

As Introduced

**126th General Assembly
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S. B. No. 73

Senators Hagan, Fedor

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A B I L L

To amend sections 923.45 and 3314.03 and to enact 1
sections 3313.816, 3715.41, and 3715.42 of the 2
Revised Code to establish requirements governing 3
the use of antibiotics in livestock and livestock 4
products and to ban the purchase for school meals 5
of poultry products that have been treated with an 6
antibiotic belonging to the class of 7
fluoroquinolone antibiotics. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 923.45 and 3314.03 be amended and 9
sections 3313.816, 3715.41, and 3715.42 of the Revised Code be 10
enacted to read as follows: 11

Sec. 923.45. (A) The director of agriculture shall publish at 12
least annually in such form as ~~he~~ the director considers proper: 13
14

~~(A)~~(1) Information concerning the sale of commercial feed, 15
including any production and use data ~~he~~ the director considers 16
advisable, provided that the data does not disclose the operation 17
of any manufacturer or distributor; 18

~~(B)~~(2) A comparison of the analyses of official samples of 19
commercial feeds distributed in this state with the guaranteed 20

analyses on the label. 21

(B)(1) A distributor of commercial feed or customer-formula 22
feed shall report to the director, on a form prescribed by the 23
director, all sales by the distributor of feed that contains 24
antibiotics. The report shall include all of the following: 25

(a) The new animal drug application code and identity of each 26
antibiotic, including its generic and trade name; 27

(b) The quantity of the antibiotic-containing feed sold; 28

(c) The percentage of antibiotic per volume of feed; 29

(d) The claimed use, targeted species, and age group for 30
which the antibiotic will be used; 31

(e) Any other information that the director considers 32
necessary. 33

(2) Beginning on January 1, 2006, and annually thereafter, 34
the director shall compile the information that is provided under 35
division (B)(1) of this section and publish notice on the 36
department of agriculture's web site that the information is 37
available. 38

(3) The director may impose fees on distributors of 39
commercial feed and customer-formula feed to pay the costs 40
incurred by the department in collecting, collating, and 41
disseminating information pursuant to division (B) of this 42
section. The fees shall not exceed those costs. 43

Sec. 3313.816. (A) No city, local, exempted village, or joint 44
vocational school district or educational service center shall 45
expend state funds or district or service center revenue to 46
purchase for consumption by students poultry products that have 47
been treated with an antibiotic belonging to the class of 48
fluoroquinolone antibiotics. 49

(B) As used in this section, "poultry product" has the same meaning as in section 918.21 of the Revised Code. 50
51

Sec. 3314.03. A copy of every contract entered into under 52
this section shall be filed with the superintendent of public 53
instruction. 54

(A) Each contract entered into between a sponsor and the 55
governing authority of a community school shall specify the 56
following: 57

(1) That the school shall be established as either of the 58
following: 59

(a) A nonprofit corporation established under Chapter 1702. 60
of the Revised Code, if established prior to April 8, 2003; 61

(b) A public benefit corporation established under Chapter 62
1702. of the Revised Code, if established after April 8, 2003; 63

(2) The education program of the school, including the 64
school's mission, the characteristics of the students the school 65
is expected to attract, the ages and grades of students, and the 66
focus of the curriculum; 67

(3) The academic goals to be achieved and the method of 68
measurement that will be used to determine progress toward those 69
goals, which shall include the statewide achievement tests; 70

(4) Performance standards by which the success of the school 71
will be evaluated by the sponsor; 72

(5) The admission standards of section 3314.06 of the Revised 73
Code; 74

(6)(a) Dismissal procedures; 75

(b) A requirement that the governing authority adopt an 76
attendance policy that includes a procedure for automatically 77
withdrawing a student from the school if the student without a 78

legitimate excuse fails to participate in one hundred five
consecutive hours of the learning opportunities offered to the
student. Such a policy shall provide for withdrawing the student
by the end of the thirtieth day after the student has failed to
participate as required under this division.

(7) The ways by which the school will achieve racial and
ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of
state. The contract shall require financial records of the school
to be maintained in the same manner as are financial records of
school districts, pursuant to rules of the auditor of state, and
the audits shall be conducted in accordance with section 117.10 of
the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that
the school's classroom teachers be licensed in accordance with
sections 3319.22 to 3319.31 of the Revised Code, except that a
community school may engage noncertificated persons to teach up to
twelve hours per week pursuant to section 3319.301 of the Revised
Code;

(11) That the school will comply with the following
requirements:

(a) The school will provide learning opportunities to a
minimum of twenty-five students for a minimum of nine hundred
twenty hours per school year~~+~~.

(b) The governing authority will purchase liability
insurance, or otherwise provide for the potential liability of the
school~~+~~.

(c) The school will be nonsectarian in its programs,
admission policies, employment practices, and all other

operations, and will not be operated by a sectarian school or
religious institution+.

(d) The school will comply with sections 9.90, 9.91, 109.65,
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711,
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643,
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671,
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.816,
3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14,
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52,
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112.,
4123., 4141., and 4167. of the Revised Code as if it were a school
district and will comply with section 3301.0714 of the Revised
Code in the manner specified in section 3314.17 of the Revised
Code+.

(e) The school shall comply with Chapter 102. of the Revised
Code, except that nothing in that chapter shall prohibit a member
of the school's governing board from also being an employee of the
school and nothing in that chapter or section 2921.42 of the
Revised Code shall prohibit a member of the school's governing
board from having an interest in a contract into which the
governing board enters that is not a contract with a for-profit
firm for the operation or management of a school under the
auspices of the governing authority+.

(f) The school will comply with sections 3313.61, 3313.611,
and 3313.614 of the Revised Code, except that the requirement in
sections 3313.61 and 3313.611 of the Revised Code that a person
must successfully complete the curriculum in any high school prior
to receiving a high school diploma may be met by completing the
curriculum adopted by the governing authority of the community
school rather than the curriculum specified in Title XXXIII of the
Revised Code or any rules of the state board of education+.

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general assembly, as amended.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless ~~such~~ the contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year

under section 3314.08 of the Revised Code.	171
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	172 173 174
(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees, provided <u>that</u> the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	175 176 177 178 179 180 181 182 183
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	184 185 186
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in section 3314.06 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	187 188 189 190 191 192
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	193 194
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	195 196
(c) Permit the enrollment of students who reside in any other district in the state.	197 198
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in	199 200

accordance with the provisions of division (C) of section 3314.015	201
of the Revised Code;	202
(21) A provision recognizing the sponsor's authority to	203
assume the operation of a school under the conditions specified in	204
division (B) of section 3314.073 of the Revised Code;	205
(22) A provision recognizing both of the following:	206
(a) The authority of public health and safety officials to	207
inspect the facilities of the school and to order the facilities	208
closed if those officials find that the facilities are not in	209
compliance with health and safety laws and regulations;	210
(b) The authority of the department of education as the	211
community school oversight body to suspend the operation of the	212
school under section 3314.072 of the Revised Code if the	213
department has evidence of conditions or violations of law at the	214
school that pose an imminent danger to the health and safety of	215
the school's students and employees and the sponsor refuses to	216
take such action;	217
(23) A description of the learning opportunities that will be	218
offered to students including both classroom-based and	219
non-classroom-based learning opportunities that is in compliance	220
with criteria for student participation established by the	221
department under division (L)(2) of section 3314.08 of the Revised	222
Code;	223
(24) The school will comply with section 3302.04 of the	224
Revised Code, including division (E) of that section to the extent	225
possible, except that any action required to be taken by a school	226
district pursuant to that section shall be taken by the sponsor of	227
the school. However, the sponsor shall not be required to take any	228
action described in division (F) of that section.	229
(B) The community school shall also submit to the sponsor a	230

comprehensive plan for the school. The plan shall specify the	231
following:	232
(1) The process by which the governing authority of the	233
school will be selected in the future;	234
(2) The management and administration of the school;	235
(3) If the community school is a currently existing public	236
school, alternative arrangements for current public school	237
students who choose not to attend the school and teachers who	238
choose not to teach in the school after conversion;	239
(4) The instructional program and educational philosophy of	240
the school;	241
(5) Internal financial controls.	242
(C) A contract entered into under section 3314.02 of the	243
Revised Code between a sponsor and the governing authority of a	244
community school may provide for the community school governing	245
authority to make payments to the sponsor, which is hereby	246
authorized to receive such payments as set forth in the contract	247
between the governing authority and the sponsor. The total amount	248
of such payments for oversight and monitoring of the school shall	249
not exceed three per cent of the total amount of payments for	250
operating expenses that the school receives from the state.	251
(D) The contract shall specify the duties of the sponsor,	252
which shall be in accordance with the written agreement entered	253
into with the department of education under division (B) of	254
section 3314.015 of the Revised Code and shall include the	255
following:	256
(1) Monitor the community school's compliance with all laws	257
applicable to the school and with the terms of the contract;	258
(2) Monitor and evaluate the academic and fiscal performance	259
and the organization and operation of the community school on at	260

least an annual basis;	261
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;	262 263 264 265
(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	266 267 268
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	269 270 271 272 273 274 275
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	276 277 278
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	279 280 281 282 283 284 285 286 287 288
<u>Sec. 3715.41. (A) A wholesale distributor or terminal distributor of dangerous drugs licensed under Chapter 4729. of the</u>	289 290

Revised Code or a manufacturer of dangerous drugs in this state 291
who directly distributes dangerous drugs to retail sellers in this 292
state shall report to the state board of pharmacy, on a form 293
prescribed by the board, all sales by the distributor or 294
manufacturer of antibiotics for use on livestock in a time and 295
manner chosen by the board. The report shall include all of the 296
following: 297

(1) The identity of each antibiotic, including its generic 298
and trade name; 299

(2) The market status of the antibiotic; 300

(3) The claimed use and targeted species for which the 301
antibiotic will be used; 302

(4) Any other information that the board considers necessary. 303

(B) Beginning on January 1, 2006, and annually thereafter, 304
the board shall compile the information that is provided under 305
division (A) of this section and publish notice on its web site 306
that the information is available. 307

(C) If disclosure of antibiotic sales data, as required under 308
division (A) of this section, by an individual company, firm, or 309
other entity would reveal legitimate confidential business 310
information, the board shall aggregate the data where possible to 311
avoid disclosure of that confidential business information. Any 312
personal identifying information accompanying the antibiotic sales 313
data shall remain confidential. 314

(D) The board may impose fees on wholesale distributors and 315
terminal distributors of dangerous drugs licensed under Chapter 316
4729. of the Revised Code and manufacturers of dangerous drugs to 317
pay the costs incurred by the board in collecting, collating, and 318
disseminating information pursuant to this section. The fees shall 319
not exceed those costs. 320

(E) As used in this section and section 3715.42 of the 321
Revised Code: 322

(1) "Livestock" has the same meaning as in section 901.70 of 323
the Revised Code. 324

(2) "Retail seller" has the same meaning as in section 325
4729.01 of the Revised Code. 326

Sec. 3715.42. (A) A retail seller of dangerous drugs shall 327
report to the state board of pharmacy, on a form prescribed by the 328
board, all sales of oral and injectable antibiotics for livestock. 329
The report shall include all of the following: 330

(1) The new animal drug application code and identity of each 331
antibiotic, including its generic and trade name; 332

(2) The market status of the antibiotic; 333

(3) The dosage and form of the antibiotic; 334

(4) The claimed use, targeted species, and age group for 335
which the antibiotic will be used; 336

(5) Any other information that the board considers necessary. 337

(B) Beginning on January 1, 2006, and annually thereafter, 338
the board shall compile the information that is provided under 339
division (A) of this section and publish notice on its web site 340
that the information is available. 341

(C) The board may impose fees on retail sellers of dangerous 342
drugs that sell oral and injectable antibiotics for livestock to 343
pay the costs incurred by the board in collecting, collating, and 344
disseminating information pursuant to this section. The fees shall 345
not exceed those costs. 346

Section 2. That existing sections 923.45 and 3314.03 of the 347
Revised Code are hereby repealed. 348

Section 3. Section 3314.03 of the Revised Code is presented 349
in this act as a composite of the section as amended by both Am. 350
Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly. 351
The General Assembly, applying the principle stated in division 352
(B) of section 1.52 of the Revised Code that amendments are to be 353
harmonized if reasonably capable of simultaneous operation, finds 354
that the composite is the resulting version of the section in 355
effect prior to the effective date of the section as presented in 356
this act. 357