

As Reported by the House State and Local Government Committee

132nd General Assembly

Regular Session

2017-2018

Sub. H. B. No. 65

Representative Hill

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

A BILL

To amend sections 3717.33 and 3717.52 of the 1
Revised Code to require the Director of 2
Agriculture and the Director of Health to adopt 3
rules governing the assessment of registered 4
sanitarians and sanitarians-in-training who 5
conduct inspections of retail food 6
establishments and food service operations. 7

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

Section 1. That sections 3717.33 and 3717.52 of the 8
Revised Code be amended to read as follows: 9

Sec. 3717.33. Pursuant to section 3717.04 of the Revised 10
Code, the director of agriculture shall adopt rules regarding 11
the following: 12

(A) Licensing categories for retail food establishments 13
and licensing requirements for each category, including 14
appropriate practices for the activities performed by a retail 15
food establishment; 16

(B) Standards for collection of food samples from retail 17

food establishments for purposes of identifying adulteration and	18
misbranding;	19
(C) Records to be generated and maintained by licensed	20
retail food establishments;	21
(D) Appeals of proposed suspensions and revocations of	22
retail food establishment licenses and appeals of suspensions of	23
licenses issued for violations presenting a clear and present	24
danger to the public health;	25
(E) Standards and procedures, including a schedule of	26
frequency, for conducting inspections of retail food	27
establishments;	28
(F) Standards and procedures for determining during an	29
inspection whether articles should be removed from use because	30
of a clear and present danger to the public health;	31
(G) Standards and procedures for conducting investigations	32
of complaints pertaining to retail food establishments;	33
(H) Surveys conducted by the director to determine whether	34
boards of health are qualified and have the capacity to	35
administer and enforce the provisions of this chapter and the	36
rules adopted under it applicable to retail food establishments	37
and to abide by the Ohio uniform food safety code 7 . <u>The rules</u>	38
<u>shall require, as part of a survey, both of the following:</u>	39
<u>(1) The director to evaluate whether an individual</u>	40
<u>registered as a sanitarian or sanitarian-in-training under</u>	41
<u>Chapter 4736. of the Revised Code who is employed by or has</u>	42
<u>contracted with a board of health to enforce this chapter as it</u>	43
<u>relates to retail food establishments has sufficient knowledge</u>	44
<u>of the provisions of this chapter, rules adopted under it, and</u>	45
<u>of the Ohio uniform food safety code to conduct such</u>	46

<u>enforcement;</u>	47
<u>(2) The director to evaluate an individual under division</u>	48
<u>(H)(1) of this section solely through the use of an objective</u>	49
<u>written or electronic assessment that complies with all of the</u>	50
<u>following:</u>	51
<u>(a) It is developed by the director and representatives</u>	52
<u>from the Ohio environmental health association and the</u>	53
<u>association of Ohio health commissioners.</u>	54
<u>(b) It does not exceed fifty questions in length.</u>	55
<u>(c) In order to pass the assessment, the individual must</u>	56
<u>correctly answer eighty per cent or more of the questions in the</u>	57
<u>assessment.</u>	58
<u>(d) The individual is allowed to review the Ohio uniform</u>	59
<u>food safety code during the assessment.</u>	60
(I) Reinstatement of a board of health as a licenser after	61
the director has revoked the approval of the board;	62
(J) Procedures for resolving disputes between licensers	63
and the holders of licenses for retail food establishments;	64
(K) Procedures for providing enforcement support to a	65
board of health requesting assistance in the prosecution of a	66
person for a violation of the provisions of this chapter	67
applicable to retail food establishments;	68
(L) Any other matter the director considers relevant to	69
the administration and enforcement of the provisions of this	70
chapter applicable to retail food establishments.	71
Sec. 3717.52. Pursuant to section 3717.04 of the Revised	72
Code, the director of health shall adopt rules establishing	73

procedures for the following:	74
(A) Appeals of proposed suspension or revocation of food service operation licenses and appeals of suspension of licenses issued for violations presenting immediate danger to the public health;	75 76 77 78
(B) Surveys conducted by the director to determine whether boards of health are qualified and have the capacity to administer and enforce the provisions of this chapter and the rules adopted under it applicable to food service operations and to abide by the Ohio uniform food safety code r . <u>The rules shall require, as part of a survey, both of the following:</u>	79 80 81 82 83 84
<u>(1) The director to evaluate whether an individual registered as a sanitarian or sanitarian-in-training under Chapter 4736. of the Revised Code who is employed by or has contracted with a board of health to enforce this chapter as it relates to food service operations has sufficient knowledge of the provisions of this chapter, rules adopted under it, and of the Ohio uniform food safety code to conduct such enforcement;</u>	85 86 87 88 89 90 91
<u>(2) The director to evaluate an individual under division (B)(1) of this section solely through the use of an objective written or electronic assessment that complies with all of the following:</u>	92 93 94 95
<u>(a) It is developed by the director and representatives from the Ohio environmental health association and the association of Ohio health commissioners.</u>	96 97 98
<u>(b) It does not exceed fifty questions in length.</u>	99
<u>(c) In order to pass the assessment, the individual must correctly answer eighty per cent or more of the questions in the assessment.</u>	100 101 102

<u>(d) The individual is allowed to review the Ohio uniform</u>	103
<u>food safety code during the assessment.</u>	104
(C) Reinstatement of a board of health as a licenser after	105
the director has revoked the approval of the board;	106
(D) Procedures for providing enforcement support to a	107
board of health requesting assistance in the prosecution of a	108
person for a violation of the provisions of this chapter	109
applicable to food service operations;	110
(E) Procedures for resolving disputes between licensors	111
and the holders of licenses for food service operations.	112
Section 2. That existing sections 3717.33 and 3717.52 of	113
the Revised Code are hereby repealed.	114