



H.B. 393

127th General Assembly
(As Introduced)

Reps. Yates, Harwood, S. Williams, Foley, R. Hagan, Mallory, Brown, Skindell, Chandler

BILL SUMMARY

- Requires the Director of Agriculture and the Public Health Council to adopt rules as part of the Ohio Uniform Food Safety Code that include provisions prohibiting the storage, distribution, or service of any food containing trans fat by a food service operation or a food service operation component of a retail food establishment that provides the services of a food service operation under the proper endorsement.
- Expects from the bill's prohibition against trans fat usage food sold or served in a manufacturer's original, sealed package.
- Requires that the rules adopted to prohibit trans fat usage be phased in so that by July 1, 2008, trans fat is prohibited for deep frying or in or as spreads, and that by July 1, 2009, the full prohibition takes effect.

CONTENT AND OPERATION

Prohibition against trans fat usage

(R.C. 3717.01 and 3717.05(C))

The bill requires the Director of Agriculture and the Public Health Council to adopt, as part of the Ohio Uniform Safety Code, rules prohibiting the storage, distribution, or service of any food containing "trans fat" by a "food service operation" or by a food service operation component of a "retail food

establishment" that provides the services of a food service operation under an endorsement issued by the licensor of retail food establishments.¹

For purposes of this provision, under the bill, "trans fat" includes "vegetable shortening, margarine, or any other kind of hydrogenated or partially hydrogenated vegetable oil, except to the extent that the oil occurs naturally in a food item." Under continuing law unchanged by the bill, a "food service operation" is defined 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.² Additionally, "retail food establishment" is defined as a premises or part of a premises where food is stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Except when expressly provided otherwise, "retail food establishment" includes a mobile retail food establishment, seasonal retail food establishment, and temporary retail food establishment.³

Exception and phase-in period

(R.C. 3717.05(C))

The prohibition does not apply to food that is sold or served in a manufacturer's original, sealed package. The bill requires that the rules phase in

¹ A retail food establishment, such as a grocery store, may operate a food service operation within the same structure if the retail food establishment requests an endorsement to provide the services of a food service operation from the licensor of retail food establishments and the licensor grants the requested endorsement (R.C. 3717.24(A)).

² For purposes of the definition of "food service operation," the definitions of "catering food service operation," "food delivery sales operation," "mobile food service operation," "seasonal food service operation," "temporary food service operation," and "vending machine location" can be found in section 3717.01 of the Revised Code.

³ For purposes of the definition of "retail food establishment," "mobile retail food establishment," "seasonal retail food establishment," and "temporary retail food establishment" are defined in section 3717.01 of the Revised Code.

the prohibition so that by July 1, 2008, trans fat is not used for the purposes of deep frying, as a spread, or as an ingredient of a spread, and that by July 1, 2009, the entire prohibition is effective.

HISTORY

ACTION	DATE
Introduced	11-15-07

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