

**Rule Summary and Fiscal Analysis (Part A)****Ohio Uniform Food Safety Code**

Agency Name

Division

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**3717-1-02.4**

Rule Number

**AMENDMENT**

TYPE of rule filing

Rule Title/Tag Line

**Management and personnel: supervision.****RULE SUMMARY**

1. Is the rule being filed for five year review (FYR)? **Yes**
2. Are you proposing this rule as a result of recent legislation? **No**
3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**
4. Statute(s) authorizing agency to adopt the rule: **3717.04, 3717.05**
5. Statute(s) the rule, as filed, amplifies or implements: **3717.04, 3717.05**
6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Section 3717.05 of the Ohio Revised Code requires the director of agriculture and the director of health to adopt, amend, or rescind provisions in the Ohio uniform food safety code to ensure that it continues to conform to the federal food and drug administration's model food code. The changes proposed are the result of the most recent changes to the federal code, and they fulfill five-year review requirements.
7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; if the rule type is RESCISSION, NEW or NO CHANGE,

then summarize the content of the rule:

The purpose of the rule is to provide the license holder the responsibilities and duties of the persons-in-charge of their facilities. Changes include: requiring one individual for each Risk Level III and IV food service operation and retail food establishment to obtain level two certification in food protection; added under the duties of the person in charge: to verify delivery of food items during non-operating hours, to maintain and implement the required written procedures and plans specified in the rules; and have a written procedure for responses to vomiting or diarrheal events.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This rule references the Ohio Revised and Administrative Codes; the O.R.C. and O.A.C. are generally available in libraries and on the internet to persons who reasonably can be expected to be affected by the rule.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

Persuant to R.C. 121.76, citations from the O.R.C. and O.A.C. are exempted from inclusion in this filing.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

*Not Applicable.*

12. Five Year Review (FYR) Date: **8/28/2015**

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

Not applicable

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The main cost associated with this rule is that each licensed Risk Level III and IV food service operation and retail food establishment would be required to have one manager certified in food protection. To be certified, the manager must complete a fifteen hour classroom or online course approved by the Ohio Department of Health and pass the exam. The cost of the online course averages approximately \$125 per individual, while the cost of the classroom course averages \$150 per individual. There are 319 approved locations that offer the course, along with several online courses that have been approved.

The cost associated with the new language to the duties of the person in charge would be staff time to draft written policies, maintaining the policies on hand and implementing the policies.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**S.B. 2 (129th General Assembly) Questions**

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

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**

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **No**