As Introduced

131st General Assembly Regular Session 2015-2016

H. B. No. 551

Representative Hill

Cosponsors: Representatives Maag, Gonzales, Blessing, Buchy, Brenner

A BILL

То	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

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<u>director of agriculture and the director of health shall adopt</u>	47
rules under division (A)(2) of this section in conjunction with	48
the Ohio environmental health association and the association of	4.9
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
(a) The president of the senate;	75

(b) The speaker of the house of representatives;	76
(c) The Ohio environmental health association;	77
(d) The association of Ohio health commissioners.	78
(C) The director of agriculture or the director of health,	79
as applicable, shall designate registered sanitarians to act as	80
reviewers for purposes of reviews conducted under this section.	81
The director of agriculture or the director of health shall	82
require each such reviewer, independent of any review conducted	83
for training purposes, to have performed a minimum number of	84
inspections prior to conducting reviews under this section,	85
including all of the following types of inspections:	86
(1) Standard inspections designed to determine compliance	87
with this chapter and section 3715.551 of the Revised Code and	88
rules adopted under them;	89
(2) Critical control point inspections designed to	90
identify and prevent food handling procedures that	
epidemiological data have shown lead to outbreaks of foodborne	
illness;	93
(3) Process review inspections made to determine if a	94
processing procedure is in compliance with this chapter and	95
rules adopted under it.	96
(D) Notwithstanding rules adopted under divisions (B) (3),	97
(4), and (5) of this section, the director of agriculture or the	98
director of health shall not use the identification of	99
noncritical violations for purposes of evaluating a registered	100
sanitarian or sanitarian-in-training under this section.	101
(E) The rules adopted under division (B) of this section	102
do not apply to a registered sanitarian or sanitarian-in-	103

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training that does any of the following:	104
(1) Annually conducts five or fewer standard inspections	105
to determine compliance with this chapter and section 3715.551	106
of the Revised Code and rules adopted under them;	107
(2) Solely and exclusively inspects vending food service	108
operations, temporary food service operations, or temporary	109
retail food establishments.	110