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**136th General Assembly**  
**Regular Session**  
**2025-2026**

**Sub. H. B. No. 134**

—  
To amend sections 3715.01, 3715.021, 3715.022, 1  
3715.023, and 3717.22 and to enact sections 2  
3715.026 and 3715.21 of the Revised Code to 3  
authorize the sale of certain homemade foods 4  
under a microenterprise home kitchen operation 5  
registration. 6

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

**Section 1.** That sections 3715.01, 3715.021, 3715.022, 7  
3715.023, and 3717.22 be amended and sections 3715.026 and 8  
3715.21 of the Revised Code be enacted to read as follows: 9

**Sec. 3715.01.** (A) As used in this chapter: 10

(1) "Person" means an individual, partnership, 11  
corporation, or association. 12

(2) "Food" means: 13

(a) Articles used for food or drink for humans or animals; 14

(b) Chewing gum; 15

(c) Articles used for components of any such articles. 16



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(3) "Drug" means:	17
(a) Articles recognized in the United States pharmacopoeia and national formulary, or any supplement to them;	18 19
(b) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;	20 21 22
(c) Articles, other than food, intended to affect the structure or any function of the body of humans or other animals;	23 24 25
(d) Articles intended for use as a component of any of the foregoing articles, other than devices or their components, parts, or accessories.	26 27 28
(4) "Device," except when used in division (B)(1) of this section and in division (A)(10) of section 3715.52, division (F) of section 3715.60, division (A)(5) of section 3715.64, and division (C) of section 3715.67 of the Revised Code, means any instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, that is any of the following:	29 30 31 32 33 34 35
(a) Recognized in the United States pharmacopoeia and national formulary, or any supplement to them;	36 37
(b) Intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in humans or animals;	38 39 40
(c) Intended to affect the structure or any function of the body of humans or animals, and that does not achieve any of its principal intended purposes through chemical action within or on the body of humans or animals and is not dependent upon	41 42 43 44

being metabolized for the achievement of any of its principal 45  
intended purposes. 46

(5) "Cosmetic" means: 47

(a) Articles intended to be rubbed, poured, sprinkled, or 48  
sprayed on, introduced into, or otherwise applied to the human 49  
body or any part thereof for cleansing, beautifying, promoting 50  
attractiveness, or altering the appearance; 51

(b) Articles intended for use as a component of any such 52  
article, except that "cosmetic" does not include soap. 53

(6) "Label" means a display of written, printed, or 54  
graphic matter upon the immediate container, exclusive of 55  
package liners, of any article. 56

Any word, statement, or other information required by this 57  
chapter to appear on the label must appear on the outside 58  
container or wrapper, if any, of the retail package of the 59  
article, or the label must be easily legible through the outside 60  
container or wrapper. 61

(7) "Labeling" means all labels and other written, 62  
printed, or graphic matter: 63

(a) Upon an article or any of its containers or wrappers; 64

(b) Accompanying such article. 65

(8) "Advertisement" means all representations disseminated 66  
in any manner or by any means, other than by labeling, for the 67  
purpose of inducing, or that are likely to induce, directly or 68  
indirectly, the purchase of food, drugs, devices, or cosmetics. 69

(9) "New drug" means: 70

(a) Any drug the composition of which is such that the 71

drug is not generally recognized among experts qualified by 72  
scientific training and experience to evaluate the safety of 73  
drugs, as safe for use under the conditions prescribed, 74  
recommended, or suggested in the labeling thereof; 75

(b) Any drug the composition of which is such that the 76  
drug, as a result of investigation to determine its safety for 77  
use under such conditions, has become so recognized, but that 78  
has not, other than in an investigation, been used to a material 79  
extent or for a material time under such conditions. 80

(10) "Contaminated with filth" applies to any food, drug, 81  
device, or cosmetic that has not been protected as far as may be 82  
necessary by all reasonable means from dust, dirt, and all 83  
foreign or injurious substances. 84

(11) "Honey" means the nectar and saccharine exudation of 85  
plants that has been gathered, modified, and stored in a 86  
honeycomb by honeybees. 87

(12) "Finished dosage form" means the form of a drug that 88  
is, or is intended to be, dispensed or administered to humans or 89  
animals and requires no further manufacturing or processing 90  
other than packaging, reconstituting, or labeling. 91

(13) (a) "Manufacture" means the planting, cultivating, 92  
harvesting, processing, making, preparing, or otherwise engaging 93  
in any part of the production of a drug by propagating, 94  
compounding, converting, or processing, either directly or 95  
indirectly by extracting from substances of natural origin, or 96  
independently by means of chemical synthesis, or by a 97  
combination of extraction and chemical synthesis, and includes 98  
the following: 99

(i) Any packaging or repackaging of the drug or labeling 100

or relabeling of its container, the promotion and marketing of	101
the drug, and other activities incident to production;	102
(ii) The preparation and promotion of commercially	103
available products from bulk compounds for resale by pharmacies,	104
licensed health professionals authorized to prescribe drugs, or	105
other persons.	106
(b) "Manufacture" does not include the preparation,	107
compounding, packaging, or labeling of a drug by a pharmacist as	108
an incident to either of the following:	109
(i) Dispensing a drug in the usual course of professional	110
practice;	111
(ii) Providing a licensed health professional authorized	112
to prescribe drugs with a drug for the purpose of administering	113
to patients or for using the drug in treating patients in the	114
professional's office.	115
(14) "Dangerous drug" has the same meaning as in section	116
4729.01 of the Revised Code.	117
(15) "Generically equivalent drug" means a drug that	118
contains identical amounts of the identical active ingredients,	119
but not necessarily containing the same inactive ingredients,	120
that meets the identical compendial or other applicable standard	121
of identity, strength, quality, and purity, including potency,	122
and where applicable, content uniformity, disintegration times,	123
or dissolution rates, as the prescribed brand name drug and the	124
manufacturer or distributor holds, if applicable, either an	125
approved new drug application or an approved abbreviated new	126
drug application unless other approval by law or from the	127
federal food and drug administration is required.	128
No drug shall be considered a generically equivalent drug	129

for the purposes of this chapter if it has been listed by the 130  
federal food and drug administration as having proven 131  
bioequivalence problems. 132

(16) "Licensed health professional authorized to prescribe 133  
drugs" and "prescriber" have the same meanings as in section 134  
4729.01 of the Revised Code. 135

(17) "Home" means the primary residence occupied by the 136  
residence's owner, on the condition that the residence contains 137  
only one stove or oven used for cooking, which may be a double 138  
oven, designed for common residence usage and not for commercial 139  
usage, and that the stove or oven be operated in an ordinary 140  
kitchen within the residence. 141

(18) "Potentially hazardous food" means a food that is 142  
natural or synthetic, to which any of the following apply: 143

(a) It has a pH level greater than 4.6 when measured at 144  
seventy-five degrees fahrenheit or twenty-four degrees celsius. 145

(b) It has a water activity value greater than 0.85. 146

(c) It requires temperature control because it is in a 147  
form capable of supporting the rapid and progressive growth of 148  
infectious or toxigenic microorganisms, the growth and toxin 149  
production of clostridium botulinum, or in the case of raw 150  
shell eggs, the growth of salmonella enteritidis. 151

(19) "Cottage food production operation" means a person 152  
who, in the person's home, produces food items that are not 153  
potentially hazardous foods, including bakery products, jams, 154  
jellies, candy, fruit butter, and similar products specified in 155  
rules adopted pursuant to section 3715.025 of the Revised Code. 156

(20) "Biological product" means, except as provided in 157

section 3715.011 of the Revised Code, a drug that is a 158  
biological product, as defined on ~~the effective date of this~~ 159  
~~amendment~~ March 21, 2017, in subsection (i) of section 351 of 160  
the "Public Health Service Act," 42 U.S.C. 262(i). 161

(21) "Interchangeable biological product" means, except as 162  
provided in section 3715.011 of the Revised Code, both of the 163  
following: 164

(a) A biological product that, ~~on the effective date of~~ 165  
~~this amendment~~ March 21, 2017, has been determined by the United 166  
States food and drug administration to meet the standards for 167  
interchangeability set forth in subsection (k) of section 351 of 168  
the "Public Health Service Act," 42 U.S.C. 262(k), as amended, 169  
and has been licensed under that subsection; 170

(b) A biological product that, prior to ~~the effective date~~ 171  
~~of this amendment~~ March 21, 2017, was determined by the United 172  
States food and drug administration to be therapeutically 173  
equivalent as set forth in its publication titled "Approved Drug 174  
Products with Therapeutic Equivalence Evaluations." 175

(22) "Microenterprise home kitchen operation" means a 176  
person who registers with the department of agriculture to sell 177  
and deliver food that is produced at the person's home in 178  
accordance with section 3715.026 of the Revised Code. 179

(B) For the purposes of sections 3715.52 to 3715.72 of the 180  
Revised Code: 181

(1) If an article is alleged to be misbranded because the 182  
labeling is misleading, or if an advertisement is alleged to be 183  
false because it is misleading, then in determining whether the 184  
labeling or advertisement is misleading, there shall be taken 185  
into account, among other things, not only representations made 186

or suggested by statement, word, design, device, sound, or in  
any combination thereof, but also the extent to which the  
labeling or advertisement fails to reveal facts material in the  
light of such representations or material with respect to  
consequence which may result from the use of the article to  
which the labeling or advertisement relates under the conditions  
of use prescribed in the labeling or advertisement thereof or  
under such conditions of use as are customary or usual.

(2) The provisions regarding the selling of food, drugs,  
devices, or cosmetics include the manufacture, production,  
processing, packing, exposure, offer, possession, and holding of  
any such article for sale; and the sale, dispensing, and giving  
of any such article, and the supplying or applying of any such  
articles in the conduct of any food, drug, or cosmetic  
establishment. The provisions do not prohibit a licensed health  
professional authorized to prescribe drugs from administering or  
personally furnishing a drug or device to a patient.

(3) The representation of a drug, in its labeling or  
advertisement, as an antiseptic is a representation that it is a  
germicide, except in the case of a drug purporting to be, or  
represented as, an antiseptic for inhibitory use as a wet  
dressing, ointment, dusting powder, or other use that involves  
prolonged contact with the body.

(4) Whenever jurisdiction is vested in the director of  
agriculture or the state board of pharmacy, the jurisdiction of  
the board shall be limited to the sale, offering for sale,  
giving away, delivery, or dispensing in any manner of drugs at  
the wholesale and retail levels or to the consumer and shall be  
exclusive in the case of such sale, offering for sale, giving  
away, delivery, or dispensing in any manner of drugs at the

wholesale and retail levels or to the consumer in any place 217  
where prescriptions are dispensed or compounded. 218

(5) To assist in effectuating the provisions of those 219  
sections, the director of agriculture or state board of pharmacy 220  
may request assistance or data from any government or private 221  
agency or individual. 222

**Sec. 3715.021.** (A) As used in this section: 223

(1) "Food processing establishment" means a premises or 224  
part of a premises where food is processed, packaged, 225  
manufactured, or otherwise held or handled for distribution to 226  
another location or for sale at wholesale. "Food processing 227  
establishment" includes the activities of a bakery, 228  
confectionery, cannery, bottler, warehouse, or distributor, and 229  
the activities of an entity that receives or salvages distressed 230  
food for sale or use as food. A "food processing establishment" 231  
does not include a cottage food production operation; a 232  
microenterprise home kitchen operation; a small egg producer; a 233  
processor of tree syrup who boils sap when a minimum of seventy- 234  
five per cent of the sap used to produce the syrup is collected 235  
directly from trees by that processor; a processor of sorghum 236  
who processes sorghum juice when a minimum of seventy-five per 237  
cent of the sorghum juice used to produce the sorghum is 238  
extracted directly from sorghum plants by that processor; a 239  
beekeeper who jars honey when a minimum of seventy-five per cent 240  
of the honey is from that beekeeper's own hives; or a processor 241  
of apple syrup or apple butter who directly harvests from trees 242  
a minimum of seventy-five per cent of the apples used to produce 243  
the apple syrup or apple butter. 244

(2) "Small egg producer" means any person that is engaged 245  
in the operation of egg production and annually maintains five 246

hundred or fewer birds. 247

(B) The director of agriculture shall adopt rules in 248  
accordance with Chapter 119. of the Revised Code that establish, 249  
when otherwise not established by the Revised Code, standards 250  
and good manufacturing practices for food processing 251  
establishments, including the facilities of food processing 252  
establishments and their sanitation. The rules shall conform 253  
with or be equivalent to the standards for foods established by 254  
the United States food and drug administration in Title 21 of 255  
the Code of Federal Regulations. 256

A business or that portion of a business that is regulated 257  
by the department of agriculture under Chapter 917. or 918. of 258  
the Revised Code is not subject to regulation under this section 259  
as a food processing establishment. 260

**Sec. 3715.022.** (A) All food products, including those 261  
produced and packaged by a cottage food production operation or 262  
microenterprise home kitchen operation, and all packaged maple 263  
syrup, sorghum, and honey, are subject to food sampling 264  
conducted by the director of agriculture, or a representative 265  
the director authorizes, to determine if a food product is 266  
misbranded or adulterated. A component of the food sampling 267  
conducted under this section may include the performance of 268  
sample analyses in accordance with section 3715.02 of the 269  
Revised Code. 270

The director of agriculture shall adopt rules as the 271  
director considers necessary to establish standards for food 272  
sampling and procedures for administration of this section. The 273  
rules shall be adopted in accordance with Chapter 119. of the 274  
Revised Code. 275

(B) Labeling requirements do not apply to fruit butter  
produced at a festival or celebration, if the festival or  
celebration is organized by a political subdivision of this  
state and the fruit butter is sold during the festival or  
celebration from the production site. 276  
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**Sec. 3715.023.** (A) A cottage food production operation, a 281  
microenterprise home kitchen operation, and a maple syrup or 282  
sorghum processor and beekeeper described in division (A) of 283  
section 3715.021 of the Revised Code shall label each of their 284  
food products and include the following information on the label 285  
of each of their food products: 286

(1) The name and address of the business of the cottage 287  
food production operation, microenterprise home kitchen 288  
operation, processor, or beekeeper; 289

(2) The name of the food product; 290

(3) The ingredients of the food product, in descending 291  
order of predominance by weight; 292

(4) The net weight and volume of the food product; 293

(5) In the case of a cottage food production operation or 294  
microenterprise home kitchen operation, the following statement 295  
in ten-point type: "This product is home produced." 296

(B) Food Except as provided in section 3715.026 of the 297  
Revised Code, food products identified and labeled in accordance 298  
with division (A) of this section are acceptable food products 299  
that a retail food establishment or food service operation 300  
licensed under Chapter 3717. of the Revised Code may offer for 301  
sale or use in preparing and serving food. 302

**Sec. 3715.026.** (A) As used in this section: 303

<u>(1) "Homemade food item" means any food made at the home</u>	304
<u>of a microenterprise home kitchen operation.</u>	305
 <u>"Homemade food item" does not include any of the</u>	306
<u>following:</u>	307
 <u>(a) Low-acid canned foods;</u>	308
 <u>(b) Alcoholic beverages;</u>	309
 <u>(c) Foods prepared through smoking or curing as a</u>	310
<u>preservation method;</u>	311
 <u>(d) Juices unless produced by a microenterprise home</u>	312
<u>kitchen operation in accordance with the standards that apply to</u>	313
<u>a food service operation or retail food establishment specified</u>	314
<u>in section 3715.21 of the Revised Code;</u>	315
 <u>(e) Custom processed meats or poultry;</u>	316
 <u>(f) Shellfish from the operation of a molluscan shellfish</u>	317
<u>life-support system display tank used to store or display</u>	318
<u>shellfish that are offered for human consumption;</u>	319
 <u>(g) Potentially hazardous foods prepared using reduced</u>	320
<u>oxygen methods;</u>	321
 <u>(h) Food containing any drug.</u>	322
 <u>(2) "Home kitchen" means the home kitchen in which the</u>	323
<u>microenterprise home kitchen operation does or will prepare all</u>	324
<u>homemade food items for sale to a consumer.</u>	325
 <u>(B) (1) The director of agriculture shall issue an</u>	326
<u>microenterprise home kitchen operation registration to a</u>	327
<u>microenterprise home kitchen operation when application is made</u>	328
<u>by an operation in accordance with procedures established by the</u>	329
<u>director of agriculture. Such registration shall be valid from</u>	330

the date it is issued through the last day of January of the  
following year; however registrations issued between the first  
day of January through the thirtieth day of January of a year  
expire on the thirty-first day of January of that year. An  
application for registration shall be accompanied by a  
registration fee of twenty-five dollars. However, if a person  
submits an application for registration within six months of the  
expiration date of the registration, the fee shall be one-half  
of the registration fee.

(2) The department shall renew a microenterprise home  
kitchen operation registration if the operation is in compliance  
with this section, submits a renewal application in accordance  
with procedures established by the director of agriculture, and  
pays a twenty-five-dollar renewal fee. A renewed registration  
shall be valid from the first day of February through the last  
day of January of the following year.

(C) (1) The director or the director's designee shall  
inspect the premises of every microenterprise home kitchen  
operation. Inspections shall be limited to the home kitchen in  
the home, locations of the home where homemade food items and  
ingredients are stored, and bathrooms in the home for the  
purpose of ensuring that there is a functioning hand washing  
sink and liquid soap.

(2) The director or the director's designee shall obtain a  
search warrant when required by law to enter a home if a  
microenterprise home kitchen operation does not consent to an  
inspection. A search warrant or administrative warrant is  
otherwise not required to conduct an inspection under this  
section.

(3) The director may charge a fee to a microenterprise

home kitchen operation to cover the administrative costs of 361  
conducting inspections that shall not exceed fifty dollars 362  
annually. 363

(4) The department shall publish its inspection standards 364  
on its web site. 365

(D) A microenterprise home kitchen operation shall do all 366  
of the following: 367

(1) Allow the department to conduct home kitchen 368  
inspections in accordance with division (C) of this section; 369

(2) Produce all homemade food items in the inspected 370  
kitchen; 371

(3) Label the homemade food items in accordance with 372  
section 3715.023 of the Revised Code; 373

(4) Operate the home kitchen and premises in which the 374  
home kitchen is located in accordance with the requirements 375  
described in division (E) of this section; 376

(5) Sell and deliver homemade food items in accordance 377  
with the requirements in division (F) of this section. 378

(E) A microenterprise home kitchen operation shall not 379  
operate unless the operation is in compliance with those food 380  
safety standards set forth in the Ohio uniform food safety code 381  
that could reasonably apply to a microenterprise home kitchen 382  
operation. The director or the director's designee shall publish 383  
on its web site the food safety standards that apply to 384  
microenterprise home kitchen operations. The director or the 385  
director's designee shall not require a microenterprise home 386  
kitchen operation to do any of the following: 387

(1) Use commercial kitchen equipment or other specialized 388

<u>kitchen equipment such as a three-compartment sink;</u>	389
<u>(2) Alter the structure or design of the home kitchen;</u>	390
<u>(3) Install or modify venting in the home kitchen;</u>	391
<u>(4) Require a certain countertop be used in a home</u>	392
<u>kitchen;</u>	393
<u>(5) Prevent the presence of pets from parts of the home</u>	394
<u>where food is not being stored or prepared, including the</u>	395
<u>kitchen when homemade food items to be sold are not being</u>	396
<u>prepared.</u>	397
<u>(F) A microenterprise home kitchen operation shall comply</u>	398
<u>with all of the following sale and delivery requirements:</u>	399
<u>(1) A homemade food item that is not a dairy product or</u>	400
<u>does not contain meat, poultry, or seafood may be sold by the</u>	401
<u>microenterprise home kitchen operation to the consumer in person</u>	402
<u>or remotely, including by telephone or internet, or by an agent</u>	403
<u>of the microenterprise home kitchen operation or a third-party</u>	404
<u>vendor, such as a retail shop or grocery store, and may be</u>	405
<u>delivered by the microenterprise home kitchen operation or</u>	406
<u>third-party carrier, such as the United States postal service.</u>	407
<u>(2) Homemade food items that are dairy products or contain</u>	408
<u>meat, poultry, or seafood shall be sold by the microenterprise</u>	409
<u>home kitchen operation to the consumer, either in person or</u>	410
<u>remotely, including by telephone or internet, or by an agent of</u>	411
<u>the microenterprise home kitchen operation or a third-party</u>	412
<u>vendor, but shall be delivered by the microenterprise home</u>	413
<u>kitchen operation to the consumer in person.</u>	414
<u>(3) If a potentially hazardous food item is transported</u>	415
<u>before final delivery to the consumer, the food shall be</u>	416

maintained at an appropriate temperature during transport, shall 417  
not be transported more than once, and shall not be transported 418  
for longer than two hours. Potentially hazardous homemade food 419  
items shall be delivered to the consumer within seven calendar 420  
days of the microenterprise home kitchen operation completing 421  
preparation of such food. 422

(4) Before selling any food under this section, a 423  
microenterprise home kitchen operation shall complete food 424  
safety training approved by the director or the director's 425  
designee. The director or the director's designee shall ensure 426  
that low-cost and online options for training are available for 427  
microenterprise home kitchen operations. 428

(G) A microenterprise home kitchen operation's gross 429  
receipts for sales of potentially hazardous homemade food items 430  
under the registration shall not exceed one hundred fifty 431  
thousand dollars per calendar year. This section shall not be 432  
construed to interfere with a microenterprise home kitchen 433  
operation's ability to also sell food as a cottage food 434  
operation or a licensed home bakery. 435

(H) The director or the director's designee may issue a 436  
fine not to exceed seventy-five dollars to a microenterprise 437  
home kitchen operation that is found to be in violation of any 438  
of the requirements of this section. The director or the 439  
director's designee shall first issue a warning and give the 440  
microenterprise home kitchen operation the opportunity to 441  
correct a violation before issuing a fine. 442

(I) (1) The director or the director's designee may issue 443  
an order suspending or revoking a microenterprise home kitchen 444  
operation registration for a violation of this section. Except 445  
as provided in division (I) (2) of this section, a registration 446

shall not be suspended or revoked until the registration holder  
is provided a warning and has had an opportunity to correct the  
violation. The microenterprise home kitchen operation may appeal  
the suspension or revocation in accordance with Chapter 119. of  
the Revised Code.

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(2) If the director or the director's designee determines  
that a microenterprise home kitchen operation presents an  
immediate danger to the public health, the director may issue an  
order immediately suspending the operation's registration  
without affording the registration holder a warning or an  
opportunity for a hearing. The director then shall afford the  
registration holder an opportunity for a hearing for  
registration reinstatement in accordance with Chapter 119. of  
the Revised Code not later than ten days after the date of  
suspension.

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(J) This section does not prohibit a person from operating  
as an exempt cottage food operation if the person only sells and  
delivers food permitted under this chapter for a cottage food  
operation.

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(K) This section does not prohibit a local government from  
enforcing a generally applicable zoning law.

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**Sec. 3715.21.** (A) As used in this section, "meat" means  
game animals, migratory waterfowl, and game birds.

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(B) A food service operation or retail food establishment  
shall not custom process meat unless such processing is done at  
the end of the work shift or day to prevent any cross  
contamination of product for sale or service.

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(C) Prior to entry into the food service operation or  
retail food establishment, a food service operation or retail

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food establishment shall ensure that, with respect to custom 476  
process meat, any animal carcass is skinned, beheaded, 477  
eviscerated, and free of hair, and any bird carcass is 478  
eviscerated and free of feathers. 479

(D) If the hide and head of a custom meat product is to be 480  
retained for the owner, the food service operation or retail 481  
food establishment shall package and segregate the product from 482  
all food. 483

(E) A food service operation or retail food establishment 484  
that custom processes any meat product shall ensure that the 485  
product is wrapped or containerized and stored segregated from 486  
all retail products so as to prevent contamination. 487

(F) Immediately after custom meat processing, a food 488  
service operation or retail food establishment shall ensure that 489  
all knives, tables, hooks, grinders, tenderizers, lugs, inedible 490  
barrels, saws, or any other equipment soiled during custom meat 491  
processing are thoroughly cleaned as specified in divisions (F) 492  
to (I) of rule 3717-1-04.5 of the Administrative Code, rinsed as 493  
specified in division (J) of rule 3717-1-04.5 of the 494  
Administrative Code, and sanitized as specified in rule 3717-1- 495  
04.6 of the Administrative Code. 496

(G) When a department of natural resources inspection tag 497  
is required for an animal subject to custom meat processing, a 498  
food service operation or retail food establishment shall ensure 499  
that the tag or tag number remains with the animal throughout 500  
the custom process period and returned with the meat product to 501  
the owner. 502

(H) A food service operation or retail food establishment 503  
shall identify all products for custom meat processing in the 504

<u>facility as not for sale.</u>	505
<b>Sec. 3717.22.</b> (A) The following are not retail food establishments:	506
(1) A food service operation licensed under this chapter, including a food service operation that provides the services of a retail food establishment pursuant to an endorsement issued under section 3717.44 of the Revised Code;	508
(2) An entity exempt under divisions (B)(1) to (9), (11) to (13), or (15) of section 3717.42 of the Revised Code from the requirement to be licensed as a food service operation and an entity exempt under division (B)(10) of that section if the entity is regulated by the department of agriculture as a food processing establishment under section 3715.021 of the Revised Code;	512
(3) A business or that portion of a business that is regulated by the federal government or the department of agriculture as a food manufacturing or food processing business, including a business or that portion of a business regulated by the department of agriculture under Chapter 911., 913., 915., 917., 918., or 925. of the Revised Code.	519
(B) All of the following are exempt from the requirement to be licensed as a retail food establishment:	525
(1) An establishment with commercially prepackaged foods that are not potentially hazardous and contained in displays, the total space of which equals less than two hundred cubic feet;	527
(2) A person at a farmers market that offers for sale only one or more of the following:	531
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(a) Fresh unprocessed fruits or vegetables;	533
(b) Products of a cottage food production operation <u>or</u> <u>microenterprise home kitchen operation;</u>	534 535
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	536 537 538 539
(d) Wine as authorized under section 4303.2010 of the Revised Code;	540 541
(e) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farmers market.	542 543 544 545 546
(3) A person who offers for sale at a roadside stand only fresh fruits and fresh vegetables that are unprocessed;	547 548
(4) A nonprofit organization exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises funds by selling foods and that, if required to be licensed, would be classified as risk level one in accordance with rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, if the sales occur inside a building and are for not more than seven consecutive days or more than fifty-two separate days during a licensing period. This exemption extends to any individual or group raising all of its funds during the time periods specified in division (B)(4) of this section for the benefit of the nonprofit organization by selling foods under the same	549 550 551 552 553 554 555 556 557 558 559 560 561

conditions.	562
(5) An establishment that offers food contained in displays of less than five hundred square feet, and if required to be licensed would be classified as risk level one pursuant to rules establishing licensing categories for retail food establishments adopted under section 3717.33 of the Revised Code, on the condition that the establishment offers the food for sale at retail not more than six months in each calendar year;	563 564 565 566 567 568 569 570
(6) A cottage food production operation, on the condition that the operation offers its products directly to the consumer from the site where the products are produced;	571 572 573
(7) A tree syrup and sorghum processor, beekeeper, or apple syrup and apple butter processor described in division (A) of section 3715.021 of the Revised Code, on the condition that the processor or beekeeper offers only tree syrup, sorghum, honey, apple syrup, or apple butter directly to the consumer from the site where those products are processed;	574 575 576 577 578 579
(8) A person who annually maintains five hundred or fewer birds, on the condition that the person offers the eggs from those birds directly to the consumer from the location where the eggs are produced or at a farm product auction to which division (B) (11) of this section applies;	580 581 582 583 584
(9) A person who annually raises and slaughters one thousand or fewer chickens, on the condition that the person offers dressed chickens directly to the consumer from the location where the chickens are raised and slaughtered or at a farm product auction to which division (B) (11) of this section applies;	585 586 587 588 589 590

(10) A person who raises, slaughters, and processes the meat of nonamenable species described in divisions (A) and (B) of section 918.12 of the Revised Code, on the condition that the person offers the meat directly to the consumer from the location where the meat is processed or at a farm product auction to which division (B) (11) of this section applies;	591 592 593 594 595 596
(11) A farm product auction, on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm product auction only one or more of the following:	597 598 599 600
(a) The products described in divisions (B) (8) to (10) of this section that are produced, raised, slaughtered, or processed, as appropriate, by persons described in divisions (B) (8) to (10) of this section;	601 602 603 604
(b) Fresh unprocessed fruits or vegetables;	605
(c) Products of a cottage food production operation <u>or</u> <u>microenterprise home kitchen operation</u> ;	606 607
(d) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code.	608 609 610 611
(12) An establishment that, with respect to offering food for sale, offers only alcoholic beverages or prepackaged beverages that are not potentially hazardous;	612 613 614
(13) An establishment that, with respect to offering food for sale, offers only alcoholic beverages, prepackaged beverages that are not potentially hazardous, or commercially prepackaged food that is not potentially hazardous, on the condition that the commercially prepackaged food is contained in displays, the	615 616 617 618 619

total space of which equals less than two hundred cubic feet on 620  
the premises of the establishment; 621

(14) An establishment that, with respect to offering food 622  
for sale, offers only fountain beverages that are not 623  
potentially hazardous; 624

(15) A person who offers for sale only one or more of the 625  
following foods at a festival or celebration, on the condition 626  
that the festival or celebration is organized by a political 627  
subdivision of the state and lasts for a period not longer than 628  
seven consecutive days: 629

(a) Fresh unprocessed fruits or vegetables; 630  
(b) Products of a cottage food production operation or 631  
microenterprise home kitchen operation; 632

(c) Tree syrup, sorghum, honey, apple syrup, or apple 633  
butter if produced by a tree syrup or sorghum processor, 634  
beekeeper, or apple syrup or apple butter processor as described 635  
in division (A) of section 3715.021 of the Revised Code; 636

(d) Commercially prepackaged food that is not potentially 637  
hazardous, on the condition that the food is contained in 638  
displays, the total space of which equals less than one hundred 639  
cubic feet; 640

(e) Fruit butter produced at the festival or celebration 641  
and sold from the production site. 642

(16) A farm market on the condition that it is registered 643  
with the director pursuant to section 3717.221 of the Revised 644  
Code that offers for sale at the farm market only one or more of 645  
the following: 646

(a) Fresh unprocessed fruits or vegetables; 647

(b) Products of a cottage food production operation <u>or</u> <u>microenterprise home kitchen operation;</u>	648 649
(c) Tree syrup, sorghum, honey, apple syrup, or apple butter that is produced by a tree syrup or sorghum producer, beekeeper, or apple syrup or apple butter processor described in division (A) of section 3715.021 of the Revised Code;	650 651 652 653
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	654 655 656 657 658
(e) Cider and other juices manufactured on site at the farm market;	659 660
(f) The products or items described in divisions (B) (8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person offering to sell them annually maintains five hundred or fewer birds, and with respect to dressed chickens offered, the person annually raises and slaughters one thousand or fewer chickens.	661 662 663 664 665 666 667 668
(17) (a) An establishment to which all of the following apply:	669 670
(i) The establishment has been issued an A-2 permit under section 4303.03 of the Revised Code or an A-2f permit under section 4303.031 of the Revised Code, annually produces ten thousand gallons or less of wine, and sells that wine in accordance with Chapter 4303. of the Revised Code on the premises of the establishment.	671 672 673 674 675 676

(ii) The establishment serves unopened commercially prepackaged food, other than wine.	677 678
(iii) The amount of the establishment's commercially prepackaged food sales, other than wine sales, for the previous calendar year did not exceed five per cent of the establishment's total gross receipts.	679 680 681 682
(b) The owner or operator of the establishment shall notify the director that it is exempt from licensure because it qualifies under division (B) (17) (a) of this section. The owner or operator also shall display a notice in a place conspicuous to all of its guests informing them that the establishment is not required to be licensed as a retail food establishment.	683 684 685 686 687 688
<u>(18) A microenterprise home kitchen operation that sells and delivers food in accordance with section 3715.026 of the Revised Code.</u>	689 690 691
<b>Section 2.</b> That existing sections 3715.01, 3715.021, 3715.022, 3715.023, and 3717.22 of the Revised Code are hereby repealed.	692 693 694