



Sub. S.B. 321*

123rd General Assembly

(As Reported by H. Commerce and Labor)

Sens. Latta, DiDonato, White, Harris, Mumper, Watts, Spada, Gardner

BILL SUMMARY

- Extends the food safety licensing exemptions that apply to certain nonprofit and other organizations to an individual or group that is raising funds for the benefit of such an exempt organization.
- Declares an emergency.

CONTENT AND OPERATION

Existing law establishes several exemptions from the requirement to be licensed as a retail food establishment (see **COMMENT**).¹ One of these exemptions is for a charitable, educational, scientific, or other nonprofit organization that is exempt from federal income taxation and that raises funds by selling displayed foods if the foods are not potentially hazardous and the display is made for not more than seven consecutive days or more than 52 separate days during a licensing period. The bill extends the exemption to include any

* *This analysis was prepared before the report of the House Commerce and Labor Committee appeared in the House Journal. Note that the list of co-sponsors and legislative history may be incomplete.*

¹ *Under existing law, "retail food establishment" means a premises or part of a premises where food, over-the-counter drugs, nutrients designed for use in lieu of pharmaceuticals, and products designed for use as dietary supplements are stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Except when expressly provided otherwise, "retail food establishment" includes a seasonal retail food establishment and a temporary retail food establishment. As used in this definition, "retail" means the sale of food to a person who is the ultimate consumer, and "prepared" means any action that affects a food, including receiving and maintaining it at the temperature at which it was received. (Sec. 3717.01(C), not in the bill.)*

individual or group raising all of its funds during those specified display time periods for the benefit of the nonprofit organization by selling displayed foods under the same conditions. (Sec. 3717.22(B)(4).)

An additional existing exemption is for an operation with commercially prepackaged foods that are not potentially hazardous and contained in displays of less than ten cubic feet. The bill increases the maximum allowable size of such a display to 100 cubic feet. (Sec. 3717.22(B)(1).)

Additionally, existing law establishes several exemptions from the requirement to be licensed as a food service operation (see **COMMENT**).² One of these exemptions is for a church, school, fraternal or veterans' organization, volunteer fire organization, or volunteer emergency medical service organization preparing or serving food that is intended for individual portion service on its premises for not more than seven consecutive days or not more than 52 separate days during a licensing period. The bill extends the exemption to include any individual or group raising all of its funds during those specified time periods for the benefit of the church, school, or organization by preparing or serving food intended for individual portion service under the same conditions. (Sec. 3717.42(B)(5).)

Finally, stating that the bill's changes are needed to coincide with the implementation of changes made by Sub. H.B. 223 of the 123rd General Assembly beginning on February 1, 2001, the bill declares an emergency (see **COMMENT**).

² Existing law defines "food service operation" as a place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this definition, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation, and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received. Except when expressly provided otherwise, "food service operation" includes a catering food service operation, food delivery sales operation, mobile food service operation, seasonal food service operation, temporary food service operation, and vending machine location. (Sec. 3717.01(F), not in the bill.)

COMMENT

Under Sub. H.B. 223 of the 123rd General Assembly, the statewide licensing of retail food establishments takes effect February 1, 2001. The licensing requirements will be implemented by local boards of health in the same manner as their existing licensing programs for food service operations. The standards for retail food establishments are being developed by the Department of Agriculture and will be combined with standards that the Department of Health has established for food service operations. These combined standards, to be known as the Ohio Uniform Food Safety Code, will provide for the issuance of a single license to a business that engages in activities as both a retail food establishment and a food service operation.

HISTORY

| ACTION | DATE | JOURNAL ENTRY |
|----------------------------------|----------|---------------|
| Introduced | 08-01-00 | p. 1988 |
| Reported, S. Agriculture | 11-09-00 | p. 2198 |
| Passed Senate (32-0) | 11-09-00 | p. 2202 |
| Reported, H. Commerce & Labor | --- | --- |

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