

As Introduced

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Representative Hill

**Cosponsors: Representatives Koehler, Seitz, Cera, Duffey, Blessing, DeVitis,
Ryan, Hambley, Carfagna, Brenner, Miller, Kick**

A BILL

To enact section 3717.042 of the Revised Code to 1
require the Director of Agriculture and the 2
Director of Health to adopt rules governing 3
reviews of registered sanitarians and 4
sanitarians-in-training who conduct inspections 5
of retail food establishments and food service 6
operations. 7

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

Section 1. That section 3717.042 of the Revised Code be 8
enacted to read as follows: 9

Sec. 3717.042. (A) As used in this section: 10

(1) "Registered sanitarian" and "sanitarian-in-training" 11
have the same meanings as in section 4736.01 of the Revised 12
Code. 13

(2) "Reviewer" means a person so designated under division 14
(C) of this section. 15

(B) The director of agriculture and the director of health 16

jointly shall adopt rules establishing procedures and 17
requirements governing reviews of inspections conducted by 18
registered sanitarians and sanitarians-in-training of retail 19
food establishments and food service operations under this 20
chapter. The reviews shall be included in surveys of boards of 21
health conducted under section 3717.11 of the Revised Code. 22

The rules shall establish all of the following: 23

(1) A methodology to be used by a reviewer when reviewing 24
an inspection conducted by a registered sanitarian or 25
sanitarian-in-training to determine if the registered sanitarian 26
or sanitarian-in-training properly identified critical 27
violations through application of this chapter and rules adopted 28
under it. The methodology shall require a registered sanitarian 29
or sanitarian-in-training to meet the following standards: 30

(a) If the reviewer documents at least one but not more 31
than five critical violations, the registered sanitarian or 32
sanitarian-in-training shall not fail to identify more than one 33
critical violation documented by the reviewer. 34

(b) If the reviewer documents at least six but not more 35
than ten critical violations, the registered sanitarian or 36
sanitarian-in-training shall not fail to identify more than two 37
critical violations documented by the reviewer. 38

(c) If the reviewer documents more than ten critical 39
violations, the registered sanitarian or sanitarian-in-training 40
shall not fail to identify more than two critical violations 41
documented by the reviewer or more than ten per cent of the 42
critical violations documented by the reviewer, whichever is 43
greater. 44

(2) A definition of "critical violation" for purposes of 45

rules adopted under division (A) (1) of this section. The 46
director of agriculture and the director of health shall adopt 47
rules under division (A) (2) of this section in conjunction with 48
the Ohio environmental health association and the association of 49
Ohio health commissioners. 50

(3) A requirement that a registered sanitarian or 51
sanitarian-in-training verbally identify or document any 52
noncritical violations during an inspection; 53

(4) A requirement that a reviewer document all noncritical 54
violations during an inspection on a form jointly approved by 55
the directors of health and agriculture. The rules shall require 56
the reviewer to compare the noncritical violations documented by 57
the reviewer with the noncritical violations verbally identified 58
or documented by the registered sanitarian or sanitarian-in- 59
training during the inspection. The rules also shall require the 60
reviewer to conduct the comparison immediately after the 61
inspection. 62

(5) A requirement that a reviewer issue a report at the 63
conclusion of an inspection conducted by a registered sanitarian 64
or sanitarian-in-training that identifies violations of this 65
chapter and rules adopted under it that were not identified by 66
the registered sanitarian or sanitarian-in-training; 67

(6) A requirement that the director of agriculture and the 68
director of health jointly develop an annual report that 69
identifies the most common violations of this chapter and rules 70
adopted under it that are not identified by registered 71
sanitarians or sanitarians-in-training during inspections. The 72
rules shall require the directors to provide the report to all 73
of the following: 74

<u>(a) The president of the senate;</u>	75
<u>(b) The speaker of the house of representatives;</u>	76
<u>(c) The Ohio environmental health association;</u>	77
<u>(d) The association of Ohio health commissioners.</u>	78
<u>(C) The director of agriculture or the director of health,</u>	79
<u>as applicable, shall designate registered sanitarians to act as</u>	80
<u>reviewers for purposes of reviews conducted under this section.</u>	81
<u>The director of agriculture or the director of health shall</u>	82
<u>require each such reviewer, independent of any review conducted</u>	83
<u>for training purposes, to have performed a minimum number of</u>	84
<u>inspections prior to conducting reviews under this section,</u>	85
<u>including all of the following types of inspections:</u>	86
<u>(1) Standard inspections designed to determine compliance</u>	87
<u>with this chapter and section 3715.551 of the Revised Code and</u>	88
<u>rules adopted under them;</u>	89
<u>(2) Critical control point inspections designed to</u>	90
<u>identify and prevent food handling procedures that</u>	91
<u>epidemiological data have shown lead to outbreaks of foodborne</u>	92
<u>illness;</u>	93
<u>(3) Process review inspections made to determine if a</u>	94
<u>processing procedure is in compliance with this chapter and</u>	95
<u>rules adopted under it.</u>	96
<u>(D) Notwithstanding rules adopted under divisions (B) (3),</u>	97
<u>(4), and (5) of this section, the director of agriculture or the</u>	98
<u>director of health shall not use the identification of</u>	99
<u>noncritical violations for purposes of evaluating a registered</u>	100
<u>sanitarian or sanitarian-in-training under this section.</u>	101
<u>(E) The rules adopted under division (B) of this section</u>	102

<u>do not apply to a registered sanitarian or sanitarian-in-</u>	103
<u>training that does any of the following:</u>	104
<u>(1) Annually conducts five or fewer standard inspections</u>	105
<u>to determine compliance with this chapter and section 3715.551</u>	106
<u>of the Revised Code and rules adopted under them;</u>	107
<u>(2) Solely and exclusively inspects vending food service</u>	108
<u>operations, temporary food service operations, or temporary</u>	109
<u>retail food establishments.</u>	110