

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-01

Rule Type: Amendment

Rule Title/Tagline: State of Ohio Uniform Food Safety Code and definitions.

Agency Name: Ohio Uniform Food Safety Code

Division:

Address: 246 North High St Columbus OH 43215

Contact: Alicyn Carrel **Phone:** 6147528451

Email: alicyn.carrel@odh.ohio.gov

I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 6/21/2024
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 due to the required five-year review and to update the rules to be consistent with 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.

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

3717-1-01 is a rule that provides definitions of the terms used in Chapter 3717-1. Proposed changes to the rule include: amendment of reference document publication dates; amend cross references; renumbering of definitions; (B)(4)(b) modify definition of "Approved Source" to include tree syrup, apple syrup, or apple butter; (B)(4)(c) move "Provided the processing is not subject to regulations as specified in paragraphs (B)(4)(a) and (B)(4)(b) of this rule," to the beginning of the sentence; (B)(4)(d) move exception to the beginning of the sentence; (B)(14) modify definition of "Certification Number" to match FDA Code; (B)(17) modify definition of "Commingle" to match FDA Code; (B)(46) add new definition for "Food monitoring device"; (B)(59) Add new definition for "In-shell Product"; (B)(60) Add new definition for "Intact Meat"; (B)(68) add sesame to the definition of "Major Food Allergen"; (B)(70) modify definition for "Mechanically Tenderized" to match FDA Code; (B)(75) add "Molluscan shellfish includes shellstock, shucked shellfish, and in-shell products" to the definition of "Molluscan Shellfish"; (B)(80) modify definition of "Person in charge" to indicate the person in charge is the individual present and responsible for operations at any given time; (B)(93)(b) Change "Fruits and vegetables" to "Plant foods"; (B)(93)(c) add "Does not include: Commercially packaged food that bears a manufacturer's cooking instructions; and Food for which the manufacturer has provided information that it has not been processed to control pathogens"; (B)(94) remove "which have air expelled"; (B)(114) move "in the shell" to the end of the sentence, replace "raw" with "live"; (B)(116) remove "one or"; (B)(126) add new definition of "Tobacco Product"; (B)(130) add "card, key, by electronic transaction," to the definition of "Vending Machine" to allow additional payment types.

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 include references to the Ohio Administrative Code and the Code of Federal Regulations, which 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? No

- A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

- B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable