any device that is activated by the insertion of a coin, currency, token, or an equivalent, and that contains as one of its components a video display monitor that is capable of displaying numbers, letters, symbols, or characters in winning or losing combinations.
- (BB) "Seal card" means a form of instant bingo that uses instant bingo tickets in conjunction with a board or placard that contains one or more seals that, when removed or opened, reveal predesignated winning numbers, letters, or symbols.
- (CC) "Raffle" means a form of bingo in which the one or more prizes are won by one or more persons who have purchased a raffle ticket. The one or more winners of the raffle are determined by

drawing a ticket stub or other detachable section from a receptacle containing ticket stubs or detachable sections corresponding to all tickets sold for the raffle. "Raffle" does not include the drawing of a ticket stub or other detachable section of a ticket purchased to attend a professional sporting event if both of the following apply:

- (1) The ticket stub or other detachable section is used to select the winner of a free prize given away at the professional sporting event; and
- (2) The cost of the ticket is the same as the cost of a ticket to the professional sporting event on days when no free prize is given away.

(DD) "Punch board" means a form of instant bingo that uses a board containing a number of holes or receptacles of uniform size in which are placed, mechanically and randomly, serially numbered slips of paper that may be punched or drawn from the hole or receptacle. A player may punch or draw the numbered slips of paper from the holes or receptacles and obtain the prize established for the game if the number drawn corresponds to a winning number or, if the punch board includes the use of a seal card, a potential winning number.

(EE) "Gross profit" means gross receipts minus the amount actually expended for the payment of prize awards.

(FF) "Net profit" means gross profit minus expenses.

(GG) "Expenses" means the reasonable amount of gross profit actually expended for all of the following:

- (1) The purchase or lease of bingo supplies;
- (2) The annual license fee required under section 2915.08 of the Revised Code;
- (3) Bank fees and service charges for a bingo session or game account described in section 2915.10 of the Revised Code;
- (4) Audits and accounting services;
- (5) Safes;
- (6) Cash registers;
- (7) Hiring security personnel;
- (8) Advertising bingo;
- (9) Renting premises in which to conduct a bingo session;
- (10) Tables and chairs;



- (11) Expenses for maintaining and operating a charitable organization's facilities, including, but not limited to, a post home, club house, lounge, tavern, or canteen and any grounds attached to the post home, club house, lounge, tavern, or canteen;
  - (12) Payment of real property taxes and assessments that are levied on a premises on which bingo is conducted;
  - (13) Any other product or service directly related to the conduct of bingo that is authorized in rules adopted by the attorney general under division (F)(1) of section 2915.08 of the Revised Code.
- (HH) "Person" has the same meaning as in section 1.59 of the Revised Code and includes any firm or any other legal entity, however organized.
- (II) "Revoke" means to void permanently all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.
- (JJ) "Suspend" means to interrupt temporarily all rights and privileges of the holder of a license issued under section 2915.08, 2915.081, or 2915.082 of the Revised Code or a charitable gaming license issued by another jurisdiction.
- (KK) "Distributor" means any person who purchases or obtains bingo supplies and who does either of the following:
- (1) Sells, offers for sale, or otherwise provides or offers to provide the bingo supplies to another person for use in this state;
  - (2) Modifies, converts, adds to, or removes parts from the bingo supplies to further their promotion or sale for use in this state.
- (LL) "Manufacturer" means any person who assembles completed bingo supplies from raw materials, other items, or subparts or who modifies, converts, adds to, or removes parts from bingo supplies to further their promotion or sale.
- (MM) "Gross annual revenues" means the annual gross receipts derived from the conduct of bingo described in division (O)(1) of this section plus the annual net profit derived from the conduct of bingo described in division (O)(2) of this section.
- (NN) "Instant bingo ticket dispenser" means a mechanical device that dispenses an instant bingo ticket or card as the sole item of value dispensed and that has the following characteristics:
- (1) It is activated upon the insertion of United States currency.
  - (2) It performs no gaming functions.
  - (3) It does not contain a video display monitor or generate noise.

- (4) It is not capable of displaying any numbers, letters, symbols, or characters in winning or losing combinations.
- (5) It does not simulate or display rolling or spinning reels.
- (6) It is incapable of determining whether a dispensed bingo ticket or card is a winning or nonwinning ticket or card and requires a winning ticket or card to be paid by a bingo game operator.
- (7) It may provide accounting and security features to aid in accounting for the instant bingo tickets or cards it dispenses.
- (8) It is not part of an electronic network and is not interactive.

(OO)

- (1) "Electronic bingo aid" means an electronic device used by a participant to monitor bingo cards or sheets purchased at the time and place of a bingo session and that does all of the following:
  - (a) It provides a means for a participant to input numbers and letters announced by a bingo caller.
  - (b) It compares the numbers and letters entered by the participant to the bingo faces previously stored in the memory of the device.
  - (c) It identifies a winning bingo pattern.
- (2) "Electronic bingo aid" does not include any device into which a coin, currency, token, or an equivalent is inserted to activate play.

(PP) "Deal" means a single game of instant bingo tickets, or a single game of electronic instant bingo tickets, all with the same serial number.

(QQ)

- (1) "Slot machine" means either of the following:
  - (a) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player who gives the thing of value in the hope of gain;
  - (b) Any mechanical, electronic, video, or digital device that is capable of accepting anything of value, directly or indirectly, from or on behalf of a player to conduct bingo or a scheme or game of chance.

- (2) "Slot machine" does not include a skill-based amusement machine or an instant bingo ticket dispenser, or an electronic instant bingo system.

(RR) "Net profit from the proceeds of the sale of instant bingo or electronic instant bingo" means gross profit minus the ordinary, necessary, and reasonable expense expended for the purchase of instant bingo supplies for the purpose of conducting instant bingo or electronic instant bingo, and, in the case of instant bingo or electronic instant bingo conducted by a veteran's, fraternal, or sporting organization, minus the payment by that organization of real property taxes and assessments levied on a premises on which instant bingo or electronic instant bingo is conducted.

(SS) "Charitable instant bingo organization" means an organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and is a charitable organization as defined in this section. A "charitable instant bingo organization" does not include a charitable organization that is exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code and that is created by a veteran's organization, a fraternal organization, or a sporting organization in regards to bingo conducted or assisted by a veteran's organization, a fraternal organization, or a sporting organization pursuant to section 2915.13 of the Revised Code.

(TT) "Game flare" means the board or placard, or electronic representation of a board or placard, that accompanies each deal of instant bingo or electronic instant bingo tickets and that includes the following information for the game:

- (1) The name of the game;
- (2) The manufacturer's name or distinctive logo;
- (3) The form number;
- (4) The ticket count;
- (5) The prize structure, including the number of winning tickets by denomination and the respective winning symbol or number combinations for the winning tickets;
- (6) The cost per play;
- (7) The serial number of the game.

(UU)

- (1) "Skill-based amusement machine" means a mechanical, video, digital, or electronic device that rewards the player or players, if at all, only with merchandise prizes or with redeemable vouchers redeemable only for merchandise prizes, provided that with respect to rewards for playing the game all of the following apply:
  - (a) The wholesale value of a merchandise prize awarded as a result of the single play of a machine does not exceed ten dollars;

- (b) Redeemable vouchers awarded for any single play of a machine are not redeemable for a merchandise prize with a wholesale value of more than ten dollars;
- (c) Redeemable vouchers are not redeemable for a merchandise prize that has a wholesale value of more than ten dollars times the fewest number of single plays necessary to accrue the redeemable vouchers required to obtain that prize; and
- (d) Any redeemable vouchers or merchandise prizes are distributed at the site of the skill-based amusement machine at the time of play.

A card for the purchase of gasoline is a redeemable voucher for purposes of division (UU)(1) of this section even if the skill-based amusement machine for the play of which the card is awarded is located at a place where gasoline may not be legally distributed to the public or the card is not redeemable at the location of, or at the time of playing, the skill-based amusement machine.

- (2) A device shall not be considered a skill-based amusement machine and shall be considered a slot machine if it pays cash or one or more of the following apply:
  - (a) The ability of a player to succeed at the game is impacted by the number or ratio of prior wins to prior losses of players playing the game.
  - (b) Any reward of redeemable vouchers is not based solely on the player achieving the object of the game or the player's score;
  - (c) The outcome of the game, or the value of the redeemable voucher or merchandise prize awarded for winning the game, can be controlled by a source other than any player playing the game.
  - (d) The success of any player is or may be determined by a chance event that cannot be altered by player actions.
  - (e) The ability of any player to succeed at the game is determined by game features not visible or known to the player.
  - (f) The ability of the player to succeed at the game is impacted by the exercise of a skill that no reasonable player could exercise.
- (3) All of the following apply to any machine that is operated as described in division (UU)(1) of this section:
  - (a) As used in division (UU) of this section, "game" and "play" mean one event from the initial activation of the machine until the results of play are determined without payment of additional consideration. An individual utilizing a machine that involves a single game, play, contest, competition, or tournament may be awarded redeemable vouchers or merchandise prizes based on the results of play.

(b) Advance play for a single game, play, contest, competition, or tournament participation may be purchased. The cost of the contest, competition, or tournament participation may be greater than a single noncontest, competition, or tournament play.

(c) To the extent that the machine is used in a contest, competition, or tournament, that contest, competition, or tournament has a defined starting and ending date and is open to participants in competition for scoring and ranking results toward the awarding of redeemable vouchers or merchandise prizes that are stated prior to the start of the contest, competition, or tournament.

(4) For purposes of division (UU)(1) of this section, the mere presence of a device, such as a pin-setting, ball-releasing, or scoring mechanism, that does not contribute to or affect the outcome of the play of the game does not make the device a skill-based amusement machine.

(VV) "Merchandise prize" means any item of value, but shall not include any of the following:

(1) Cash, gift cards, or any equivalent thereof;

(2) Plays on games of chance, state lottery tickets, or bingo;

(3) Firearms, tobacco, or alcoholic beverages; or

(4) A redeemable voucher that is redeemable for any of the items listed in division (VV)(1), (2), or (3) of this section.

(WW) "Redeemable voucher" means any ticket, token, coupon, receipt, or other noncash representation of value.

(XX) "Pool not conducted for profit" means a scheme in which a participant gives a valuable consideration for a chance to win a prize and the total amount of consideration wagered is distributed to a participant or participants.

(YY) "Sporting organization" means a hunting, fishing, or trapping organization, other than a college or high school fraternity or sorority, that is not organized for profit, that is affiliated with a state or national sporting organization, including but not limited to, the league of Ohio sportsmen, and that has been in continuous existence in this state for a period of three years.

(ZZ) "Community action agency" has the same meaning as in section 122.66 of the Revised Code.

(AAA)

(1) "Sweepstakes terminal device" means a mechanical, video, digital, or electronic machine or device that is owned, leased, or otherwise possessed by any person conducting a sweepstakes, or by that person's partners, affiliates, subsidiaries, or contractors, that is

intended to be used by a sweepstakes participant, and that is capable of displaying information on a screen or other mechanism. A device is a sweepstakes terminal device if any of the following apply:

- (a) The device uses a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries.
  - (b) The device utilizes software such that the simulated game influences or determines the winning of or value of the prize.
  - (c) The device selects prizes from a predetermined finite pool of entries.
  - (d) The device utilizes a mechanism that reveals the content of a predetermined sweepstakes entry.
  - (e) The device predetermines the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed.
  - (f) The device utilizes software to create a game result.
  - (g) The device reveals the prize incrementally, even though the device does not influence the awarding of the prize or the value of any prize awarded.
  - (h) The device determines and associates the prize with an entry or entries at the time the sweepstakes is entered.
- (2) As used in this division and in section 2915.02 of the Revised Code:
- (a) "Enter" means the act by which a person becomes eligible to receive any prize offered in a sweepstakes.
  - (b) "Entry" means one event from the initial activation of the sweepstakes terminal device until all the sweepstakes prize results from that activation are revealed.
  - (c) "Prize" means any gift, award, gratuity, good, service, credit, reward, or any other thing of value that may be transferred to a person, whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.
  - (d) "Sweepstakes terminal device facility" means any location in this state where a sweepstakes terminal device is provided to a sweepstakes participant, except as provided in division (G) of section 2915.02 of the Revised Code.

(BBB) "Sweepstakes" means any game, contest, advertising scheme or plan, or other promotion where consideration is not required for a person to enter to win or become eligible to receive any prize, the determination of which is based upon chance. "Sweepstakes" does not include bingo as authorized under this chapter, pari-mutuel wagering as authorized by Chapter 3769. of the Revised

Code, lotteries conducted by the state lottery commission as authorized by Chapter 3770. of the Revised Code, and casino gaming as authorized by Chapter 3772. of the Revised Code.

(CCC)

- (1) "Electronic instant bingo" means a form of bingo that consists of an electronic or digital representation of instant bingo in which a participant wins a prize if the participant's electronic instant bingo ticket contains a combination of numbers or symbols that was designated in advance as a winning combination, and to which all of the following apply:
  - (a) Each deal has a predetermined, finite number of winning and losing tickets and a predetermined prize amount and deal structure, provided that there may be multiple winning combinations in each deal and multiple winning tickets.
  - (b) Each electronic instant bingo ticket within a deal has a unique serial number that is not regenerated.
  - (c) Each electronic instant bingo ticket within a deal is sold for the same price.
  - (d) After a participant purchases an electronic instant bingo ticket, the combination of numbers or symbols on the ticket is revealed to the participant.
  - (e) The reveal of numbers or symbols on the ticket may incorporate an entertainment or bonus theme, provided that the reveal does not include spinning reels that resemble a slot machine.
  - (f) The reveal theme, if any, does not require additional consideration or award any prize other than any predetermined prize associated with the electronic instant bingo ticket.
- (2) "Electronic instant bingo" shall not include any of the following:
  - (a) Any game, entertainment, or bonus theme that replicates or simulates any of the following:
    - (i) The gambling games of keno, blackjack, roulette, poker, craps, other casino-style table games;
    - (ii) Horse racing;
    - (iii) Gambling games offered in this state on slot machines or video lottery terminals. As used in this division, "video lottery terminal" has the same meaning as in section 3770.21 of the Revised Code.
  - (b) Any device operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more rotating reels marked into horizontal segments by varying symbols, where the

predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to a rest;

- (c) Any device that includes a coin or token slot, tray, or hopper and the ability to dispense coins, cash, tokens, or anything of value other than a credit ticket voucher.

(DDD) "Electronic instant bingo system" means both of the following:

- (1) A mechanical, electronic, digital, or video device and associated software to which all of the following apply:
  - (a) It is used by not more than one player at a time to play electronic instant bingo on a single screen that is physically connected to the device;
  - (b) It is located on the premises of the principal place of business of a veteran's or fraternal organization that holds a type II or type III bingo license to conduct electronic instant bingo at that location issued under section 2915.08 of the Revised Code.
- (2) Any associated equipment or software used to manage, monitor, or document any aspect of electronic instant bingo.

### **Section 2915.02 (Gambling)**

(A) No person shall do any of the following:

- (1) Engage in bookmaking, or knowingly engage in conduct that facilitates bookmaking;
- (2) Establish, promote, or operate or knowingly engage in conduct that facilitates any game of chance conducted for profit or any scheme of chance;
- (3) Knowingly procure, transmit, exchange, or engage in conduct that facilitates the procurement, transmission, or exchange of information for use in establishing odds or determining winners in connection with bookmaking or with any game of chance conducted for profit or any scheme of chance;
- (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood;
- (5) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility and either:
  - (a) Give to another person any item described in division (VV)(1), (2), (3), or (4) of section 2915.01 of the Revised Code as a prize for playing or participating in a sweepstakes; or



- (b) Give to another person any merchandise prize, or a redeemable voucher for a merchandise prize, the wholesale value of which is in excess of ten dollars and which is awarded as a single entry for playing or participating in a sweepstakes. Redeemable vouchers shall not be redeemable for a merchandise prize that has a wholesale value of more than ten dollars.
- (6) Conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility without first obtaining a current annual "certificate of registration" from the attorney general as required by division (F) of this section;
- (7) With purpose to violate division (A)(1), (2), (3), (4), (5), or (6) of this section, acquire, possess, control, or operate any gambling device.
- (B) For purposes of division (A)(1) of this section, a person facilitates bookmaking if the person in any way knowingly aids an illegal bookmaking operation, including, without limitation, placing a bet with a person engaged in or facilitating illegal bookmaking. For purposes of division (A)(2) of this section, a person facilitates a game of chance conducted for profit or a scheme of chance if the person in any way knowingly aids in the conduct or operation of any such game or scheme, including, without limitation, playing any such game or scheme.
- (C) This section does not prohibit conduct in connection with gambling expressly permitted by law.
- (D) This section does not apply to any of the following:
  - (1) Games of chance, if all of the following apply:
    - (a) The games of chance are not craps for money or roulette for money.
    - (b) The games of chance are conducted by a charitable organization that is, and has received from the internal revenue service a determination letter that is currently in effect, stating that the organization is, exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code.
    - (c) The games of chance are conducted at festivals of the charitable organization that are conducted not more than a total of five days a calendar year, and are conducted on premises owned by the charitable organization for a period of no less than one year immediately preceding the conducting of the games of chance, on premises leased from a governmental unit, or on premises that are leased from a veteran's or fraternal organization and that have been owned by the lessor veteran's or fraternal organization for a period of no less than one year immediately preceding the conducting of the games of chance.

A charitable organization shall not lease premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section if the veteran's or fraternal organization already has leased the premises twelve times

during the preceding year to charitable organizations for that purpose. If a charitable organization leases premises from a veteran's or fraternal organization to conduct a festival described in division (D)(1)(c) of this section, the charitable organization shall not pay a rental rate for the premises per day of the festival that exceeds the rental rate per bingo session that a charitable organization may pay under division (B)(1) of section 2915.09 of the Revised Code when it leases premises from another charitable organization to conduct bingo games.

- (d) All of the money or assets received from the games of chance after deduction only of prizes paid out during the conduct of the games of chance are used by, or given, donated, or otherwise transferred to, any organization that is described in subsection 509(a)(1), 509(a)(2), or 509(a)(3) of the Internal Revenue Code and is either a governmental unit or an organization that is tax exempt under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;
- (e) The games of chance are not conducted during, or within ten hours of, a bingo game conducted for amusement purposes only pursuant to section 2915.12 of the Revised Code.

No person shall receive any commission, wage, salary, reward, tip, donation, gratuity, or other form of compensation, directly or indirectly, for operating or assisting in the operation of any game of chance.

- (2) Any tag fishing tournament operated under a permit issued under section 1533.92 of the Revised Code, as "tag fishing tournament" is defined in section 1531.01 of the Revised Code;
  - (3) Bingo conducted by a charitable organization that holds a license issued under section 2915.08 of the Revised Code.
- (E) Division (D) of this section shall not be construed to authorize the sale, lease, or other temporary or permanent transfer of the right to conduct games of chance, as granted by that division, by any charitable organization that is granted that right.
  - (F) Any person desiring to conduct, or participate in the conduct of, a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility shall first register with the office of the attorney general and obtain an annual certificate of registration by providing a filing fee of two hundred dollars and all information as required by rule adopted under division (H) of this section. Not later than the tenth day of each month, each sweepstakes terminal device operator shall file a sweepstakes terminal device monthly report with the attorney general and provide a filing fee of fifty dollars and all information required by rule adopted under division (H) of this section. All information provided to the attorney general under this division shall be available to law enforcement upon request.
  - (G) A person may apply to the attorney general, on a form prescribed by the attorney general, for a certificate of compliance that the person is not operating a sweepstakes terminal device facility.

The form shall require the person to include the address of the business location where sweepstakes terminal devices will be used and to make the following certifications:

- (1) That the person will not use more than two sweepstakes terminal devices at the business location;
- (2) That the retail value of sweepstakes prizes to be awarded at the business location using sweepstakes terminal devices during a reporting period will be less than three per cent of the gross revenue received at the business location during the reporting period;
- (3) That no other form of gaming except lottery ticket sales as authorized under Chapter 3770. of the Revised Code will be conducted at the business location or in an adjoining area of the business location;
- (4) That any sweepstakes terminal device at the business location will not allow any deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of similar payment to be used, directly or indirectly, to participate in a sweepstakes;
- (5) That notification of any prize will not take place on the same day as a participant's sweepstakes entry; and
- (6) That the person consents to provide any other information to the attorney general as required by rule adopted under division (H) of this section.

The filing fee for a certificate of compliance is two hundred fifty dollars. The attorney general may charge up to an additional two hundred fifty dollars for reasonable expenses resulting from any investigation related to an application for a certificate of compliance.

A certificate of compliance is effective for one year. The certificate holder may reapply for a certificate of compliance. A person issued a certificate of compliance shall file semiannual reports with the attorney general stating the number of sweepstakes terminal devices at the business location and that the retail value of prizes awarded at the business location using sweepstakes terminal devices is less than three per cent of the gross revenue received at the business location.

(H) The attorney general shall adopt rules setting forth:

- (1) The required information to be submitted by persons conducting a sweepstakes with the use of a sweepstakes terminal device at a sweepstakes terminal device facility as described in division (F) of this section; and
- (2) The requirements pertaining to a certificate of compliance under division (G) of this section, which shall provide for a person to file a consolidated application and a consolidated semiannual report if a person has more than one business location.

The attorney general shall issue a certificate of registration or a certificate of compliance to all persons who have successfully satisfied the applicable requirements of this section. The

attorney general shall post online a registry of all properly registered and certified sweepstakes terminal device operators.

- (I) The attorney general may refuse to issue an annual certificate of registration or certificate of compliance to any person or, if one has been issued, the attorney general may revoke a certificate of registration or a certificate of compliance if the applicant has provided any information to the attorney general as part of a registration, certification, monthly report, semiannual report, or any other information that is materially false or misleading, or if the applicant or any officer, partner, or owner of five per cent or more interest in the applicant has violated any provision of this chapter.
- (J) The attorney general may take any necessary and reasonable action to determine a violation of this chapter, including requesting documents and information, performing inspections of premises, or requiring the attendance of any person at an examination under oath.
- (K) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender previously has been convicted of any gambling offense, gambling is a felony of the fifth degree. Notwithstanding this division, failing to file a sweepstakes terminal device monthly report as required by division (F) of this section or the semiannual report required by division (G) of this section is a misdemeanor of the first degree.

**Section 2915.05 (Cheating – corrupting sports)**

- (A) No person, with purpose to defraud or knowing that the person is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of any of the following:
  - (1) The subject of a bet;
  - (2) A contest of knowledge, skill, or endurance that is not an athletic or sporting event;
  - (3) A scheme or game of chance;
  - (4) Bingo.
- (B) No person shall knowingly do any of the following:
  - (1) Offer, give, solicit, or accept anything of value to corrupt the outcome of an athletic or sporting event;
  - (2) Engage in conduct designed to corrupt the outcome of an athletic or sporting event.
- (C)
  - (1) Whoever violates division (A) of this section is guilty of cheating. Except as otherwise provided in this division, cheating is a misdemeanor of the first degree. If the potential gain from the cheating is one thousand dollars or more or if the offender previously has been convicted of any gambling offense or of any theft offense, as defined in section 2913.01 of the Revised Code, cheating is a felony of the fifth degree.

- (2) Whoever violates division (B) of this section is guilty of corrupting sports. Corrupting sports is a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

**Section 3769.0811 (Horse Races Conducted by Agricultural Society)**

- (A)
  - (1) Except as provided in division (A)(2) of this section, horse races that are conducted by a county agricultural society or independent agricultural society in accordance with section 3769.082 of the Revised Code shall be conducted at the fairgrounds of the sponsoring agricultural society or, with the approval of the director of agriculture, at a track designated by the agricultural society in the applicable county. The horse races may be transferred to a suitable track with the approval of the director if the races cannot be contested due to either of the following:
    - (a) Unfavorable weather;
    - (b) Another cause.
  - (2) If the cause specified in division (A)(1)(b) of this section occurs during a state of emergency declared by the governor, or receipt of the director's approval is not practical, the county or independent agricultural society and the Ohio harness horsemen's association may agree to alternate accommodations, including the rescheduling of the dates and location of any horse race. Such an agreement is not subject to the approval of the director.
- (B)
  - (1) Except as provided in division (B)(2) of this section, if the races specified in division (A)(2) of section 3769.082 of the Revised Code cannot be contested by the Ohio expositions commission due to unfavorable weather or other unavoidable cause, the races may be transferred to a suitable track approved by the director of agriculture and the commission.
  - (2) If the unavoidable cause occurs during a state of emergency declared by the governor, or receipt of the director's approval is not practical, the Ohio expositions commission and the Ohio harness horsemen's association may agree to alternative accommodations, including the rescheduling of the dates and location of any horse race. Such an agreement is not subject to the approval of the director.

**Section 3769.082 (Ohio Fairs Fund-Distribution of Funds)**

- (A) There is hereby created in the state treasury the Ohio fairs fund. The director of agriculture shall distribute money in the fund annually, on or before the first day of March, as follows:
  - (1) To each county agricultural society and to each independent agricultural society conducting an annual fair, twelve per cent of the total moneys in the Ohio fairs fund, to be allocated for general operations;

- (2) To the Ohio expositions commission, the sum of one hundred twenty thousand dollars annually, to be divided equally as purse money among four stake races for two-year-old and three-year-old colts and for four stake races for two-year-old and three-year-old fillies at each gait of trotting and pacing; provided, that five thousand dollars and all entry fees shall be added to each race by the Ohio expositions commission.
- (3) To each county agricultural society and each independent agricultural society conducting horse races during its annual fair, the sum of four thousand dollars, to be used as purse money for horse races in accordance with this section, and the additional sum of one thousand dollars to each such county agricultural society and independent agricultural society to be used for race track maintenance and other expenses necessary for the conduct of such horse races or colt stakes.

A grant of four thousand dollars shall be available to each county or independent agricultural society for the conduct of four stake races for two-year-old and three-year-old colts and for four stake races for two-year-old and three-year-old fillies at each gait of trotting and pacing; provided, that at least five hundred dollars shall be added to each race. Exclusive of entrance fees and the excess money provided in division [A][4] of this section from the grant of four thousand dollars for purse money provided in this division, a sum not to exceed three thousand dollars may be used by a society to reach the required purse for each of the eight stake races. Such stake races shall be distributed as evenly as possible throughout the racing season.

- (4) In the event that the money available on the first day of March of any year are less than that required to carry out divisions [A][1], [2], and [3] of this section, the money so available in the Ohio fairs fund shall be prorated equally to the items set forth in such divisions. In the event that the money available on the first day of March of any year are in excess of that required to carry out divisions [A][1], [2], and [3] of this section, such excess shall be distributed equally to those county agricultural societies and independent agricultural societies conducting stake races, such excess to be added to the stake races conducted under division [A][3] of this section. The balance of such excess shall be distributed to provide four per cent of such excess to the Ohio expositions commission to be added to the purses pursuant to division [A][2] of this section, and the balance shall be distributed to the county and independent agricultural societies conducting stake races, such excess to be added to and divided equally among the stake races conducted under division [A][3] of this section.
- (B) County agricultural societies and independent agricultural societies participating under division [A][3] of this section shall, on or before the first day of November in the year immediately preceding the year in which the money are to be distributed, make application for participation in such distribution to the director of agriculture on forms provided by the director.
  - (C) Distribution of money pursuant to division [A][3] of this section shall not be paid to county agricultural societies and independent agricultural societies that conduct on their race courses automobile or motorcycle races during any year for which such distribution is requested, unless such automobile or motorcycle races are not conducted during the days and nights that horse racing is being conducted at such fair.

- (D) All the foals in stake races conducted for two-year-old and three-year-old colts and fillies under this section shall have been sired by a stallion registered with the state racing commission. To be eligible for registration, a stallion shall be one of the following:
- (1) Owned by a resident of Ohio and regularly standing the entire stud season in Ohio;
  - (2) Owned by a resident of a state other than Ohio but regularly standing the entire stud season in Ohio and leased by a resident of Ohio for a term of not less than ten years;
  - (3) Owned jointly by a resident of a state other than Ohio and a resident of Ohio, regularly standing the entire stud season in Ohio, and leased by a resident of Ohio for a term of not less than ten years.

Each race shall be conditioned to admit only registered two-year-old and three-year-old colts and fillies sired by a registered stallion owned or leased and permanently standing for service at and within this state at the time of the foal's conception. All other conditions for the scheduling and conduct of these races shall be approved by the state racing commission. The races shall be scheduled subject to the right of the commission to prevent conflicts in the event of contemporaneous meetings.

Such stake races shall be open for nomination not earlier than the fifteenth day of February in the year the race is to be held. All entrance fees in such events shall be added to the money distributed under this section as purse money.

- (E) The state racing commission shall make unannounced periodic urine, saliva, or blood tests of horses competing in the events raced under this section.
- (F) The director of agricultural shall provide forms for application for distribution under division [A][3] of this section, shall adopt such rules as are necessary for carrying out this section, and may make such investigations as are necessary to determine the validity of any claims and applications for distribution of money under this section.
- (G) Any county agricultural society or independent agricultural society which uses the money distributed under this section for any purpose other than that provided in this section is not eligible to receive distribution from the Ohio fairs fund for a period of two years after such misuse of such money occurs.
- (H) As used in this section, "horse races" and "stake races" include either harness races or running races.

**Section 3769.086 Return money when races or fairs are not conducted.**

- (A) If a county agricultural society or independent agricultural society is unable to conduct races in accordance with section [3769.082](#) of the Revised Code because of unfavorable weather or another cause or if the number of horse races and stake races that are conducted by an agricultural society is fewer than the number that was scheduled to be conducted, the pro rata remainder of the money distributed from the Ohio fairs fund under division (A)(3) of section [3769.082](#) of the Revised Code for each horse race and stake race not conducted shall be returned to the director to be credited to

the fund.

- (B) If a county agricultural society or independent agricultural society is unable to conduct an annual fair, the society shall return the money distributed by the director in accordance with division (A)(1) of section [3769.082](#) of the Revised Code. However, the society may keep such money if the society cancels the annual fair because of unfavorable weather or another cause, provided that the society still conducts live horse racing.
- (C) If the Ohio expositions commission is unable to conduct an annual fair, the commission shall return the money distributed by the director in accordance with division (A)(2) of section [3769.082](#) of the Revised Code. However, the commission may keep such money if the society cancels the annual fair because of unfavorable weather or another cause, provided that the commission still conducts live horse racing.

**Section 5709.10 (Exemption of Public Property)**

Market houses and other houses or halls, public squares, or other public grounds of a municipal corporation or township used exclusively for public purposes or erected by taxation for such purposes, land and multi-level parking structures used exclusively for a public purpose and owned and operated by a municipal corporation under section 717.05 of the Revised Code or by an urban township that has adopted a limited home rule form of government under section 504.02 of the Revised Code that charges no fee for the privilege of parking thereon, property used as a county fairgrounds that is owned by the board of county commissioners or by a county agricultural society, and property of housing authorities created and organized under and for the purposes of sections 3735.27 to 3735.50 of the Revised Code, which property is hereby declared to be public property used exclusively for a public purpose, notwithstanding that parts thereof may be lawfully leased, shall be exempt from taxation.



# **RULES FOR ORGANIZATION AND MANAGEMENT OF COUNTY AND INDEPENDENT AGRICULTURAL SOCIETIES**

## **901-5-01 Definitions**

As used in rules 901-5-01 to 901-5-16 of the Administrative Code:

(A) "Agricultural society" or "society" means a county agricultural society or an independent agricultural society which is organized and operates under the laws of the state of Ohio.

(B) "Department" means the Ohio department of agriculture.

(C) "Director of agriculture" means director of the Ohio department of agriculture.

(D) "District" means the area supporting an independent agricultural society as set forth in the constitution of the society.

## **901-5-03 Requirements for Membership Certificates**

(A) Each society shall:

- (1) Issue each membership certificate in the name of the individual who paid the required annual membership fee and presents proof of identification as described in paragraph (A)(1) of section 3505.18 of the Revised Code;
- (2) Permit only those persons who paid the required annual membership fee and whose signatures appear upon their membership certificates, and presents proof of identification as described in paragraph (A)(1) of section 3505.18 of the Revised Code to:
  - (a) Vote at the annual election of directors of the society; and
  - (b) Hold any office of the society.
- (3) Issue no membership certificate to any entity other than a natural person.
- (4) Vote to approve the dates, times, and locations where memberships may be purchased.
- (5) Post in the annual premium book and/or on the fair's website the dates, times, and locations where memberships may be purchased as approved by the board.
- (6) Verify the purchaser has met the membership requirements upon transfer of the membership certificate.

(B) Membership certificates issued by each agricultural society shall bear:

- (1) The dates (day and year) the membership begins and terminates;
- (2) The name of the society;

- (3) A space for the signature of the purchaser of said membership; and
- (4) Consecutive numbering as required by section 1711.01 of the Revised Code.

#### **901-5-04 Declaration of Candidacy for Society Directors**

- (A) Each candidate for the office of director of a society shall declare his candidacy by filing with the secretary of the society, a petition signed by ten or more members of the agricultural society, at least seven days before the annual election of directors is held. The petition submitted shall state the specific seat for which the candidate is seeking to be elected. Any member who fails to file a petition that includes the specific seat is ineligible for election as a director.
- (B) The secretary of each society shall:
  - (1) Announce the filing requirements for the office of director and information as to how these may be fulfilled:
    - (a) Conspicuously in the annual premium list; and
    - (b) In at least one newspaper of general circulation in the county or district concerned, on the society's website, no earlier than six weeks and no later than three weeks before the annual election of directors.
  - (2) Furnish blank petitions to any member of the society who requests such petitions at any reasonable time;
  - (3) Maintain and post a current list of the society's members in a public place, the society's website, or make a current list available for inspection, at any reasonable time, upon request of any resident of the county or district concerned;
  - (4) Determine the adequacy of the nominating petition filed by a candidate before ordering the name of said candidate printed on the ballots for the election, including a determination that at least ten signatories are members of the society.

#### **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, including verifying the voter's identity; 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 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 the director of agriculture 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.

#### **901-5-06 Reorganization Meeting**

- (A) On or about the thirtieth day of November following the society's annual election of directors, each societies' board of directors shall hold a reorganization meeting at which the oath of office shall be administered to all newly elected directors and the officers of the society shall be elected.
- (B) Each society shall secure a notary public, judge, or mayor to administer the following oath (or affirmation) of office and to induct newly elected directors into office:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, laws of Ohio and regulations of the department of agriculture of Ohio pertaining to agricultural societies, and to the best of my ability perform the duties of the director of the \_\_\_\_\_ Agricultural Society, so help me God."
- (C) If any member of a board of directors of a society misses three consecutive regular meetings, the board may:
  - (1) Declare the position vacant; and
  - (2) Name a successor to said absentee to serve until the next annual election of director, at which time a director shall be elected to serve the unexpired term of said position.

#### **901-5-07 Reporting Society Finances and Hearing Procedures for Withholding Funds by the Department**

- (A) Each agricultural society shall file a financial report, in accordance with section 117.38 of the Revised Code, and forward the report to the depart in the report to the director of agriculture, as required by section [901.06](#) of the Revised Code, on forms provided by the director, and following accounting rules entitled "Financial Reporting and Accounting; County Agricultural Societies and Independent Agricultural Societies" promulgated by the auditor of state pursuant to section [117.20](#) of the Revised Code and adopted by the director of agriculture:

- (1) A summary of the receipts and expenditures of the society during the period covered by the report;
  - (2) Demonstration of compliance with the publishing requirements found in section [1711.05](#), Revised Code;
  - (3) A report of exhibits;
  - (4) A report of the horse racing program, if any, at the fair; and
  - (5) A report of the colt stake races, if any, at the fair;
- (B) Each agricultural society shall submit a copy of the annual premium list for the fair held by the society during the period covered by the report required by section [1711.06](#), Revised Code, with or prior to submission of the report.
- (C) A majority of the board of directors of each agricultural society shall approve, and the secretary or secretary-treasurer of each agricultural society shall sign and swear to the accuracy of the report of the society, before the report is submitted to the director of agriculture.
- (D) Each agricultural society shall make the society's books, accounts, reports, etc., available for inspection by the director of agriculture or his authorized designee.
- (E) If the director determines that an agricultural society has violated any law or rule administered by the department, the director may refuse to issue a certificate to the board of county commissioners or the county auditor, or an order to the auditor of the state, authorizing the payment of county or state funds to the agricultural society.
- (1) If the director finds that the certificate or order for county or state funds should be withheld, the director may, prior to a hearing conducted in accordance with Chapter 119 of the Revised Code, order that the violating agricultural society rectify the society's violation in a manner and time specified in the order. If the society rectifies its violation to the satisfaction of the director within the time set, the director may then issue a certificate or order for the payment of county or state funds.
  - (2) If the director believes the certificate or order for one or more years should not be issued, the director of agriculture shall hold a hearing for such agricultural society in accordance with Chapter 119 of the Ohio Revised Code. The director of agriculture's letter notifying the agricultural society of such a hearing shall state in which year the violation occurred and for which or how many years refusal to issue is contemplated.
  - (3) Following a hearing conducted in accordance with Chapter 119 of the Revised Code the director may:
    - (a) Order the agricultural society to rectify the society's violation in a manner and time specified in the order. If the society rectifies the society's violation to the satisfaction of the director, the director of agriculture may then issue a certificate or order for the payment of county or state funds.

- (b) Refuse to issue certificates or orders for payment of county or state funds for as many years as the director of agriculture deems appropriate. The director of agriculture shall specify in the director of agriculture's order the year for which the director of agriculture will refuse to issue such certificates or orders. If more than one year is specified, the director of agriculture may at any time modify the director of agriculture's order so that the order does not include later years.
- (F) Any citizen may file a sworn complaint with the director of agriculture concerning any agricultural society which operates in the county or district in which the citizen resides. Such complaint shall state:
  - (1) Facts which constitute a violation on the part of the agricultural society of a law or rule administered by the department;
  - (2) The law or rule which the society allegedly violated.
- (G) If the director receives a citizen's complaint, and if the complaint appears to be well-founded, the director of agriculture may conduct an investigation to establish the validity of the complaint. The director of agriculture may hold an informal hearing, and specify the rules under which each such informal hearing is conducted, to allow the complainant to present evidence that the violation the complainant alleges did occur. If the facts found in the complaint do not constitute a violation on the part of the agricultural society of a law or rule administered by the department, the director of agriculture may forward the complaint to an authority with jurisdiction over the matter.

#### **901-5-08 Society Constitution**

- (A) No society may amend the society's constitution or by-laws of the society unless a majority of the membership which votes at the annual election of the board of directors or at the annual meetings of the membership of the society, whichever is specified in the constitution of the society, approves the proposed amendment.
- (B) Amendments to the constitution or by-laws may be proposed by:
  - (1) A majority of the board of directors at a scheduled meeting voting in favor of placing an amendment on the ballot, or;
  - (2) A petition filed with the secretary of the society at least fourteen days prior to the annual election of the board of directors or to the annual meeting of the membership of the society, whichever is specified in the constitution of the society. Any such petition shall:
    - (a) Set forth the proposed amendment; and
    - (b) Bear the signatures and addresses of not less than twenty-five members of the society.
- (C) The directors of a society shall:

- (1) Submit any properly proposed amendment to the membership of the society:
  - (a) At either the annual election or the annual meeting of the membership of the society, whichever is specified in the constitution of the society; and
  - (b) In such a manner that the members may vote on each amendment separately;
- (2) Publish notice of each such amendment and instructions on how to obtain a copy of the proposed amendment in at least one newspaper of general circulation in the county or district concerned, on the society's website, and/or via mail or electronic mail not less than three and not more than ten days before the election or annual meeting at which the amendment will be voted upon.
- (D) Each society shall file with the department of agriculture a copy of the society's constitution and by-laws. Said copies shall be certified to be true and correct by the president and secretary of the society.
- (E) Each society shall file a certified copy of each change in the society's constitution and by-laws with the department within sixty days following the date on which the amendment is effective.

**901-5-09 Payments to the Directors and Officers of the Society**

- (A) If the constitution of the society permits such payments, any society may pay each director of the society, other than a non-voting director, an amount not exceeding forty dollars plus reimbursement on a per mile basis from the director's residence to the meeting place of the board of directors and return for attending up to twelve meetings of said board, each calendar year. The reimbursement per mile shall not exceed the amount set forth in rule 126-1-02 of the Administrative Code.
- (B) The board of directors of a society may pay the actual expenses of any director, and any duly authorized representative of the board, who attends the annual state convention of agricultural societies, the annual meeting required by Section 1711.06 of the Revised Code, and any other event which is designated by the board, if the board:
  - (1) Determines that attendance by the director or authorized representative at the meeting or other event is directly beneficial to the society; and
  - (2) Records such determination and authority for such payment in the minutes of any regular or special meeting of the board.
- (C) Any agricultural society may:
  - (1) During the week of its fair, purchase meals for directors and officers of the society, and for other individuals designated by the board of directors at a regular meeting of the board;

- (2) Compensate such directors, and officers, for meals purchased by the directors and officers.
- (D) The treasurer, secretary, and fair manager may be members of the board of directors of a society. The board of directors may compensate such board members for their services, in addition to the compensation permitted by paragraphs [A], [B] and [C] of this rule, if the society's constitution permits such compensation.
- (E) No society shall employ and compensate any member of the board of directors, other than the treasurer, secretary, or fair manager, of the society for services other than those specified in paragraphs [A], [B] and [C] of this rule, unless:
  - (1) The constitution of the society provides for such employment and compensation;
  - (2) The minutes of a regular or special meeting of the board of directors record authorization for such employment.
- (F) No society shall pay any funds or deliver any property of the society to, or for the individual benefit of, any member of the board of directors, or any other person as a share, gift, or dividend.

The terms "share", "gift", and "dividend" as used in this rule do not mean awards which are advertised in the annual premium list of a fair held by a society.

#### **901-5-10 Authorized Representative to the Annual Meeting with the Director**

Each society is required to send an authorized representative to the annual meeting with the director required by section 1711.06 of the Revised Code, to receive official recognition for the society.

#### **901-5-11 Approval of Fair Dates by the Director**

- (A) Each society shall submit to the director of agriculture, on or before the tenth day of November of each year, a request for approval of the dates on which the society desires to hold the society's next annual fair. The director of agriculture shall base approval or disapproval of each such request upon:
  - (1) Records of dates on which the society has held previous annual fairs;
  - (2) Competition with any fair in any adjoining county for exhibitors or patrons which might arise because of changes from such dates of previous fairs; and
  - (3) Any other pertinent information which is supplied by societies or is otherwise available to the director of agriculture.
- (B) Fair dates considered for approval under paragraph [A] of this rule shall be the opening date of either scheduled activities or the operation of midway, whichever occurs first, to the closing date of either scheduled activities or operation of the midway, whichever occurs last.



- (C) A society may submit to the director of agriculture dates in which the society desires to hold the society's annual fair up to four years in advance. However, the director of agriculture shall only approve fair dates on an annual basis, approving each society's request for approval of the dates on which the society desires to hold the society's next annual fair. Should a society wish to submit future requests for the director of agriculture's future consideration, each request must be submitted individually.
- (D) No preview dates shall be approved by the director.

**901-5-13 Health Requirements for Animals Exhibited on Fair Grounds**

- (A) Each society shall:
  - (1) Have at the society's annual fair, and at any other livestock exhibition which is sponsored by or is under the control of the society, an official veterinarian who has been approved by the director of agriculture for such service;
  - (2) Submit to the director for consideration, the name and address of the veterinarian whom the society proposes to appoint, not less than twenty days before the opening of the fair;
  - (3) Certify the appointment of an approved veterinarian to the director not less than ten days before the opening day of the fair; and
  - (4) Through the official veterinarian enforce the laws of Ohio and the regulations of the department of agriculture which pertain to livestock exhibited at county and independent fairs.
- (B) Each official veterinarian shall:
  - (1) Enforce the laws of Ohio and the regulations of the department of agriculture according to the recommendations of the division of animal health of the department.
  - (2) Inspect the livestock, and any required health certificates for evidence of any contagious or infectious disease;
  - (3) Carry out any recommendations of the division of animal health to protect the health of the livestock exhibited at the fair;
  - (4) Report to the division of animal health any refusal or failure on the part of any exhibitor or of the society to observe or comply with any law or regulation governing the movement or exhibition of livestock;
  - (5) At the close of the fair, make any official report required by the department.

**901-5-15 Prohibition on Use of Society Facilities of Employees to Promote Candidacy of Directors**

- (A) No person shall use society funds, facilities, or employees:

- (1) To promote the candidacy of any member who seeks election or re-election to the board of directors of the society; or
- (2) To influence the votes of members upon any amendment to the constitution or by-laws of a society which is submitted as provided in Rule 901-5-08 of the Administrative Code.

(B) No person employed by a society shall engage in any of the activities specified in this rule.

### **901-5-16 Junior Fair Premiums**

- (A) "Junior fair premiums" as used in the forms for the annual reports of agricultural societies means:
- (1) Money paid by a society as awards to individual members or groups of members, of junior organizations for which the society provides awards in the society's annual premium list;
  - (2) Money expended by a society for ribbons, banners, medals, achievement pins, trophies, or merchandise awarded to such members; and
  - (3) Money expended by a society for trips awarded to junior organization members, or to leaders of such junior organizations.
- (B) To qualify for receipt of any subsidy provided by the General Assembly of Ohio for junior fair premiums a society shall:
- (1) Have awarded premiums as defined in division [A] of this regulation;
  - (2) Prior to December 1 of the year in which such fair was held:
    - (a) Submit to the director of agriculture a statement of the classes for which premiums were awarded to members of junior organizations, the amount of premiums actually paid in each class, and the amounts paid for other expenses made necessary by junior organization activities sponsored by the society; and
    - (b) Certify to the director the total amount paid by the society for premiums for members of junior organizations.

# EXHIBITION OF ANIMALS

## **901:1-18-01 Chapter's application.**

- (A) Animals when moved within or imported into Ohio solely for exhibition purposes shall comply with the requirements of this chapter.
- (B) Animals described in paragraph (A) of this rule who are in compliance with the rules of this chapter are exempt from the other rules governing movement within or importation into Ohio except for the rules governing movement and importation of quarantined animals.
- (C) Animals moved within or imported into Ohio for any purpose in addition to exhibition shall meet all movement and import requirements of Chapter 901:1-17 of the Administrative Code.

## **901:1-18-02 Definitions.**

As used in this chapter:

- (A) "Approved veterinarian" means any licensed and accredited veterinarian approved by the Ohio department of agriculture, or an employee of the Ohio department of agriculture or the United States department of agriculture, animal plant health inspection service, veterinary services.
- (B) "Certificate of veterinary inspection" means a form from the state of origin which has been issued and completed by a licensed and accredited veterinarian attesting to the health status and identification of an animal listed thereon.
- (C) "Contagious or infectious disease" means any disease, including any foreign animal disease, or vector, capable of transmission by any means from a carrier animal to a human or to another animal and includes dangerously contagious or infectious diseases.
- (D) "Department" means the Ohio department of agriculture or its designee.
- (E) "Exhibition" means any public show of animals which is sponsored by or under the control of an Ohio county or independent agricultural society organized under Chapter 1711. of the Revised Code; or the Ohio state fair; or which is assembled for a period which exceeds thirty-six hours or contains animals of origins other than Ohio.
- (F) "Licensed and accredited veterinarian" means a person who is licensed by the state of Ohio to practice veterinary medicine and who is approved by the United States department of agriculture, animal plant health inspection service, veterinary services, to be an accredited veterinarian.

- (G) "Residue" means any poisonous or deleterious pesticide governed by 40 C.F.R. 180 (2017), any poisonous or deleterious substance governed by 21 C.F.R. 109.6 (2017), or any other substance governed by 21 C.F.R. 556 (2017).

**901:1-18-03 Exhibitions: sanitation, inspection and records.**

- (A) Each entity sponsoring an exhibition shall have in attendance an approved veterinarian for the duration of the exhibition.
- (B) Each entity sponsoring an exhibition shall:
- (1) Under the direction of the approved veterinarian, thoroughly clean and disinfect each building, pen, stall, ring, or other enclosure in which animals are to be quartered for exhibition immediately prior to the exhibition;
  - (2) Have the approved veterinarian:
    - (a) Examine the certificate of veterinary inspection when required for an animal brought to the exhibition;
    - (b) Inspect within a reasonable time of arrival each animal brought to the exhibit for symptoms of any infectious or contagious diseases; and
    - (c) Inspect each animal daily that is present at the exhibition for symptoms of infectious or contagious disease.
  - (3) Maintain a record for one year from the date of the exhibition of each animal present at the exhibition. The record shall contain the name and address of the owner of each animal and the species and breed of the animal.
  - (4) Order the immediate removal of any animal which, in the opinion of the approved veterinarian, places other animals at unacceptable risk of disease.
- (C) The department may grant an exemption from paragraph (B)(1) of this rule upon request and for good reason.

**901:1-18-04 Exhibitors.**

- (A) No person shall present for exhibition or exhibit an animal which he knows or has reason to suspect is infected with or has been exposed to a contagious or infectious disease or residue.
- (B) The owner or bailee of an animal with symptoms of an infectious or contagious disease shall immediately remove the animal from the exhibition premises when directed by an exhibition official, the approved veterinarian, or the department.
- (C) Each person who presents an animal for exhibition or exhibits an animal shall present any certificate of veterinary inspection, registration certificates, vaccination certificate, and other documents to exhibition officials, the approved veterinarian, or the department upon request.
- (D) Each person who presents an animal for exhibition or exhibits an animal for which a certificate of veterinary inspection is required by the rules of this Chapter shall forward a copy of the certificate of veterinary inspection to the department.
- (E) Failure to comply with the rules of this chapter may result in the department

**901:1-18-05 Poultry and fowl.**

- (A) All turkeys, chickens and gamebirds moved within or imported into Ohio for exhibition must either:
  - (1) Originate directly from a flock or hatchery which is a participant in the national poultry improvement plan for the eradication of disease and be accompanied by documentary evidence that they meet the requirement of this paragraph;
  - (2) Originate directly from a flock which has had a negative test for pullorum/fowl typhoid disease within twelve months preceding the opening date of exhibition and be accompanied by documentary evidence that they meet the requirement of this paragraph;
  - (3) Have had a negative test for pullorum/fowl typhoid disease, within ninety days, preceding the opening date of the exhibition and be accompanied by documentary evidence that they meet the requirement of this paragraph; or
  - (4) Be tested for pullorum/fowl typhoid disease upon arrival at the exhibition by a tester approved by the Ohio department of agriculture and found negative.

- (B) The rapid whole blood test shall not be used to test turkeys for compliance with the requirements of paragraphs (A)(2), (A)(3) and (A)(4) of this rule.
- (C) Waterfowl, doves and, pigeons are exempt from this rule.

**901:1-18-06 Cattle.**

- (A) Cattle moved within Ohio for exhibition must show no symptoms or evidence of an infectious or contagious disease.
- (B) All cattle imported into Ohio for exhibition must comply with rule 901:1-17-03 of the Administrative Code.

**901:1-18-07 Goats.**

- (A) Goats moved within Ohio for exhibition:
  - (1) The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.
  - (2) All sexually intact animals and any wether eighteen months of age and older must be identified with an official identification as defined in rule 901:1-13-04 of the Administrative Code.
- (B) Goats imported into Ohio for exhibition must comply with rule 901:1-17-06 of the Administrative Code.

**901:1-18-08 Horses, mules, asses, and ponies.**

- (A) Horses, mules, asses, and ponies moved within Ohio for exhibition must show no symptoms or evidence of an infectious or contagious disease. If the animal is twelve months of age or older, the exhibition may require that the animal has been tested and classed negative to an official test for equine infectious anemia within twelve months of the opening date of the exhibition.
- (B) Horses, mules, asses, and ponies imported into Ohio for exhibition shall comply with rule 901:1-17-07 of the Administrative Code.

**901:1-18-09 Sheep.**

- (A) Sheep moved within Ohio for exhibition:

- (1) The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.
- (2) All sexually intact animals and any wether eighteen months of age and older must be identified with an official identification as defined in rule 901:1-13-04 of the Administrative Code.

(B) Sheep imported into Ohio for exhibition must comply with rule 901:1-17-08 of the Administrative Code.

**901:1-18-10 Swine.**

(A) Swine moved within Ohio for exhibition must show no symptoms or evidence of an infectious or contagious disease.

(B) Swine imported into Ohio for exhibition shall comply with rule 901:1-17-09 of the Administrative Code.

**901:1-18-11 Camelids.**

(A) Camelids including, but not limited to, llamas, alpacas and vicuñas moved within Ohio for exhibition purposes must show no symptoms or evidence of an infectious or contagious disease.

(B) Camelids including, but not limited to, llamas, alpacas and vicuñas imported into Ohio for exhibition must comply with rule 901:1-17-15 of the Administrative Code.