



Ohio Administrative Code

Rule 901:11-1-04 License; registration; license or registration fees; milk inspection fees.

Effective: July 19, 2021

(A) No person located in Ohio shall act as or hold the person's self out as a producer; processor; milk dealer; or raw milk retailer; unless the person holds a valid license or registration issued by the director under section 917.09 of the Revised Code and this rule.

(B) A person whose religion prohibits the person from obtaining a license under this rule, in place of a license, shall register with the director as a producer; processor; milk dealer; raw milk retailer; milk hauler; or weigher, sampler, or tester. The registrant shall submit a religious exemption certificate with the application for each desired registration type. A registrant is subject to all provisions governing licensees such as provisions concerning testing, sampling and inspection of dairy products. A registrant is subject to provisions governing issuance of a temporary weigher, sampler, or tester license. A registration shall be suspended, revoked and canceled under the same terms as a license.

(C) The director shall issue a license or registration for each application upon a determination that the applicant is in compliance with sections 917.01 to 917.23 of the Revised Code and rules adopted thereunder of the Administrative Code.

(D) The director has determined the following categories for each license or registration type to be as follows:

(1) Producer

(a) Grade A bulk milk producer (milking cows)

(b) Grade A can milk producer (milking cows)

(c) Grade A bulk milk producer (milking goats)



- (d) Grade A can milk producer (milking goats)
- (e) Grade A bulk milk producer (milking sheep)
- (f) Grade A can milk producer (milking sheep)
- (g) Manufacture bulk milk producer (milking cows)
- (h) Manufacture can milk producer (milking cows)
- (i) Manufacture bulk milk producer (milking goats)
- (j) Manufacture can milk producer (milking goats)
- (k) Manufacture bulk milk producer (milking sheep)
- (l) Manufacture can milk producer (milking sheep)
- (m) Grade A bulk milk producer (other hooved animals)
- (n) Grade A can milk producer (other hooved animals)
- (o) Manufacture bulk milk producer (other hooved animals)
- (p) Manufacture can milk producer (other hooved animals)
- (2) Processor
 - (a) Grade A fluid milk processor
 - (b) Grade A cultured milk processor
 - (c) Grade A milk receiving station



- (d) Grade A milk transfer station
- (e) Grade A condensed milk products processor
- (f) Grade A dry milk products processor
- (g) Manufacture milk receiving station
- (h) Manufacture milk transfer station
- (i) Butter manufacturer
- (j) Frozen desserts manufacturer
- (k) Natural cheese manufacturer
- (l) Processed cheese manufacturer
- (m) Cottage cheese manufacturer
- (n) Condensed milk products manufacturer
- (o) Dry milk products manufacturer
- (p) Dairy product blender
- (q) Non-standardized dairy product manufacturer
- (r) Milk transport cleaning facility
- (3) Milk dealer



(4) Raw milk retailer

(E) An application shall be submitted for each license type as follows: milk producer; milk processor; milk dealer; and raw milk retailer. A license fee of fifteen dollars shall accompany each license or registration application. After the initial issuance of a license or registration, an application and license fee as set forth in this paragraph shall be submitted when an additional category within the license type is desired. A license or registration shall remain valid unless suspended, revoked or canceled.

(F) An application for a milk dealer license or registration shall be accompanied by evidence of financial responsibility. Upon filing thereof and payment of the prescribed license fee, the director shall issue to the applicant a license or registration.

(G) Licenses or registrations are not transferable with respect to persons or locations.

(H) Licenses or registrations may be canceled by the director if the licensee or registrant:

(1) Makes such a request of the director;

(2) Transfers the licensed or registered activity to another location;

(3) Transfers the licensed or registered activity to another person;

(4) Does not perform the licensed category activity or registered category activity for six months; or,

(5) Expired.

Cancellation of license, registration or category thereunder shall be at no cost to the licensee or registrant.

(I) Milk producers, and milk processors located in Ohio shall pay the milk inspection fees prescribed by the milk sanitation board in accordance with section 917.031 of the Revised Code, in addition to the license or registration fee prescribed by section 917.09 of the Revised Code and this rule.



Inspection fees shall be paid to the treasurer, state of Ohio, within fifteen days after the receipt of the invoice. Failure to pay inspection fees shall be cause for license or registration revocation.

(J) Any license or registration issued under this rule may be denied, suspended, or revoked by the director for violation of sections 917.01 to 917.23 of the Revised Code or rules adopted thereunder of the Administrative Code. Except as provided by section 917.22 of the Revised Code and by this rule, the denial, suspension, or revocation of a license or registration is not effective until notice in writing of the violation has been delivered to the licensee or registrant and a reasonable opportunity for the correction of the violation has been given and a hearing afforded before the director. Upon determination by the director that a dairy product exceeds bacterial or chemical standards established by Chapter 917. of the Revised Code or rules of the Administrative Code adopted thereunder, that a dairy product is adulterated as described in section 3715.59 of the Revised Code, or that an emergency exists that presents a clear and present danger to the public health, the director, in addition to taking any other appropriate legal actions, may order a denial, suspension, or revocation of any license or registration, effective immediately without a hearing, provided that thereafter an opportunity for a hearing shall be afforded without delay.

(K) All proceedings under sections 917.01 to 917.23 of the Revised Code and this chapter are subject to Chapter 119. and section 917.22 of the Revised Code.

(L) When the director determines that a grade A milk producer sold or offered for sale raw milk containing drug residues in excess of levels specified, the grade A milk producer license shall be:

(1) Immediately suspended for a minimum of two days on the first occurrence in a twelve-month period;

(2) Immediately suspended for a minimum of four days on the second occurrence in a twelve-month period; and,

(3) Immediately suspended for a minimum of four days on the third and subsequent occurrences in a twelve-month period, and the director shall initiate administrative procedures to revoke the grade A milk producer license.



(4) Whenever a grade A milk producer license is suspended or revoked for drug residues found in raw milk, in no event shall that grade A milk producer license be reinstated by the director until:

(a) A sample taken from the grade A milk producer's milk is no longer positive for drug residues;

(b) The grade A milk producer has on display in the milkhouse a validation form signed by the grade A milk producer and a licensed veterinarian stating that the "Milk and Dairy Beef Residue Prevention" manual has been reviewed and a valid "Veterinarian Client/Patient Relationship" (VCPR) exists; and,

(c) A copy of the validation form, signed by both the producer and a licensed veterinarian, shall be provided to the director.