



## Ohio Revised Code

### Section 3717.43 Application for license or renewal required - temporary license - limitations, display.

Effective: October 16, 2009

Legislation: House Bill 1 - 128th General Assembly

---

(A) Each person or government entity requesting a food service operation license or the renewal of a license shall apply to the appropriate licenser on a form provided by the licenser. Licensers shall use a form prescribed and furnished to the licenser by the director of health or a form prescribed by the licenser that has been approved by the director. The applicant shall include with the application all information necessary for the licenser to process the application, as requested by the licenser.

An application for a food service operation license, other than an application for a mobile or catering food service operation license, shall be submitted to the licenser for the health district in which the food service operation is located. An application for a mobile food service operation license shall be submitted to the licenser for the health district in which the applicant's business headquarters are located, or, if the headquarters are located outside this state, to the licenser for the district where the applicant will first operate in this state. An application for a catering food service operation license shall be submitted to the licenser for the district where the applicant's base of operation is located.

(B) The licenser shall review all applications received. The licenser shall issue a license for a new food service operation when the applicant submits a complete application and the licenser determines that the applicant meets all other requirements of this chapter and the rules adopted under it for receiving the license. The licenser shall issue a renewed license on receipt of a complete renewal application.

The licenser shall issue licenses for food service operations on forms prescribed and furnished by the director of health. If the license is for a mobile food service operation, the licenser shall post the operation's layout, equipment, and menu on the back of the license.

A mobile or catering food service operation license issued by one licenser shall be recognized by all other licensers in this state.



(C)(1) A food service operation license expires at the end of the licensing period for which the license is issued, except as follows:

(a) A license issued to a new food service operation after the first day of December shall not expire until the end of the licensing period next succeeding issuance of the license.

(b) A temporary food service operation license expires at the end of the period for which it is issued.

(2) All food service operation licenses remain valid until they are scheduled to expire unless earlier suspended or revoked under section 3717.49 of the Revised Code.

(D) A food service operation license may be renewed, except that a temporary food service operation license is not renewable. A person or government entity seeking license renewal shall submit an application for renewal to the licensor not later than the first day of March, except that in the case of a mobile or seasonal food service operation the renewal application shall be submitted before commencing operation in a new licensing period. A licensor may renew a license prior to the first day of March or the first day of operation in a new licensing period, but not before the first day of February immediately preceding the licensing period for which the license is being renewed.

If a renewal application is not filed with the licensor or postmarked on or before the first day of March or, in the case of a mobile or seasonal food service operation, the first day of operation in a new licensing period, the licensor shall assess a penalty if the licensor charges a license renewal fee. The amount of the penalty shall be twenty-five per cent of the renewal fee. If an applicant is subject to a penalty, the licensor shall not renew the license until the applicant pays the penalty.

(E)(1) A licensor may issue not more than ten temporary food service operation licenses per licensing period to the same person or government entity to operate at different events within the licensor's jurisdiction. For each particular event, a licensor may issue only one temporary food service operation license to the same person or government entity.

(2) A licensor may issue a temporary food service operation license to operate for more than five consecutive days if both of the following apply:



- (a) The operation will be operated at an event organized by a county agricultural society or independent agricultural society organized under Chapter 1711. of the Revised Code;
- (b) The person who will receive the license is a resident of the county or one of the counties for which the agricultural society was organized.
- (3) A person may be granted only one temporary food service operation license per licensing period pursuant to division (E)(2) of this section.
- (F) The licensor may place restrictions or conditions on a food service operation license limiting the types of food that may be prepared or served by the food service operation based on the equipment or facilities of the food service operation. Limitations pertaining to a mobile or catering food service operation shall be posted on the back of the license.
- (G) The person or government entity holding a license for a food service operation shall display the license for that food service operation at all times at the licensed location. A person or government entity holding a catering food service operation license shall also maintain a copy of the license at each catered event.
- (H) With the assistance of the department of health, the licensor, to the extent practicable, shall computerize the process for licensing food service operations.