

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-03.2

Rule Type: Amendment

Rule Title/Tagline: Food: protection from contamination after receiving.

Agency Name: Ohio Uniform Food Safety Code

Division:

Address: 246 North High St Columbus OH 43215

Contact: Alicyn Carrel

Email: alicyn.carrel@odh.ohio.gov **Phone:** 6147528451

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 standards for protection of food from contamination after it is received. Proposed changes include: adding comment at top of page 1 for reference to Code of Federal Regulations (CFR) in 3717-1-01(B)(15)(b); adding "Nail Brushes" to new paragraph (A)(4)(f)(ii); convert stand-alone paragraph to paragraph (C)(1); update the sections to the paragraphs under the new (C)(1); correct the reference in paragraph (C)(1)(a); replace "; and" with a period; in sections (D) and (F)(2)(b), put the exception at the beginning of the paragraph; section (K)(1) add new reference since a new (K)(2) was added; Add new section (K)(2) "In any manner within a food ingredient, provided the entire ingredient batch undergoes further cooking as specified in rule 3717-1-03.3 of the Administrative Code, and the utensil is cleaned and sanitized at a frequency specified under paragraphs (A) and (B) of rule 3717-1-04.5 of the Administrative Code and paragraph (B) of rule 3717-1-04.6 of the Administrative Code;" (N)(4) added new section "The use of latex gloves is prohibited in food service operations and retail food establishments;" convert the floating paragraph to new section (Q)(1); and convert the floating paragraph to the new section (Q)(2).

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 would be the cost to purchase approved equipment and utensils, such as non-latex gloves, utensils, linens; and staff time to ensure compliance. The average cost to purchase non-latex gloves is \$5-12 per box of 100, where the cost of latex gloves averages \$10-12 per 100.

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