

LAWS OF OHIO PERTAINING TO AGRICULTURAL SOCIETIES

Section 121.02 (Department of Agriculture and Director of Agriculture)

The following administrative departments and their respective directors are hereby created:¹

(E) The department of agriculture, which shall be administered by the director of agriculture; The director of each department all exercise the powers and perform the duties vested by law in such department.

Section 755.35 (Joint Use of Fairgrounds)

Any real estate controlled and managed by any agricultural society organized under the laws of this state, whether owned by it or by any county, or owned jointly by it and any county, and which is situated with, adjacent to, or near any municipal corporation and used as a site for fairs, may be jointly used as such for fairs and as a public park of such municipal corporation, although the title thereto remains in such agricultural society or county, or in both.

Section 755.36 (Agreement for Joint Use)

The duration of the joint use of any fairgrounds as provided by section 755.35 of the Revised Code and all the terms for such use shall be such as are agreed upon between the municipal corporation and the agricultural society, or if the county has any interest in such real estate then such agreement shall be made between the municipal corporation and the agricultural society and the county acting through its board of county commissioners.

Section 755.37 (Powers of Municipalities)

A municipal corporation jointly using a fairgrounds as provided in section 755.35 of the Revised Code shall have the same authority to improve, equip, and maintain such fairgrounds as a public park and to do all things necessary for its use and enjoyment as such public park which such municipal corporation has as to parks owned by it in fee.

¹ Paragraphs not directly relevant from Ohio Revised Code Section 121.02 are omitted.

Section 901.06 (Annual Meeting with Agricultural 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 (Representation of 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 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 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 Ohio;
 - (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.
- (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 (Livestock Advisory Committee)

- (A) There is hereby created the advisory committee on livestock exhibitions consisting of not more than twenty members, as follows:
- (1) The director of agriculture, or the director's designee, who may be the chief of the division of fairs;
 - (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 (Adopting Livestock and Food Safety Rules)

- (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 (Inspection and Investigation of Livestock)

- (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 2925.04 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 his 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 or sponsor, 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 for Livestock Exhibitors)

- (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 2925.04 of the Revised Code, or has been found by the director of agriculture to have tampered with or sabotaged an animal;
 - (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. 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 (Exhibiting Qualified Livestock)

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 (Livestock Tampering)

- (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 rule 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 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 (Livestock Tampering Penalties)

- (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 fourth degree on a first offense. On each subsequent offense, the offender is guilty of a felony of the third degree.
- (D) Whoever violates division [B] of section 901.76 of the Revised Code is guilty of a felony of the third degree.

Section 1711.01 (Organization of a County Agricultural Society)

When thirty or more persons who are residents of the same county organize themselves into a county agricultural society which adopts a constitution and bylaws, selects officers, and otherwise conducts its affairs in conformity to law, and to the rules of the department of agriculture, and when such society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code and made proper report to the department, then, upon presentation to the county auditor of a certificate from the director of agriculture that the laws of the state and the rules of the department have been complied with, the auditor of each county in which such a society is organized shall annually draw an order on the county treasurer of such county in favor of the president of such society for the sum of eight hundred dollars, and the treasurer shall pay it. The total amount of such order shall not exceed the amount paid in regular class premiums.

Section 1711.02 (Organization of Independent Agricultural Society)

When thirty or more persons of the same county, or of not more than three contiguous counties, have been organized into an independent agricultural society which has held an annual exhibit in each of three years previous to January 1, 1919, in a county in which is located a county agricultural society, and when such independent society has held an annual exhibition in accordance with sections 1711.04 and 1711.05 of the Revised Code and made proper report to the department of agriculture, when, upon the presentation to the county auditor of a certificate from the director of agriculture that the laws of this state and the rules of the department have been complied with:

- (A) If the members of such independent society are all residents of the same county, the auditor of such county shall draw an order on the county treasurer of such county in favor of the president of the independent society for a sum equal to the amount paid in regular class premiums not exceeding eight hundred dollars, and such treasurer shall pay said order;
- (B) If the members of such independent society are not all residents of the same county, the auditor of each county in which one or more of such members reside shall draw an order on each of the respective county treasurers for a share of the sum of eight hundred dollars, calculated in proportion to the populations of the respective counties, according to the last federal census before such order, but not exceeding the amount paid in regular class premiums, and such treasurers shall pay such orders from the respective county funds.

Section 1711.03 (Junior Club Work)

Upon presentation of a certificate from the board of county commissioners of any county, certifying that any county or independent agricultural society that is then receiving state or county aid has expended a definite sum of money, not less than one hundred dollars, in the furtherance and carrying on of junior club work in the county, the county auditor of such county annually shall draw an order on the county treasurer of such county in favor of said society for an amount equal to the amount so expended in junior club work, if said amount does not exceed five hundred dollars; and in case such amount exceed five hundred dollars, then such order shall be for five hundred dollars. Said treasurer shall pay said order upon presentation thereof.

In any county in which there is no agricultural society, either county or independent, that is then receiving state or county aid, the board of county commissioners of said county may appropriate annually to any such society, either county or independent, located in an adjoining county, a sum not greater than five hundred dollars for the purpose of encouraging junior club work in the county having no such society. Upon certification by the board of county commissioners of the county having no such society to the auditor of the county having no such society that such an appropriation has been made to an agricultural society in an adjoining county, said auditor shall draw an order on the treasurer of the county having no such society in favor of such society in the adjoining county and said treasurer shall pay said order upon presentation thereof.

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 there from.

Section 1711.05 (Publication of Treasurer's Account and Synopsis of Awards)

Every county agricultural society annually shall publish an abstract of its treasurer's account in a newspaper of the county and make a report of its proceedings during the year. It shall also make, in accordance with the rules of the department of agriculture, a synopsis of its awards for improvement in agriculture and in household manufacturers and forward such synopsis 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 901.06 of the Revised Code. No payment after such date shall be made from the county treasurer to such society unless a certificate from the director is presented to the county auditor showing that such reports have been made.

Section 1711.06 (Membership in County Society)

Members of a county agricultural society must be residents of the county in which it is organized. The annual membership fee shall be fixed by each society or its board of directors and paid to its secretary or treasurer as its bylaws direct. A printed certificate of membership shall be issued to each member who pays the required fee, and such certificate shall be issued from a book in which duplicate stubs of the same are properly filled out and preserved. All such certificates shall be numbered consecutively.

No person shall pay for or secure more than one such membership, and that membership shall be for himself. A list of the members of each society shall be kept in the office of the secretary of the society and shall be open to public inspection at all times so as to afford convenient information to any resident of the county.

Section 1711.07 (Board of Directors and Annual Election of County Society)

The board of directors of a county or independent agricultural society shall consist of at least eight members. An employee of the Ohio State University extension service and the county school superintendent shall be members ex officio. Their terms of office shall be determined by the rules of the department of agriculture. Any vacancy of the board caused by death, resignation, refusal to qualify, removal from county, or other cause may be filled by the board until the society's next annual election, when a director shall be elected for the unexpired term. There shall be an annual election of directors by ballot at a time and a place fixed by the board, but this election shall not be held later than the first Saturday in December 1994, and not later than the fifteenth day of November each year thereafter, beginning in 1995. The secretary of the society shall give notice of such election, for three weeks prior to the holding thereof, in at least two newspapers of opposite politics and of general circulation in the county, or by letter mailed to each member of the society. Only persons holding membership certificates at the close of the annual county fair, or at least fifteen calendar days before the date of the election, as may be fixed by the board, may vote, unless such election is held on the fairground during the fair, in which case all persons holding membership certificates on the date and hour of the election may vote. When the election is to be held during the fair, notice of such election must be prominently mentioned in the premium list, in addition to the notice required in newspapers. The term of office of the retiring directors shall expire, and those of the directors-elect shall begin, not later than the first Saturday in January 1995, and not later than the thirtieth day of November each year thereafter, beginning in 1995. The secretary of such society shall send the name and address of each member of its board to the director of agriculture within ten days after the election.

Section 1711.08 (Reorganization Meeting of Officers)

The board of directors of a county or independent agricultural society shall annually meet not later than the first Saturday of January 1995, and beginning in 1995 not later than the thirtieth day of November, and at such meeting shall elect a president, a vice-president, a treasurer, a secretary, and such other officers as it may deem proper. 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 treasurer may or may not 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 of the department of agriculture.

Section 1711.08(1) (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 officers, and persons holding such positions are eligible to hold any public office except for the office of county commissioner. A member of the county budget commission is eligible to be a member of the board of directors of a county or independent agricultural society unless a tax is levied in the county pursuant to section 1711.15 or 1711.17 of the Revised Code.

Section 1711.09 (Activities Forbidden to County Society)

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 thereafter, any dealings 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 fairgrounds; and shall permit no person at any time to operate any side show, amusement game, or device, or offer for sale any novelty by auction or solicitation, on such a fairgrounds who has not first obtained from the director of agriculture such a license as is provided by Section 1711.11 of the Revised Code. 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 thereafter, a charitable organization to conduct in accordance with Chapter 2915 of the Revised Code games of chance, schemes of chance, or bingo on the fairground of any county. A charitable organization may lease all or part the fairground from the agricultural society for that purpose.

Any sales of intoxicating liquor transacted on the fairgrounds shall be subject to Chapters 4301, 4303, and 4399 of the Revised Code.

Any agricultural society that permits the sale of intoxicating liquor on its fairgrounds shall apply any proceeds gained by such society from the permit holder and from activities coincident to the sale of intoxicating liquor first to pay the cost of insurance on all buildings on such fairground, and then for any other purpose authorized by law.

NOTES:

- (1) A lottery is a scheme for the award of a prize by lot or by chance. For a scheme to constitute a lottery three elements must be present: a prize, consideration (something of value put up by a player in order to participate in the scheme) and the element of chance. The element of chance is present if winning of the prize must be determined not by the skill of the player or any known or fixed rules but, by the happening of an event, either in the past or future, which is incapable of ascertainment or accomplishment by the player at the time he enters into the scheme. [Fisher vs. The State of Ohio [14 Ohio App. 355]]
- (2) The 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]
- (3) 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]
- (4) 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. [O.A.G. Opinion No. 3502, Opinions of the Attorney General for 1962, affirmed]

Section 1711.10 (Aid of State May Be 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 1711.12 (Forbidden Activities)

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 any fairground or, within the fairground, engage in any solicitation more than four feet from a concession booth assigned to such person, except 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.

NOTE: (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).

Section 1711.13 (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 a fee simple any real estate purchased by them as sites for their fairs. In addition, they may do either 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 ground, 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) 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 net indebtedness incurred by a county agricultural society pursuant to this division shall not exceed an amount equal to twenty-five percent of its annual revenues.

Section 1711.131 (Use of a Credit Card)

- (A) The board of directors of a county agricultural society or an independent agricultural society may authorize by resolution an officer or employee of the agricultural society to use a credit card held by the board to pay for expenses related to the purposes of the agricultural society. If a board elects to authorize the use of credit card held by the board as described in this section, the board first shall adopt a policy specifying the purposes for which the credit card may be used.
- (B) An officer or employee of an agricultural society who makes unauthorized use of a credit card held by the society's board of directors is personally liable for the unauthorized use. The prosecuting attorney of the appropriate county shall recover the amount of any unauthorized expenses incurred by the officer or employee through the misuse of the credit card in civil action in any court of competent jurisdiction. This section does not limit any other liability of the officer or employee for the unauthorized use of a credit card held by the board of directors.
- (C) An officer or employee who is authorized to use a credit card held by the board of directors of an agricultural society and who suspects loss, theft, or possibility of unauthorized use of the credit card immediately shall notify the board in writing of the suspected loss, theft, or possible unauthorized use. The officer or employee may be held personally liable for not more than fifty dollars in unauthorized debt incurred before the board receives notification.
- (D) The misuse by an officer or employee of an agricultural society of a credit card held by the society board of directors is violation of section 2913.21 of the Revised Code.

Section 1711.14 (Appropriation of Land for Agricultural Fair Purposes)

When it is necessary in the opinion of any county and agricultural society to procure or enlarge any site for the purpose of holding an agricultural fair, proceedings to appropriate may be held 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 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 which have purchased, or leased, for a term of not less than twenty years, real estate as a site on which to hold fairs or in which the title to such site is vested in fee in the county, the board of county commissioners may erect or repair buildings or otherwise improve such 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 general fund such an amount as it deems necessary for any of those purposes.

NOTE:

Funds appropriated by a board of county commissioners pursuant to section 1711.15 of the Ohio Revised Code, for the payment of the indebtedness of an agricultural society cannot, by law, be expended for the payment of the accumulated monthly salary of its secretary, which item is a current operating expense rather than a pre-existing indebtedness. (O.A.G. Opinion No. 65-76)

Section 1711.16 (Expenditure of County Aid to County Society by the 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 or levied a tax for the aid of such 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 said site, to the extent that the payment for said improvement is provided by said board.

When such appropriation is made by the board or when such tax is collected by the county treasurer, 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, and on application of the treasurer of the society, said auditor shall issue his order for the amount of such appropriation or tax to said treasurer of the society, if the society has secured the certificate required under section 1711.05 of the Revised Code, on said treasurer's filing with said auditor a bond in double the amount collected, with good and sufficient sureties approved by said auditor, conditioned for the satisfactory paying over and accounting of such funds for the purposes for which they were provided. Said funds shall remain in the special fund in which they are placed by said auditor until they are applied for by the treasurer of the society and such bond is given, or until they are expended by the board for the purposes for which said fund was created.

If such society ceases to exist or releases said fund as not required for the purposes for which the fund was created, the board may by resolution transfer said fund to the general fund of the county.

Section 1711.17 (County Aid to Independent Society)

- (A) In any counties in which there is a duly organized independent agricultural society, the respective board 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 thereon suitable buildings and otherwise improve the same, and pay the rental thereof, or contribute to or pay any other form of indebtedness of said 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 fund such an amount as they deem necessary for any of said purposes.
- (B) An independent agricultural society may purchase or lease, for term 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 Bonds to Pay Indebtedness 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 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 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 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 arraignments 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 one or more newspaper published in the county once a week for two consecutive weeks, stating the amount of bonds to be issued, the purpose for which they are to be issued, and the time and place of holding such election. Those who vote in favor of the proposition shall be 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 county voting upon the questions 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 not more than six percent interest, 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 (Tax 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 Taxation by a County)

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.

NOTE:

The prosecuting attorney of a county is neither authorized nor required to act as the legal adviser of the directors of the agricultural society of such county and cannot accept employment from said directors. (1915 O.A.G. Opinion No. 700)

Section 1711.22 (Annual Appropriation to County and Independent Societies)

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 more than two thousand dollars nor less than fifteen hundred dollars for the purpose of encouraging agricultural fairs.

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.

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 society that has held an annual exposition in each of three years previous to January 1, 1933, the board shall, on the request of the independent agricultural society, annually appropriate from the general fund not more than two thousand nor less than five hundred dollars for the purpose of encouraging such independent agricultural fairs.

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.

An appropriation so made shall be paid by the county treasurer to the treasurer of the society for whose use it was made, upon an order from the county auditor issued therefore.

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 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 (County Society May Sell, Lease, Purchase or Exchange Sites)

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 Sites)

When the premises in the possession or under the control of a county or independent agricultural society and used by it as a site on which to hold annual exhibitions are greater in size than is necessary for the purposes to which they are devoted, or are not suitable in their formation or character for such purposes, such society, or, if the title to such premises is in the county, the board of county commissioners, may sell any part thereof, or exchange any part thereof for other lands, so as to reduce the size of such premises or change their formation or character.

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 note, 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 of 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 semiannually, shall not be sold at less than their par value, and shall be payable at such place and times in such denominations as the board determines.

Section 1711.29 (Tax 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 thirty 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 or two consecutive weeks in two or more newspapers published in the county, 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 171l.29 of the Revised Code be levied.

Section 171l.31 (Control of Lands When Title Vested in County Commissioners; Disposition of Receipts When Appropriate for Other Purposes)

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 appropriate for another public purpose or sold to an agency which has the power to so appropriate, if such society notified the county commissioners of an intention to proceed under sections 171l.25 to 171l.32, inclusive, of the Revised Code, to replace such property, the money 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 171l 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 171l.32 (Execution of Conveyance of Fairgrounds)

Conveyances of grounds sold under section 171l.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 171l.33 (Encumbering of Fairgrounds Partly Owned by County)

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 encumber such real estate with any debt, by mortgage or otherwise, without the consent of the board, entered upon its journal.

When such consent is obtained the 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 percent 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 appraisement under oath to the board. The appraisement 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 of 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)

Definitions, as used in section 2915.01 to 2915.06 of the Revised Code:

- (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.
- (C) "Scheme of chance" means a lottery, numbers game, pool, or other scheme in which a participant gives a valuable consideration for a chance to win a prize.
- (D) "Game of chance" means poker, craps, roulette, a slot machine, a punch board, or other game in which a player gives anything of value in the hope of gain, the outcome of which is determined largely or wholly by chance.

- (E) "Scheme or game of chance conducted for profit" means any scheme or game of chance designed to produce income for its backer, promoter, or operator, but does not include any scheme or game of chance designed to produce income solely for charitable purposes when the entire net income after deduction of necessary expenses is applied to such purposes.
- (F) "Gambling device" means:
 - (1) A book, totalizer, or other equipment for recording bets;
 - (2) A ticket, token, or other device representing a chance, or evidencing a bet;
 - (3) A deck of cards, dice, gaming table, roulette wheel, slot machine, punch board, 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.
- (G) "Gambling offense" means any of the following:
 - (1) A violation of section 2915.02, 2915.03, 2915.04, 2915.05 or 2915.06 of the Revised Code.
 - (2) A violation of any existing or former municipal ordinance or law of this or any other state or the United States substantially equivalent to any section listed in division [F][1] of this section.
 - (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 [F][1], [2], or [3] of this section.

NOTES:

- (1) 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]
- (2) 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]
- (3) 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]
- (4) 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]

Section 2915.02 (Gambling)

- (A) No person shall do any of the following:
 - (1) Engage in bookmaking, or knowingly engage in conduct which facilitates bookmaking.
 - (2) Establish, promote, or operate or knowingly engage in conduct which facilitates any scheme or game of chance conducted for profit;
 - (3) Knowingly procure, transmit, exchange or engage in conduct which facilitates the procurement, transmission, or exchange of, information for use in establishing odds or

determining winners in connection with bookmaking or with any scheme or game of chance conducted for profit;

- (4) Engage in betting or in playing any scheme or game of chance as a substantial source of income or livelihood.
 - (5) With purpose to violate division [A] [1], [2], [3], or [4] 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 he 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 scheme or game of chance conducted for profit if he in any way knowingly aids the conduct or operation of any such scheme or game, including without limitation playing any such scheme or game.
- (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) Schemes of chance 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 section 501 [c][3] of the Internal Revenue Code, provided that all of the money or assets received from the scheme 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][c] of the Internal Revenue Code and is either governmental unit or an organization that is exempt under the subsection 501 [a] and described in subsection 501 [c][3] of the Internal Revenue Code, and provided that the scheme of chance is 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;
 - (2) Games of chance, if all of the following apply:
 - (a) The games of chance are not craps for money, roulette for money, or slot machines;
 - (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 organization that are conducted either for a period of four consecutive days or less and not more than twice a year or for a period of five consecutive days not more than once a 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 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][2][c] of this section if the veteran's or fraternal organization already has leased the premises four 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][2][c] of this section, the charitable organization shall not pay a rental rate for the premises per day the festival that exceeds the rental per bingo session that a charitable organization may pay under division [A][3] 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 scheme or game of chance.

- (3) Any tag fishing tournament operated under a permit issued under section 1533.92 of the Revised Code, as a "tag fishing tournament" is defined in section 1531.01 of the Revised Code.
- (E) Division [D] if this section shall not be construed to authorize the sale, lease, or other temporary or permanent transfer of the right to conduct schemes of chance or games of chance, as granted by division [D] of this section, by any charitable organization that is granted that right.
- (F) Whoever violates this section is guilty of gambling, a misdemeanor of the first degree. If the offender has previously been convicted of any gambling offense, gambling is a felony of the fourth degree.

Section 2915.05 (Cheating)

- (A) No person, with purpose to defraud or knowing that he is facilitating a fraud, shall engage in conduct designed to corrupt the outcome of:
 - (1) The subject of a bet;
 - (2) A contest of knowledge, skill, speed, strength, or endurance;
 - (3) A scheme or game of chance.
- (B) Whoever violates this section is guilty of cheating, a misdemeanor of the first degree. If the potential gain from cheating is one hundred fifty dollars or more, or if the offender has previously been convicted of any gambling offense or of any theft offense as defined in section 2913.01 of the Revised Code, then cheating is a felony of a fourth degree.

Section 3769.0811 (Harness Racing – Cancelled Races)

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. If the horse races cannot be contested due to unfavorable weather or another cause, the races may be transferred to a suitable track with the approval of the director.

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 created in 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.

Section 3769.082 (Ohio Fairs Fund, Distribution)

- (A) There is hereby created in the state treasury the Ohio fairs fund. Moneys to the credit of the fund shall be distributed by the director of agriculture 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.
If the races in this division cannot be contested 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 Ohio expositions commission.
 - (3) To each county agricultural society and each independent agricultural society conducting horse races during their 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 moneys 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 moneys 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 moneys so available in the Ohio fairs fund shall be prorated equally to the items set forth in such divisions. In the event that the moneys 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 moneys 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 moneys 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 moneys 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 agriculture 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 moneys under this section.
- (G) Any county agricultural society or independent agricultural society which uses the moneys 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 moneys occurs.
- (H) As used in this section, "horse races" and "stake races" include either harness races or running races.

Section 4399.1 (Prohibition of Selling Intoxicating Liquors or Keeping House of Ill Fame at Certain Places)

No person shall sell intoxicating liquors or keep a house of ill fame at or within twelve hundred yards of the administration or main central building of the Columbus state hospital, Dayton state hospital, Athens

state hospital, Toledo state hospital or veteran's children's home, or within two miles of the place at which an agricultural fair is being held or within one mile of a county children's home situated within one mile of a municipal corporation in which the sale of intoxicating liquors is prohibited by ordinance. The place wherein such intoxicating liquors are sold shall be shut up and abated as a nuisance by order of the court upon conviction of its owner or keeper.

Section 5709.10 (County Fairgrounds Exempt from Real Estate Taxes)

Market houses and other houses or hall, 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 multilevel structures used exclusively for a public purpose and owned and operated by a municipal corporation under section 717.05 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 section 3735.27 and 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 department of agriculture pertaining to county and independent agricultural societies, unless the context otherwise requires:

- (A) "Agricultural society" or "society" means a county agricultural society or an independent agricultural society which is organized and is operating under the laws of the state of Ohio;
- (B) "District" means the area supporting an independent agricultural society as set forth in the constitution of the society.

Rule Amplifies: ORC 901.06

901-5-03 Requirements for Membership Certificates

- (A) Each society shall:
 - (1) Issue membership certificates in the name of the individual who paid the required annual membership fee;
 - (2) Permit only those persons who paid the required annual membership fee and whose signatures appear upon their membership certificates to:
 - (a) Vote at the annual election of directors of the society;
 - (b) Hold any office in the society.
 - (3) Issue no membership certificate to any entity other than a natural person.
- (B) Membership certificates issued by each agricultural society shall bear:
 - (1) Dates (day and year) the membership begins and terminates;
 - (2) The name of the society; and
 - (3) A space for the signature of the purchaser of said membership.

Rule Amplifies: ORC 1711.06

901-5-04 Declaration of Candidacy for Society Directors

- (A) Each candidate for the office of directors 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 board position for which the candidate is seeking to be elected. Any member who fails to file a petition that includes the specific board position 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, no earlier than six weeks and no later than two 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 membership of the society in a public place; 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, including a determination that at least ten signatures are members of the society, of the nominating petition filed by a candidate before ordering the name of said candidate printed on the ballots for the election.

Rule Amplifies: ORC 1711.06

901-5-05 Terms of Office for Society Directors and Officers and Conduct of Election

- (A) Each society shall:
 - (1) Annually, not later than the fifteenth day of November, elect - as near as mathematically possible - one-third of its directors, to 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.
 - (2) Provide in the constitution or by-laws for honorary directors with no voting power.
- (C) The president of each society shall appoint three judges and two clerks who are members of the society, but not candidates for election, to conduct the election of directors of the society and to declare the results thereof. 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 date 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 judges of elections.
- (F) Judges of society elections shall:
 - (1) Verify the right of each member to vote before they issue ballots;
 - (2) Permit no member of a society to vote by proxy or by absentee ballot
- (G) The clerks of society elections shall:
 - (1) Register the name of each person who votes and tally the count on poll books and tally sheets supplied by the department of agriculture,
 - (2) Place one copy of said poll book and tally sheet on file with the secretary of the society; and
 - (3) 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 [25] citizens of legal voting age in a county or district may petition the department of agriculture 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 [14] 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 may:
 - (1) Make such investigation as he deems necessary and proper; and
 - (2) Assign one or more representatives of the department to supervise the election of a society.
- (J) In case any 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 amendment, provision or by-law 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.

Rule Amplifies: ORC 1711.07 and ORC 1711.08

901-5-06 Reorganizational Meeting

- (A) On or about the thirtieth day of November following its annual election of directors, each societies' board of directors shall hold a reorganizational 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 of such an absentee vacant;
 - (2) Name a successor to said absentee to serve until the next annual election of directors, at which time a director shall be elected to serve the unexpired term of said absentee.

Rule Amplifies: ORC 1711.07 and ORC 1711.08

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

- (A) Each agricultural society shall include in the report to the director of agriculture required by section 901.06, Revised Code, on forms provided by the director:
 - (1) A summary of the receipts and expenditures of the society during the period covered by the report.
 - (2) A newspaper clipping, properly certified under oath, of the published abstract of its accounts required by section 1711.05, Revised Code.
 - (3) A report of exhibits, premiums paid, and other expenses of the junior fair division.
 - (4) A report of the horse racing program, if any, at said fair.
 - (5) A report of the colt stake races, if any, at said fair.
 - (6) A voided membership ticket for the year of the report.
 - (7) A voided season ticket for the fair if the society uses such tickets.
- (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 901.06, Revised Code, with or prior to submission of said 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 their society, before it is submitted to the director.
- (D) Each agricultural society shall make its books, accounts, reports, etc., available for inspection by the director or any authorized representative of the director.
- (E) If the director determines that an agricultural society has violated any law or regulation administered by the department, he 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 said agricultural society.
 - (1) If the director finds that he should withhold his certificate or order for county or state funds, he may, prior to a hearing conducted in accordance with Chapter 119 of the Revised Code, order that the violating agricultural society rectify its 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 he should refuse to issue his certificate or order for one or more years, he shall hold a hearing for such agricultural society in accordance with Chapter 119 of the Ohio Revised Code. His letter notifying the agricultural society of such a hearing shall state in which year(s) the violation(s) 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 Ohio Revised Code the director may:
 - (a) Order the agricultural society to rectify its violation in a manner and time specified in the order. If the society rectifies its violation to the satisfaction of the director, the director 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 he deems appropriate. He shall specify in his order the year(s) for which he will refuse to issue such certificates or orders. If more than one year is specified, the director may at any time modify his order so that it does not include later years.
- (F) Any citizen may file a sworn complaint with the director concerning any agricultural society which operates in the county or district in which he resides. Such complaint shall state:
 - (1) Facts which constitute a violation on the part of the agricultural society of a law or regulation administered by the department;
 - (2) The law or regulation which the society allegedly violated.
- (G) If the director receives a citizen's complaint, and if it appears to be well founded, he may conduct an investigation to establish the validity of the complaint. The director 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 he alleges did occur.

Rule Amplifies: ORC 901.06 and ORC 1711.05

901-5-08 Society Constitution

- (A) No society may amend the 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 14 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 25 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;
 - (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, not less than three and not

more than ten days before the election or annual meeting at which it will be voted upon.

- (D) Each society shall file with the department of agriculture a copy of its constitution and by-laws. Said copy 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 its constitution and by-laws with the department sixty days following the date on which the amendment is effective.

Rule Amplifies: ORC 1711.02 and ORC 1711.03

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 an ex-officio director, an amount not exceeding thirty 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 received by Ohio Department of Agriculture employees while driving their own vehicles on official business.

NOTATION:

[Effective July 1, 2009, maximum reimbursement \$0.45/mile].

- (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 901.06 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) Compensate such directors, and officers, for meals purchased by the directors and officers.
- (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.

Rule Amplifies: ORC 1711.01 and ORC 1711.02

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 901.06 of the Revised Code, to receive official recognition for the society.

Rule Amplifies: ORC 901.06

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

- (A) Each society shall submit to the director of agriculture, on or before the last day of November of each year, a request for approval of the dates on which the society desires to hold its next annual fair. The director shall base his 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;
 - (3) Any other pertinent information which is supplied by societies or is otherwise available to the director.
- (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) No preview dates shall be approved by the director.

Rule Amplifies: ORC 901.06

901-5-13 Health Requirements for Animals Exhibited on the Fairgrounds

- (A) Each society shall:
 - (1) Have at their 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 his 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;
 - (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 industry of the department.
 - (2) Inspect the livestock, and any required health certificates for evidence of any contagious or infectious diseases;
 - (3) Carry out any recommendations of the division of animal industry to protect the health of the livestock exhibited at the fair;
 - (4) Report to the division of animal industry 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.

Rule Amplifies: ORC 1711.15 and ORC 1711.12

901-5-15 Prohibition of Use of Society Facilities or 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 by regulation 901-5-08.
- (B) No person employed by a society shall engage in any of the activities specified in this rule.

Rule Amplifies: ORC 901.06, ORC 1711.07 and ORC 1711.08

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 its annual premium list;
 - (2) Money expended by a society for ribbons, banners, medals, achievement pins, trophies, or merchandise awarded to such members;
 - (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 1st 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 amount paid for other expenses made necessary by junior organization activities sponsored by the society.
 - (b) Certify to the director the total amount paid by the society for premiums for members of junior organizations.

Rule Amplifies: ORC 1711.13, ORC 1711.04 and ORC 1711.05

INSPECTION AND HEALTH REQUIREMENTS OF LIVESTOCK EXHIBITED IN OHIO

901:1-18-01 Chapter's Application

- (A) Animals listed in this chapter when moved or imported into Ohio for exhibition purposes only shall comply with the requirements of this chapter and when in compliance with the provisions of this chapter shall, with the exception of rules governing movement and importation of quarantined animals, be exempt from any other rules governing movement within or importation into Ohio.
- (B) 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.

Rule Amplifies: ORC 941.10

901:1-18-02 Definitions

As used in this chapter:

- (A) "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.
- (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) "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.
- (D) "Licensed and accredited veterinarian" means a person who is licensed by the state of Ohio to practice veterinary medicine and who is certified by the United

States department of agriculture, animal plant health inspection service, veterinary services, to be an accredited veterinarian.

- (E) "Residue" means any poisonous or deleterious pesticide governed by 40 C.F.R. 180, any poisonous or deleterious substance governed by 21 C.F.R. 109.6, or any other substance governed by 21 C.F.R. 556.
- (F) "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.
- (G) "Tuberculosis accredited free herd" is one that has passed at least two consecutive annual negative official tests for tuberculosis in accordance with the "Uniform Methods and Rules - Bovine Tuberculosis Eradication", and has no other evidence of bovine tuberculosis.

Rule Amplifies: ORC 941.10 and ORC 941.14

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 exhibit.
- (B) Each entity sponsoring an exhibition shall:
 - (1) Immediately, prior to an exhibition and 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;
 - (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;
 - (c) Daily inspect each animal 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 exhibit. The record shall contain the name and address of the owner of each animal and the species and breed of the animal.
 - (4) May order the immediate removal of any animal which in the opinion of the approved veterinarian places other animals at unacceptable risk of disease.
- (C) An exemption from the requirements of paragraph (B)(1) of this rule may be requested from the department and will be granted when, in the judgment of the department, cleaning and disinfection will serve no purpose. By way of example only, cleaning and disinfection will generally serve no purpose in a newly constructed building that has never been occupied.

Rule Amplifies: ORC 941.10

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 affected with or has been exposed to a dangerously contagious or infectious disease or residue.
- (B) The owner or bailee of an animal with symptoms of an infectious or contagious disease shall, when directed by an exhibition official, the approved veterinarian, or an employee of the Ohio department of agriculture, immediately remove the animal from the exhibition premises.
- (C) Upon request, each person who presents for exhibition or exhibits an animal, shall make available any certificate of veterinary inspection, registration certificates, vaccination certificate, and other documents to exhibition officials, the approved veterinarian or an employee of the Ohio department of agriculture.
- (D) Each person who presents for exhibition or exhibits an animal for which a certificate of veterinary inspection is required by rules 901:1-18-01 to 901:1-18-11 of the Administrative Code shall forward a copy of the certificate of veterinary inspection to the Ohio department of agriculture's division of animal industry.

Rule Amplifies: ORC 901.72 and ORC 941.10

901:1-18-05 Poultry and Fowl

- (A) All turkeys, chickens and game-birds moved within or imported into Ohio for exhibition must:
 - (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 requirements of this paragraph; or
 - (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; or
 - (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 paragraph (A)(2),(A)(3) and (A)(4) of this rule.
- (C) Waterfowl, doves and pigeons are exempt from this rule.

Rule Amplifies: ORC 901.72 and ORC 941.10

901:1-18-06 Cattle

- (A) Cattle moved within Ohio for exhibition:
 - (1) The animals presented for exhibition must show no symptoms or evidence

- of an infectious or contagious disease.
- (B) All cattle imported into Ohio for exhibition must:
 - (1) Be accompanied by a certificate of veterinary inspection issued within thirty days preceding the opening date of the exhibition;
 - (2) Originate from a tuberculosis-accredited free herd, an accredited free state or zone, or a modified accredited advanced state or zone;
 - (3) If originate from a modified accredited state or zone must comply with Rule 901:1-17-03 of the Administrative Code;
 - (4) If originate from an accreditation preparatory or a non-accredited state or zone are prohibited from exhibition;
 - (5) If from a brucellosis class A state or area/zone must be negative to an official brucellosis test within thirty days of the opening date of the exhibition unless: they are under six months of age, steers, or official vaccinates under twenty months of age (dairy) or twenty-four months of age (beef); and
 - (6) If from a brucellosis class B or C state or area/zone must meet all requirements for pre-entry testing as specified in 9 C.F.R. 78.9 and obtain an Ohio permit prior to movement.
 - (C) Cattle from a brucellosis certified free herd or class freestate or area/zone are not required to be brucellosis tested.

Rule Amplifies: ORC 901.72 and ORC 941.10

901:1-18-07 Goats

- (A) Goats moved within Ohio for exhibition:

The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.
- (B) Goats imported into Ohio for exhibition:
 - (1) Must be accompanied by a certificate of veterinary inspection issued preceding the opening date of the exhibition;
 - (2) The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease; and
 - (3) The owner and the veterinarian must attest to the following statement written on the certificate of veterinary inspection “the goats in this shipment are not known to be under any movement restrictions because of scrapie.”
 - (4) Originate from a tuberculosis accredited free herd as defined in rule 901-18-02 (G) of the Administrative Code for bovine tuberculosis eradication; or
 - (5) Originate from a bovine accredited free state or zone, or a bovine modified accredited advanced state or zone; or
 - (6) Originate from a bovine modified accredited state or zone must comply with Rule 901:1-17-06 of the Administrative Code.
- (C) If originate from a bovine accreditation preparatory or a bovine non-accredited state or zone are prohibited from exhibition.

Rule Amplifies: ORC 941.06 and ORC 941.10

901:1-18-08 Horses, Mules and Ponies

- (A) Horses, mules and ponies moved within Ohio for exhibition:
 - (1) If not under quarantine and if they are free of any signs of a contagious or infectious disease; and
 - (2) If the animal is twelve months of age or older, the exhibition manager 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 and ponies imported into Ohio for exhibition:
 - (1) Shall be accompanied by an official certificate of veterinary inspection issued within thirty days of the opening date of the exhibition or obtain a permit for extended time granted by the chief of the division of animal industry as authorized in paragraph (C) of rule 901:1-17-01 of the Administrative Code; and
 - (2) If the animal is twelve months of age or older, it shall be accompanied by evidence the animal was negative to an official test for equine infectious anemia within twelve months of the opening date of the exhibition; and
 - (3) Upon request by an authorized representative of the Ohio Department of Agriculture, the person responsible for each animal must make available a chronological list of dates, places and events attended by this animal within thirty days prior to entry into Ohio.

Rule Amplifies: ORC 941.10

901:1-18-09 Sheep

- (A) Sheep moved within Ohio for exhibition:

The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.
- (B) Sheep imported into Ohio for exhibition:
 - (1) Must be accompanied by a certificate of veterinary inspection issued within thirty days preceding the opening date of the exhibition; and
 - (2) The animal presented for exhibition must show no symptoms or evidence of an infectious or contagious disease; and
 - (3) The owner and the veterinarian must attest to the following statement written on the certificate of veterinary inspection “the sheep in this shipment are not known to be under any movement restrictions because of scrapie.”

Rule Amplifies: ORC 941.10

901:1-18-10 Swine

- (A) Swine moved within Ohio for exhibition:
 - (1) The animals presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.

- (2) Will be exempt from the requirement of a certificate of veterinary inspection if they originate immediately and directly from a stage V area.
- (3) Swine originating from a pseudorabies stage IV area shall:
 - (a) Be accompanied by a certificate of veterinary inspection issued within thirty days preceding the opening date of the exhibition; and
 - (b) Originate from a pseudorabies qualified herd; or
 - (c) Be negative to an official pseudorabies test within thirty days of the exhibition.
- (B) Swine imported into Ohio for exhibition:
 - (1) Must be accompanied by a certificate of veterinary inspection issued within thirty days preceding the exhibition opening date; and
 - (a) Originate immediately and directly from a stage V area or from an area or country recognized by United States department of agriculture, animal plant health inspection service, veterinary services as pseudorabies free; or
 - (b) Originate immediately and directly from a pseudorabies stage IV area; and
 - (c) Be negative to an official pseudorabies test within thirty days of the exhibition.

Rule Amplifies: ORC 941.10

901:1-18-11 Camelids

- (A) Camelids including, but not limited to, llamas, alpacas and vicuanas moved within Ohio for exhibition when presented for exhibition must show no symptoms or evidence of an infectious or contagious disease.
- (B) Camelids including, but not limited to, llamas, alpacas and vicuanas imported into Ohio for exhibition:
 - (1) Must be accompanied by a certificate of veterinary inspection issued within thirty days preceding the exhibition opening date.
 - (2) When presented for exhibition must show no symptoms or evidence of contagious disease.

Rule Amplifies: ORC 941.10