

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 224**

**Representative Ingram**

**Cosponsors: Representatives Becker, Boccieri, Boggs, Carfagna, Dean, Galonski,  
Goodman, Holmes, Howse, Kent, Lepore-Hagan, Patterson, Ramos, Reece,  
Reineke, Riedel, Seitz, Sheehy, Stein, West**

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**A BILL**

To enact section 3313.818 of the Revised Code to 1  
permit districts and schools to re-serve time- 2  
and temperature-controlled food items to 3  
students if items are unused and returned 4  
unopened, undamaged, and in the original 5  
packaging. 6

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

**Section 1.** That section 3313.818 of the Revised Code be 7  
enacted to read as follows: 8

**Sec. 3313.818.** (A) As used in this section: 9

(1) "School food service program" means a school food 10  
service program operated under section 3313.81 or 3313.813 of 11  
the Revised Code. 12

(2) "Time- and temperature-controlled food item" means a 13  
food item that, pursuant to the food and drug administration's 14  
model food code, must be refrigerated when stored and served at 15  
or below forty-one degrees fahrenheit. This shall include 16

cartons of milk and other packaged dairy products. 17

(B) Notwithstanding anything to the contrary in the 18  
Revised Code, any school district or school operating a school 19  
food service program may re-serve time- and temperature- 20  
controlled food items that were served or sold to a student, but 21  
were not used or opened. In order for a time- and temperature- 22  
controlled food item to be re-served, all of the following 23  
criteria shall be met: 24

(1) The food item must have been originally served in a 25  
sealed package. 26

(2) The food item must be unused and returned unopened, 27  
undamaged, and in the original packaging. 28

(3) The food item must be returned to an employee of the 29  
school, or a designated area monitored by an employee of the 30  
school, prior to when the student to which the food item was 31  
originally served leaves the area used to serve students meals. 32

(C) The department of health, in consultation with the 33  
state board of education, shall adopt rules for the 34  
administration of this section. The department of health shall 35  
modify any existing rules that prohibit the re-serving of time- 36  
and temperature-controlled food items in schools to comply with 37  
this section. 38