

OPPONENT TESTIMONY ON HOUSE BILL 134

Presented to: The Ohio House Agriculture Committee

Date: November 4, 2025

Bill Title: House Bill 134 – To Create the “Microenterprise Home Kitchen Operation” (MEHKO) Category

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Organization: Cuyahoga County Board of Health (CCBH)

Position: Opponent

Chair Roy Klopfenstein, Vice Chair Johnathan Newman, Ranking Member Joseph A. Miller III, and Members of the Committee:

Thank you for the opportunity to provide written opponent testimony on House Bill 134. The Cuyahoga County Board of Health (CCBH) has one of the largest food protection programs in the State of Ohio. CCBH oversees approximately 5,000 retail food establishments and food services, providing guidance, regulation, and resources to promote safe food handling practices. In our roles as supervisors at CCBH, we oversee the agency’s food protection program and are responsible for enforcing Ohio’s food safety laws. Our work also involves educating food service operators on safe food handling and training CCBH staff on food inspection practices. It is because of this experience that we feel strongly about the risks posed by HB 134. While we support small-business entrepreneurship and opportunities for Ohioans to produce and sell local foods, HB 134 does not create a safe system for small businesses to prepare food. The bill creates a new category of Microenterprise Home Kitchen Operations (MEHKO) that would operate outside the proven protections of the Ohio Uniform Food Safety Code (OUFSC). In doing so, it undermines decades of science-based food safety standards designed to protect consumers and ensure a level playing field for legitimate food businesses.

1. HB 134 Weakens the Ohio Uniform Food Safety Code

The OUFSC is built on nationally recognized standards for preventing foodborne illness; it is modeled on the FDA food code. It requires cleanable surfaces, separate sinks, temperature control, and regular inspection by trained environmental health specialists. Under HB 134, home kitchens—not intended or designed for commercial use—could produce and sell potentially hazardous foods without meeting those same standards. This fundamentally lowers Ohio’s food safety bar and opens the door to contamination risks that licensed establishments are required to prevent.

2. Lack of Routine Inspection and Oversight

HB 134 removes most of the steps that serve to protect consumers from unsafe food. Proper planning and design of food facilities along with education and routine inspections are the backbone of Ohio’s success in controlling foodborne illness. HB 134 has no provisions for a plan review process or ensuring foods are from approved sources, and it limits inspections to one per year, assuming the homeowner will even allow an inspection to be conducted. If the homeowner does not consent to an inspection, HB 134 requires an inspector to obtain a search warrant. This will prevent inspectors from reacting to an imminent public health risk. Furthermore, tasking the Ohio Dept. of Agriculture (ODA) with this oversight will only limit their time and ability to provide the food safety expertise to other food manufactures, local health departments, and industry stakeholders. Weakening that oversight increases the public health risk for consumers.



3. Increased Risk of Foodborne Illness

Licensed restaurants invest heavily in proper facilities, equipment, training, and inspections to comply with the OUFSC. The food products (meat, poultry, seafood, and dairy products) that this bill allows have a known risk that require multiple annual inspections at commercial facilities. Even under these commercial conditions, food safety hazards are routinely identified by local health departments and the ODA. This bill has no provisions for the cleaning and sanitizing of food contact surfaces, nor does it specify the types of surfaces that are required to prevent food contamination. Overall, this bill allows even less regulation and monitoring that the current OUFSC requires for existing retail food establishments. Undercutting these requirements for a home base business will weaken food safety and only further increase the risk of food borne illness.

5. Consumer Confidence and Transparency Concerns

While HB 134 requires a “home produced” label, that alone does not ensure consumers understand the level of oversight or potential risks involved. Many Ohioans assume that if food is sold commercially; it meets the same safety standards as restaurant food. Weak labeling and limited disclosure could mislead consumers and erode trust in Ohio’s food system. This issue is further compounded when consumers utilize third party food delivery systems.

6. Better Alternatives Exist

If the General Assembly wishes to support home-based food entrepreneurs, there are other successful frameworks that Ohioans can utilize to enter into the food industry. The Cottage Food and Home Bakery (already codified at OAC 901:3-20) rules allow for safe, homemade foods with clear labeling and limits on risk. Licensed shared-use facilities, otherwise known as incubator kitchens can also provide inspected environments for small producers at a low cost. CCBH has successfully facilitated these kitchens in our own jurisdiction, allowing small operators access to commercial food sales. These options promote entrepreneurship without sacrificing consumer safety or fairness.

Conclusion

HB 134, as written, poses unacceptable risks to Ohio’s public health and undermines the integrity of established industry standards in the food safety system. We respectfully urge the Committee to reject House Bill 134 even with the proposed revisions. There are many safe, low cost options for Ohioans who wish to enter into the food production industry.

Respectfully submitted,

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