



Ohio Revised Code

Section 901.43 Administrative rules for rendering laboratory services.

Effective: September 30, 2025

Legislation: House Bill 96 - 136th General Assembly

(A) As used in this section, "certificate of free sale" means a document issued by the director of agriculture that certifies to states and countries receiving the listed product that the product being exported is freely marketed without restriction in the United States.

(B) The director may authorize any department of agriculture laboratory to perform a laboratory service for any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director shall adopt and enforce rules to provide for the rendering of a laboratory service.

(C) The director may charge a reasonable fee for the performance of a laboratory service, except when the service is performed on an official sample taken by the director acting pursuant to Title IX, Chapter 3715., or Chapter 3717. of the Revised Code; by a board of health acting as the licensor of retail food establishments or food service operations under Chapter 3717. of the Revised Code; or by the director of health acting as the licensor of food service operations under Chapter 3717. of the Revised Code. The director of agriculture shall adopt rules specifying what constitutes an official sample.

The director shall publish a list of laboratory services offered, together with the fee for each service.

(D) The director may enter into a contract with any person, organization, political subdivision, state agency, federal agency, or other entity for the provision of a laboratory service.

(E)(1) The director may adopt rules establishing standards for accreditation of laboratories and laboratory services and in doing so may adopt by reference existing or recognized standards or practices.

(2) The director may inspect and accredit laboratories and laboratory services, and may charge a reasonable fee for the inspections and accreditation.

(F)(1) There is hereby created in the state treasury the animal and consumer protection laboratory fund. Moneys from the following sources shall be deposited into the state treasury to the credit of the fund: all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the department and related to the diseases of animals, all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to the diseases of animals,



all moneys collected by the director under this section that are from fees generated by a laboratory service performed by the consumer protection laboratory, all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services not related to weights and measures, money received by the director under sections 947.01 to 947.06 of the Revised Code, and all moneys collected under Chapter 953. of the Revised Code that are not credited to the animal and consumer protection fund created in section 943.26 of the Revised Code. The director may use the moneys held in the fund to pay the expenses necessary to operate the animal industry laboratory and the consumer protection laboratory, including the purchase of supplies and equipment.

(2) All moneys collected by the director under this section that are from fees generated by a laboratory service performed by the weights and measures laboratory, and all moneys so collected that are from fees generated for the inspection and accreditation of laboratories and laboratory services related to weights and measures, shall be deposited in the state treasury to the credit of the weights and measures laboratory fund, which is hereby created in the state treasury. The moneys held in the fund may be used to pay the expenses necessary to operate the division of weights and measures, including the purchase of supplies and equipment.

(G)(1) The director may authorize any department of agriculture division or program to issue a certificate of free sale to any person, organization, political subdivision, state agency, federal agency, or other entity, whether public or private. The director may charge a fee of fifty dollars for issuance of a certificate of free sale. The director shall adopt and enforce rules in accordance with Chapter 119. of the Revised Code to provide for the issuance of the certificates of free sale.

(2) All money collected by the director under this section that is from fees related to the issuance of certificates of free sale shall be credited to the appropriate program fund administered by the department.

(H)(1) Information, reports, and other records furnished, procured, or used in any department of agriculture laboratory to perform a laboratory service is not a public record. Any details that would identify a particular person, business, or premises that submitted a specimen to any such laboratory shall be treated as confidential and shall not be disclosed, unless the director elects to share such information with one of the following:

- (a) A local, state, or federal agency for use in the discharge of such agency's official public duties;
- (b) An institution of higher education.



The director may enter into an agreement with a local, state, or federal agency or with an institution of higher education that requires information shared under division (H)(1) of this section to be kept confidential.

(2) The director may prepare and publish statistical information without disclosing details that would identify a particular person or business client.
