



# Ohio Legislative Service Commission

## Bill Analysis

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### H.B. 97

128th General Assembly  
(As Introduced)

**Reps.** Zehringer, Huffman, Grossman, Gardner, Bupp, Combs, Evans, Stebelton, Domenick, Hall, Okey, Ujvagi

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## BILL SUMMARY

- Increases, from 10 to 20, the number of licenses for temporary food service operations that can be obtained each year by the same operator within a certain jurisdiction.
- Exempts a temporary food service operation from inspection if it remains under the same operator and in the same location as a previous temporary food service operation that was inspected in the preceding 30-day period.

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## CONTENT AND OPERATION

### Obtaining temporary food service operation licenses

(R.C. 3717.43)

Current law requires each person or government entity requesting a food service operation license or the renewal of a license to apply to the appropriate licensor<sup>1</sup> on a form provided by the licensor. The licensor must issue a license when the applicant submits a complete application and the licensor determines that the applicant meets all other requirements and rules for receiving the license. Generally, a food service operation license expires at the end of the licensing period<sup>2</sup> for which the license is

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<sup>1</sup> "Licensor" means one of the following: (1) a qualified board of health, (2) the Director of Agriculture, (3) the Director of Health (R.C. 3717.01, not in the bill).

<sup>2</sup> "Licensing period" means March 1 to the last day of February of the next succeeding year (R.C. 3717.01, not in the bill).

issued. A temporary food service operation<sup>3</sup> license expires at the end of the period for which it is issued. Ordinarily, a food service operation license is renewable. However, a temporary food service operation license is not renewable.

Currently, a licensor can 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 can issue only one temporary food service operation license to the same person or government entity.

The bill increases, from 10 to 20, the number of temporary food service operation licenses that a licensor can issue each year to the same operator within the licensor's jurisdiction.

### **Inspection of temporary food service operations**

(R.C. 3717.47)

Under ongoing law, all inspections of food service operations conducted by a licensor must be conducted according to the procedures and schedule of frequency specified in rules adopted by the Public Health Council. An inspection can be performed only by an individual registered as a sanitarian or sanitarian-in-training. A person or government entity holding a food service operation license must permit the licensor to inspect the food service operation for purposes of determining compliance with Ohio law or investigating a complaint regarding foodborne disease. On request of the licensor, the license holder must permit the licensor to examine the records of the food service operation to obtain information about the purchase, receipt, or use of food, supplies, and equipment.

The bill exempts a temporary food service operation from inspection if the following the conditions are met:

(1) The event for which the temporary food service operation license was issued occurs at the same location as the event for which a previous temporary food service operation license was issued;

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<sup>3</sup> "Temporary food service operation" means a food service operation that is operated at an event for not more than five consecutive days, except when operated 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, and (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 (R.C. 3717.01, not in the bill and R.C. 3717.43(E)(2)).

(2) The person or government entity holding the license for the temporary food service operation is the same person or government entity that held the license for the previous temporary food service operation;

(3) The previous temporary food service operation was inspected during its operation; and

(4) The temporary food service operation begins operating not more than 30 days after the previous temporary food service was inspected.

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## **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	03-24-09

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