

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-02.4
Rule Type: Amendment
Rule Title/Tagline: Management and personnel: supervision.
Agency Name: Ohio Uniform Food Safety Code
Division:
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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?** 11/13/2018
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?** 3717.04, 3717.05
5. **What statute(s) does the rule implement or amplify?** 3717.04, 3717.05
6. **What are the reasons for proposing the rule?**

This rule is being proposed due to the required five year review as well as updating the rules to be consistent to the current version of the Food and Drug Administration's (FDA) Model Food Code. Section 3717.05 (B)(1) of the Revised Code requires the Ohio uniform food safety code to be based on the most current version of the FDA model food code.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides requirements for assignment of responsibility for the person in charge; requires food service operations and retail food establishments to have one manager that is certified in food protection; and the person in charge to demonstrate knowledge and ensure duties are being completed in their facility. Proposed changes include: replacing "One year after the effective date of this rule" with "As of March 1, 2017, each risk level III and risk level IV food service operation and retail food establishment shall have" and removed "shall" between "service" and "obtain"; split out the methods to determine demonstration of knowledge in (B) to paragraphs (1) and (2) and deleted the reference to having level two certification as a way to demonstrate knowledge; adding new section "Employees are properly maintaining the temperatures of time/temperature controlled for safety foods during hot and cold holding through daily oversight of the employees' routine monitoring of food temperatures;"; and replaced "shall have" with "has".

8. **Does the rule incorporate material by reference? Yes**
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.**
The incorporations by reference found in this rule are exempt from compliance with O.R.C. 121.71 to 121.74 under O.R.C. 121.75, and the incorporated materials are readily available online.
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

Not Applicable.

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

The estimated cost for this rule would be for a manager to complete a certification in food protection course and exam, which ranges from \$100 to \$250; and staff time to ensure compliance.

- 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? No**
- 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**