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H.B. 364*
135th General Assembly

Bill Analysis

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Version: As Reported by House Agriculture

Primary Sponsors: Reps. Dobos and Klopfenstein

Jeff Grim, Research Analyst

SUMMARY

- Exempts certain noncommercial seed sharing activities from the laws governing seed labeling, permitting, inspection, advertising, and sales reporting.
- Aligns the list of weeds that must be removed from a toll road, railroad, or electric railway to the list of noxious weeds that must be removed from other roads and road right-of-ways.

DETAILED ANALYSIS

Seed sharing

The bill exempts certain noncommercial seed sharing activities from the laws governing seed labeling, permitting, inspection, advertising, and sales reporting (“seed laws”). Under the bill, “noncommercial seed sharing” means the distribution or transfer of ownership of seeds with no compensation or remuneration. However, “noncommercial seed sharing” does not include the distribution or transfer of seeds if the seeds are (1) given as compensation for work or services rendered, (2) collected outside of Ohio, or (3) patented, treated, or contain noxious weed species or invasive plants.¹

Specifically, the bill exempts from the seed laws, noncommercial seed sharing that supports any of the following activities:

1. Conservation of pollinators and threatened or endangered species;
2. Planting and creation of native plant habitats;

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

¹ R.C. 907.01(OO).

3. Propagation of native plants for their specific conservation; and
4. Operation of a seed library, provided that the seed library ensures that any seeds exchanged among the seed library's members or the general public are open-pollinated, public domain varieties.²

A "seed library" is a nonprofit, governmental, or cooperative organization or association to which both of the following apply:

1. It is established for the purpose of facilitating the donation, exchange, preservation, and dissemination of seeds among the seed library's members or the general public; and
2. The use, exchange, transfer, or possession of seeds acquired by or from the non-profit, governmental, or cooperative organization or association are obtained free of charge.³

Noxious weeds

The bill eliminates certain weeds from the list of weeds that a superintendent or manager of a toll road, railroad, or electric railway must remove within the limits or right-of-way of the toll road or railway. The bill then aligns that list with the list of noxious weeds designated by the Director of Agriculture that must be removed from other roads and road right-of-ways. The weeds removed from the list include common thistle, wild lettuce, wild mustard, ragweed, milkweed, and ironweed. According the Department of Agriculture, the removal of milkweed from the list is important because it is a beneficial plant that is essential for monarch butterfly habitat, and it is no longer a species of concern for agriculture.⁴

HISTORY

| Action | Date |
|--------------------------|----------|
| Introduced | 12-14-23 |
| Reported, H. Agriculture | -- |

ANHB0364RH-135/sb

² R.C. 907.09(A)(4).

³ R.C. 907.01(PP).

⁴ R.C. 4959.11; R.C. 5579.04, not in the bill.