

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?** No
 - A. **What is the rule's five year review date?** 1/28/2024
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. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being proposed to revise food safety certification terminology and to update the term "sanitarian" to "environmental health specialist" based upon recent legislation in HB 442.
8. **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 to the rule include: (A)(2) Replaced "obtain the level two" with "that has obtained manager"; (B)(2) Replaced "sanitarian's" with "environmental health specialist's"; Removed regulatory restriction terms (shall, require, must).

9. **Does the rule incorporate material by reference? Yes**
10. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, 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.

11. **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

12. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

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

Not Applicable.

14. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes
- 18. 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
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

- 19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 15

3717-1-02.4 (A)(1) Shall

3717-1-02.4 (A)(1) 2nd Shall

3717-1-02.4 (A)(1) 3rd Shall

3717-1-02.4 (A)(2) Shall

3717-1-02.4 (B) Shall

3717-1-02.4 (B) 2nd Shall

3717-1-02.4 (B)(2)(f) Required

3717-1-02.4 (B)(2)(g) Required

3717-1-02.4 (B)(2)(n) Required

3717-1-02.4(C) Shall

3717-1-02.4(C)(5) Required

3717-1-02.4(C)(6) Required

3717-1-02.4(C)(16) Required

3717-1-02.4(C)(17) Shall

3717-1-02.4(C)(17) Must

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable