(122nd General Assembly)
(Amended Substitute House Bill Number 113)

AN ACT

To amend sections 911.01 and 3732.07 and to enact section 911.011 of the Revised Code to require that a bakery that is an integrated portion of an establishment licensed as a food service operation be regulated only under the law governing food service operations, rather than being regulated concurrently under the law governing bakeries, and to create the Food Safety Council.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 911.01 and 3732.07 be amended and section 911.011 of the Revised Code be enacted to read as follows:

Sec. 911.01. ~~As~~ (A) Except as provided in division (B) of this section, "bakery," as used in sections 911.01 to 911.20 of the Revised Code, ~~"bakery"~~ means a building or part of a building wherein is carried on the production, preparation, packing, storing, display, or sale of bread, stuffed breads, cake, pies, cookies, crackers, doughnuts, noodles, waffle cones, pizza crusts for resale, or other bakery products, whether frozen, fried, deep fried, or partially or completely baked, including any separate room used for the convenience or accommodation of the workers. Sections 911.02, 911.04, 911.11, 911.12, 911.13, and 911.15 of the Revised Code do not apply to retail stores where bakery products are sold but not produced.

(B) "Bakery" does not mean a food service operation licensed under section 3732.03 Of the Revised Code that includes the preparation or serving of bakery products.

Sec. 911.011. (A) The preparation and serving of bakery products by a food service operation licensed under section 3732.03 Of the Revised Code shall be regulated under Chapter 3732. Of the Revised Code and not under this chapter.

(B) A BAKERY SHALL BE REGULATED UNDER THIS CHAPTER AND NOT UNDER CHAPTER 3732. OF THE REVISED CODE WHEN EITHER OF THE FOLLOWING APPLIES:

(1) THE BAKERY ONLY SERVES BAKERY PRODUCTS ON ITS

PREMISES;

(2) THE BAKERY SERVES BAKERY PRODUCTS FOR CONSUMPTION ON ITS PREMISES AND ALSO SERVES FROZEN DESSERTS, BEVERAGES, NUTS, POPCORN, CANDY, OR SIMILAR CONFECTIONS, DAIRY PRODUCTS, OR ANY COMBINATION OF THOSE ITEMS FOR CONSUMPTION ON ITS PREMISES.

Sec. 3732.07. (A) A licensee whose principal business is a food service operation that includes the preparation of bakery products identified in section 911.01 Of the Revised Code or the preparation and complete baking of pizza is not required to register the operation as a bakery under section 911.02 of the Revised Code.

(B) A licensee whose principal business is a food service operation that includes the sale of frozen desserts is not required to obtain a license under section 3717.52 of the Revised Code for the sale and manufacture of frozen desserts.

SECTION 2. That existing sections 911.01 and 3732.07 of the Revised Code are hereby repealed.

SECTION 3. (A) There is hereby created the Food Safety Council consisting of the Director of Agriculture, or the Director of Agriculture's designee, the Director of Health, or the Director of Health's designee, and, except as provided in division (B) of this section, eight members appointed jointly by the Director of Agriculture and the Director of Health as follows:

(1) Two representatives of the food service industry appointed from among restaurant operators, mobile food service operators, vending machine location operators, fast-food restaurant operators, and institutional food service operators;

(2) Two representatives of retail food establishments appointed from among retail merchants, bakers, and grocers;

(3) Two representatives of a health commissioner association, one of whom is a representative of urban areas of this state and one of whom is a representative of rural areas of this state;

(4) One representative of an environmental health association who shall be a sanitarian registered pursuant to Chapter 4736. of the Revised Code;

(5) One representative of consumers who is not employed by the state or any of its subdivisions and who does not have a pecuniary interest in a food service operation or a food establishment.

(B) Within thirty days after the effective date of this section, the

Director of Health and the Director of Agriculture shall make their appointments to the Council. If the Director of Agriculture and the Director of Health fail to make their appointments within thirty days after the effective date of this section, the appointments required in division (A) of this section shall be made jointly by the Speaker of the House of Representatives and the President of the Senate.

The Director of Health and the Director of Agriculture, or their designees, shall serve as co-chairpersons of the Council. The Council members shall meet, organize, and begin their work. Vacancies occurring on the Council shall be filled in the same manner as the initial appointments.

Six members of the Council constitute a quorum and seven votes are necessary to validate an action.

(C) The Council shall study the inspection and licensing requirements in the Revised Code and make recommendations for eliminating duplicative or concurrent inspections and licensing of retail food establishments and food service operations. The Council also shall study and make recommendations for the establishment of statewide uniform standards for food safety and sanitation for retail food establishments and food service operations. In making its recommendations, the Council shall consider whether one agency should be designated, where appropriate, to enforce any statewide uniform standards that are adopted.

(D) The Council shall issue a report of its findings and any recommendations on the issues it studied pursuant to division (C) of this section to the President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, and Minority Leader of the House of Representatives within one hundred twenty days after the date of its initial organizational meeting. The Council shall cease to exist six months after the issuance of its report.

(E) Members of the Council shall serve without compensation.

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Speaker _____ of the House of Representatives.

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President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

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Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

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Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ____ day of _____, A. D. 20____.

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Secretary of State.

File No. _____ Effective Date _____