

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

Agency Name

Division

Winston M. Ford

Contact

246 North High St. Columbus OH 43215-0000

Agency Mailing Address (Plus Zip)

614-466-4882

Phone

614-728-7813

Fax

3717-1-03.5

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

Food: food identity, presentation, and on premises labeling.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **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: **3717.05**

5. Statute(s) the rule, as filed, amplifies or implements: **3717.05**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

Ohio Revised Code Section 3717.05 requires the Director of Agriculture and the Public Health Council to base the Ohio Uniform Food Safety Code, which is the statewide standard for food safety in food service operations and retail food establishments, on the most current version of the FDA Model Food Code. These amendments or changes are proposed to ensure that the Ohio Uniform Food Safety Code continues to conform to the FDA Model Food Code.

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:

This rule concerns food labeling and consumer advisories. Amendments are proposed to make language conform to the 2005 Model Food Code and Supplement. Proposed changes include technical corrections, formatting, and updated labeling information to include major food allergens.

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, Sections of the Code of Federal Regulations, and the Federal Food, Drug, Cosmetic Act. The O.R.C, O.A.C., C.F.R. and the Federal Food, Drug, Cosmetic Act 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:

Pursuant to Revised Code 121.75, state law, state and federal regulations, and generally accepted industry standards that are generally available to persons, who reasonably can be expected to be affected by the rule, are exempted from the requirements of R.C. 121.71 to 121.74.

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:

Not Applicable.

12. 119.032 Rule Review Date: **7/21/2008**

(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

The proposed amendments will not impact the agencies' budgets during the current biennium.

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:

There is no new cost of compliance. These standards should be currently followed by industry.

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**