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H.B. 507*
134th General Assembly

Bill Analysis

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Version: As Reported by House Agriculture & Conservation

Primary Sponsor: Rep. Koehler

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SUMMARY

Poultry chicks

- Decreases, from six to three, the minimum number of poultry chicks under four weeks old that may be sold, given away, or otherwise distributed in a given lot.

Food safety changes

- Eliminates statutory provisions in the laws governing canning and bottling, cold storage for food, frozen food storage, grading and labeling of produce, labeling and selling of canned fruits and vegetables, and vinegar branding that are duplicative of other state or federal requirements or are outdated.
- For purposes of the laws governing canning and bottling and cold storage for food, redefines “food” to conform with the definition in the Pure Food and Drug Law.
- For purposes of a device used to process apples for use in apple cider, requires the device to be equipped with a means to add a sanitizer to the water used to wash the apples, rather than a means to chlorinate the water as in current law.
- Aligns the hearing requirements under the Food Processing Law with the Administrative Procedure Law.

* This analysis was prepared before the report of the House Agriculture and Conservation Committee appeared in the House Journal. Note that the legislative history may be incomplete.

March 30, 2022

DETAILED ANALYSIS

Poultry chicks

The bill decreases the minimum required lot size applicable to the sale of poultry chicks. Under current law, poultry chicks under four weeks old may be sold, given away, or otherwise distributed only in lots of at least six chicks. The bill reduces this required lot size to three chicks.¹ Generally, poultry are domesticated fowl, including chickens, turkeys, geese, and ducks, raised for the production of meat or eggs.

Food safety changes

Current law establishes various statutory food safety requirements. According to the Department of Agriculture, the provisions discussed below are duplicative of other state or federal requirements or are outdated. Consequently, the bill eliminates or alters these provisions to conform with current standards.

Canning and bottling requirements

The bill eliminates statutory sanitary requirements governing bottling and flavor manufacturing plants, including requirements that specify that these plants must be:

1. Free from contaminated surroundings, well lighted, drained, plumbed, and ventilated;
2. Kept in a sanitary condition;
3. Provided with adequate sanitary toilet facilities; and
4. Equipped with mechanical container-washing apparatus and machinery.

Similar sanitation requirements are established in existing rules adopted by the Director of Agriculture.²

Cold storage for food

For purposes of the provisions governing cold storage of food, the bill does all of the following:

1. Redefines “food” to conform with the definition in the Pure Food and Drug Law, which defines it as articles used for food or drink for humans or animals, chewing gum, and articles used for components of any such articles;
2. Eliminates provisions pertaining to labeling and storage of food stored in cold-storage warehouses (warehouses), including:

¹ R.C. 925.62.

² R.C. 913.04 and 913.28; R.C. 913.27, repealed.

- a. A requirement that a warehouse file with the Director of Agriculture a quarterly itemized report setting forth the kind and quantities of food products held in the warehouse;
- b. A requirement that food deposited in a warehouse bear stamps that indicate the dates of deposit and removal of the food;
- c. A prohibition against selling a container of cold-storage food at wholesale unless the container has a placard on it printed with the words “wholesome cold-storage food”;
- d. A prohibition against selling food from an open container of cold-storage food, including at retail, unless the container includes the placard specified above;
- e. A prohibition against selling whole or partial carcasses of beef, pork, and other meats; fresh fish; eggs; or butter if any of those foods have been kept for more than one year in a warehouse; and
- f. A prohibition against returning food to a warehouse if the food has been withdrawn for the purpose of placing it in the market for sale.

Similar federal labeling and storage requirements are incorporated into Ohio food safety rules adopted by the Director.³

Frozen food storage

For purposes of the provisions governing frozen food storage, the bill does all of the following:

1. Redefines “food” to conform with the definition in the Pure Food and Drug Law, which defines it as articles used for food or drink for humans or animals, chewing gum, and articles used for components of any such articles;
2. Eliminates provisions pertaining to storage of frozen food at an establishment, including:
 - a. A requirement that the establishment include a locker room, chill room, and sharp freezing facility and that the locker room does not exceed +5° F with a tolerance of 5° F higher;
 - b. A prohibition against food that is not for human consumption being stored with food for human consumption, unless inspected by the USDA or the Department of Agriculture; and
 - c. A requirement that every operator of an establishment having frozen food lockers keep an accurate record of the rental period for each locker rented, the charge for the rental, and the payments for the rental.

³ R.C. 915.01 and 915.03; R.C. 915.04 to 915.08, repealed.

Similar labeling and storage requirements for slaughterhouses and frozen food lockers and locker rooms are established in existing rules adopted by the Director of Agriculture for meat inspection. According to the Department, other provisions relating to frozen food locker rooms and lockers that are being eliminated are regulated by local boards of health.⁴

Grading and labeling of produce

The bill eliminates specified provisions governing grading and labeling of fresh fruits and vegetables, including all of the following:

1. A provision that adopts federal grades for fruits and vegetables;
2. A requirement that apples that do not meet grade requirements be labeled with a sign bearing the word "CULLS";
3. A requirement that fresh fruits and vegetables prepackaged in the same store or establishment where sold have a label that contains certain information, including the name and address of the store or establishment, and a requirement that the fruits and vegetables be graded according to federal standards; and
4. A requirement that the Director of Agriculture establish standards and grades for cucumbers for use by all commercial plants when cucumbers for pickling are purchased from growers.

According to the Department of Agriculture, federal law duplicates the provisions governing grading and labeling of fresh fruits and vegetables. USDA currently grades all fresh fruits and vegetables.⁵

Labeling and selling of canned fruit and vegetables

The bill eliminates the following provisions governing the labeling and selling of canned fruits and vegetables:

1. Prohibitions against a dealer in preserved or canned food or a packer or manufacturer of preserved or canned food from offering the food for sale unless the container contains certain information, including the grade or quality of the food and the name and address of the dealer, packer, or manufacturer;
2. A prohibition against falsely labeling cans or jars containing preserved food;
3. A prohibition against selling cans or jars containing preserved food that are falsely stamped or labeled; and
4. A prohibition against the manufacture or sale of "soaked" goods from products dried before canning without the word "soaked" on the label.

⁴ R.C. 915.14 and 915.18; R.C. 915.19 and 915.21, repealed.

⁵ R.C. 925.21; R.C. 925.26 to 925.28, repealed; R.C. 925.52, repealed; R.C. 925.56, repealed; R.C. 925.61, repealed.

The Department of Agriculture's existing food safety rules address the labeling provisions specified above.⁶

Food processing license suspension

The bill includes a reference to an "opportunity for a hearing" to a provision of law governing a hearing for a food processing establishment licensee whose license has been suspended due to a threat to public health. This change makes the reference to a hearing in that law consistent with the Administrative Procedure Law.⁷

Cider manufacturing

For purposes of a device used to process apples for use in apple cider, the bill requires the device to be equipped with a means to add a sanitizer to the water used to wash the apples. Current law requires the device to be equipped with a means to chlorinate the water.⁸

Vinegar branding

The bill eliminates all of the following provisions governing vinegar:

1. A prohibition against manufacturing or selling vinegar with lead, copper, sulphuric or other mineral acid, or other ingredients injurious to health;
2. A requirement that a nondomestic manufacturer of cider vinegar include the name and residence of the manufacturer, the date when manufactured, and the words "cider vinegar" on each cask, barrel, or keg containing the vinegar;
3. A prohibition against branding vinegar as "fruit vinegar" unless it is wholly made from apples, grapes, or other fruits;
4. A requirement that any farmer who annually manufactures for sale more than 25 barrels of pure cider vinegar or fruit vinegar include on each barrel the brand "domestic cider vinegar" along with the name of the farmer and the date of manufacture.

According to the Department, the eliminated provisions are addressed in other provisions of the Pure Food and Drug Law.⁹

⁶ R.C. 3715.14 to 3715.17, repealed; R.C. 3715.18 to 3715.20, repealed; R.C. 3715.99.

⁷ R.C. 3715.041. See also, R.C. Chapter 119.

⁸ R.C. 3715.27

⁹ R.C. 3715.07 and 3715.33; R.C. 3715.34 and 3715.35, repealed; R.C. 3715.36 (renumbered 3715.34); R.C. 3715.37, repealed; R.C. 3715.99.

HISTORY

Action	Date
Introduced	12-08-21
Reported, H. Agriculture & Conservation	---
