

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 173-39-02.19

**Rule Type:** Amendment

**Rule Title/Tagline:** Kosher option.

**Agency Name:** Department of Aging

**Division:**

**Address:** 246 N. High St. 1st floor Columbus OH 43215-2046

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#### **I. Rule Summary**

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 1/31/2019
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 173.01, 173.02, 173.391, 173.52, 173.522
5. **What statute(s) does the rule implement or amplify?** 173.39, 173.391, 173.52, 173.522, 173.524; 42 C.F.R. 441.352
6. **What are the reasons for proposing the rule?**

ODA reviewed this rule, as required at least once before each its 5-year deadline. ODA now proposes to make non-substantive updates to it.
7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule regulates the kosher option under OAC § 173.524 for ODA-certified providers of home-delivered meals. When ODA first adopted this rule in 2009, ODA asked the

Ohio Jewish Communities (OJC) for their recommendations for distinguishing kosher from non-kosher. OJC recommended language allowing providers to provide home-delivered meals certified as kosher by (1) a recognized kosher certification or (2) a kosher establishment under orthodox rabbinic supervision. OJC's recommended language did not require only one type of kosher. This has worked because ODA has no authority to certify/endorse one type of kosher certification/supervision over another. Therefore, ODA proposes to retain this language on this matter. However, ODA proposes to update the rule's terminology in non-substantive ways.

8. **Does the rule incorporate material by reference?** No
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

\$0.00

ODA estimates that the amendment of this rule will have no impact upon the biennial budget the Ohio General Assembly established for ODA in H.B. 49 (132nd G.A.).

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

ODA estimates that the proposed amendment of this new rule will create no cost of compliance for any person or organization directly affected by it. For more information, please review ODA's responses to BIA questions #14 and #15.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

### III. Common Sense Initiative (CSI) Questions

- 15. Was this rule filed with the Common Sense Initiative Office? Yes
- 16. Does this rule have an adverse impact on business? Yes
  - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
  - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No  
  
(173-39-05 establishes the penalties for non-compliance with OAC Chapter 173-39.)
  - C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes

This rule establishes the requirement for ODA-certified providers of home-delivered meals, in addition to those in 173-39-02 and 173-39-02.14, to purchase kosher certification/supervision services and/or purchasing food from a supplier with kosher certification/supervision services when delivering meals with a kosher diet.

For more information, please review ODA's responses to BIA questions #14 and #15.