

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 444**

**Representative Sweeney**

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**A BILL**

To amend section 3717.45 of the Revised Code to 1  
require a seasonal food service operation 2  
license fee to be one-half of the license fee 3  
for a food service operation that is not a 4  
seasonal food service operation. 5

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

**Section 1.** That section 3717.45 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 3717.45.** (A) A licensor may charge fees for issuing 8  
and renewing food service operation licenses. Any licensing fee 9  
charged shall be used solely for the administration and 10  
enforcement of the provisions of this chapter and the rules 11  
adopted under it applicable to food service operations. 12

If a licensor charges fees for issuing and renewing food 13  
service operation licenses, the licensor shall charge a seasonal 14  
food service operation a fee that is one-half of the fee charged 15  
for a food service operation that is not a seasonal food service 16  
operation. 17

Any licensing fee charged under this section shall be 18  
based on the licensor's costs of regulating food service 19

operations, as determined according to the uniform methodologies 20  
established under section 3717.07 of the Revised Code. If the 21  
licensor is a board of health, a fee may be disapproved by the 22  
district advisory council in the case of a general health 23  
district or the legislative authority of the city in the case of 24  
a city health district. A disapproved fee shall not be charged 25  
by the board of health. 26

Except when a licensing fee is established as an emergency 27  
measure, the licensor shall hold a public hearing regarding the 28  
proposed fee. At least twenty days prior to holding a public 29  
hearing, the licensor shall give written notice of the hearing 30  
to each person or government entity holding a food service 31  
operation license that may be affected by the proposed fee. The 32  
notice shall be mailed to the last known address of the licensee 33  
and shall specify the date, time, and place of the hearing and 34  
the amount of the proposed fee. On request, the licensor shall 35  
provide the completed uniform methodology used in the 36  
calculation of the licensor's costs and the proposed fee. 37

(B) In addition to licensing fees, a licensor may charge 38  
fees for the following: 39

(1) Review of facility layout and equipment specifications 40  
pertaining to food service operations, other than mobile and 41  
temporary food service operations, or similar reviews conducted 42  
for vending machine locations; 43

(2) Any necessary collection and bacteriological 44  
examination of samples from food service operations, or similar 45  
services specified in rules adopted under this chapter by the 46  
director of health; 47

(3) Attendance at a course of study offered by the 48

licensor in food protection as it pertains to food service 49  
operations, if the course is approved under section 3717.09 of 50  
the Revised Code. 51

(C) (1) The director may determine by rule an amount to be 52  
collected from applicants for food service operation licenses 53  
for use in administering and enforcing the provisions of this 54  
chapter and the rules adopted under it applicable to food 55  
service operations. Licensors shall collect the amount prior to 56  
issuing an applicant's new or renewed license. If a licensing 57  
fee is charged under this section, the licensor shall collect 58  
the amount at the same time the fee is collected. Licensors are 59  
not required to provide notice or hold public hearings regarding 60  
amounts to be collected. 61

(2) A licensor shall certify the amount collected under 62  
division (C) (1) of this section and transmit the amount to the 63  
treasurer of state according to the following schedule: 64

(a) For amounts received by the licensor on or after the 65  
first day of January but not later than the thirty-first day of 66  
March, transmit the amounts not later than the fifteenth day of 67  
May; 68

(b) For amounts received by the licensor on or after the 69  
first day of April but not later than the thirtieth day of June, 70  
transmit the amounts not later than the fifteenth day of August; 71

(c) For amounts received by the licensor on or after the 72  
first day of July but not later than the thirtieth day of 73  
September, transmit the amounts not later than the fifteenth day 74  
of November; 75

(d) For amounts received by the licensor on or after the 76  
first day of October but not later than the thirty-first day of 77

December, transmit the amounts not later than the fifteenth day 78  
of February of the following year. 79

(3) All amounts received under division (C)(2) of this 80  
section shall be deposited into the general operations fund 81  
created in section 3701.83 of the Revised Code. The director 82  
shall use the amounts solely for the administration and 83  
enforcement of the provisions of this chapter and the rules 84  
adopted under it applicable to food service operations. 85

**Section 2.** That existing section 3717.45 of the Revised 86  
Code is hereby repealed. 87