



Ohio Revised Code Section 3717.33 Rules.

Effective: April 7, 2023

Legislation: House Bill 507

Pursuant to section 3717.04 of the Revised Code, the director of agriculture shall adopt rules regarding the following:

(A) Licensing categories for retail food establishments and licensing requirements for each category, including appropriate practices for the activities performed by a retail food establishment;

(B) Standards for collection of food samples from retail food establishments for purposes of identifying adulteration and misbranding;

(C) Records to be generated and maintained by licensed retail food establishments;

(D) Appeals of proposed suspensions and revocations of retail food establishment licenses and appeals of suspensions of licenses issued for violations presenting a clear and present danger to the public health;

(E) Standards and procedures, including a schedule of frequency, for conducting inspections of retail food establishments;

(F) Standards and procedures for determining during an inspection whether articles should be removed from use because of a clear and present danger to the public health;

(G) Standards and procedures for conducting investigations of complaints pertaining to retail food establishments;

(H)(1) Surveys conducted by the director to determine whether boards of health are qualified and have the capacity to administer and enforce the provisions of this chapter and the rules adopted under it applicable to retail food establishments and to abide by the Ohio uniform food safety code. The rules shall require, as part of a survey, both of the following:



(a) The director to evaluate whether an individual registered as an environmental health specialist or an environmental health specialist in training under Chapter 4736. of the Revised Code who is employed by or has contracted with a board of health to enforce this chapter as it relates to retail food establishments has sufficient knowledge of the provisions of this chapter, rules adopted under it, and of the Ohio uniform food safety code to conduct such enforcement;

(b) The director to evaluate an individual under division (H)(1)(a) of this section solely through the use of an objective written or electronic assessment that complies with all of the following:

(i) It is developed by the director in consultation with representatives from the Ohio environmental health association and the association of Ohio health commissioners.

(ii) It does not exceed fifty questions in length.

(iii) In order to pass the assessment, the individual must correctly answer eighty per cent or more of the questions in the assessment. Questions on the exam shall be derived from the most common violations cited during the previous inspection year.

(iv) The individual is allowed to review the Ohio uniform food safety code during the assessment.

(2) The director, in consultation with representatives from the Ohio environmental health association and the association of Ohio health commissioners, shall review and update the assessment described in division (H)(1)(b) of this section on at least a biennial basis.

(3) For purposes of any field review portion of the survey, the director may require a registered environmental health specialist or environmental health specialist in training to participate in the field review for training and educational purposes. However, the director shall not use such participation to evaluate whether the registered environmental health specialist or environmental health specialist in training has sufficient knowledge of this chapter, rules adopted under it, and of the Ohio uniform food safety code.

(I) Reinstatement of a board of health as a licenser after the director has revoked the approval of the



board;

(J) Procedures for resolving disputes between licensors and the holders of licenses for retail food establishments;

(K) Procedures for providing enforcement support to a board of health requesting assistance in the prosecution of a person for a violation of the provisions of this chapter applicable to retail food establishments;

(L) Any other matter the director considers relevant to the administration and enforcement of the provisions of this chapter applicable to retail food establishments.