

**As Introduced**

**128th General Assembly  
Regular Session  
2009-2010**

**H. B. No. 97**

**Representative Zehringer**

**Cosponsors: Representatives Huffman, Grossman, Gardner, Bulp, Combs,  
Evans, Stebelton, Domenick, Hall, Okey, Ujvagi**

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**A B I L L**

To amend sections 3717.43 and 3717.47 of the Revised 1  
Code regarding temporary food service operations. 2

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3717.43 and 3717.47 of the Revised 3  
Code be amended to read as follows: 4

**Sec. 3717.43.** (A) Each person or government entity requesting 5  
a food service operation license or the renewal of a license shall 6  
apply to the appropriate licensor on a form provided by the 7  
licensor. Licensors shall use a form prescribed and furnished to 8  
the licensor by the director of health or a form prescribed by the 9  
licensor that has been approved by the director. The applicant 10  
shall include with the application all information necessary for 11  
the licensor to process the application, as requested by the 12  
licensor. 13

An application for a food service operation license, other 14  
than an application for a mobile or catering food service 15  
operation license, shall be submitted to the licensor for the 16  
health district in which the food service operation is located. An 17  
application for a mobile food service operation license shall be 18

submitted to the licensor for the health district in which the 19  
applicant's business headquarters are located, or, if the 20  
headquarters are located outside this state, to the licensor for 21  
the district where the applicant will first operate in this state. 22  
An application for a catering food service operation license shall 23  
be submitted to the licensor for the district where the 24  
applicant's base of operation is located. 25

(B) The licensor shall review all applications received. The 26  
licensor shall issue a license for a new food service operation 27  
when the applicant submits a complete application and the licensor 28  
determines that the applicant meets all other requirements of this 29  
chapter and the rules adopted under it for receiving the license. 30  
The licensor shall issue a renewed license on receipt of a 31  
complete renewal application. 32

The licensor shall issue licenses for food service operations 33  
on forms prescribed and furnished by the director of health. If 34  
the license is for a mobile food service operation, the licensor 35  
shall post the operation's layout, equipment, and menu on the back 36  
of the license. 37

A mobile or catering food service operation license issued by 38  
one licensor shall be recognized by all other licensors in this 39  
state. 40

(C)(1) A food service operation license expires at the end of 41  
the licensing period for which the license is issued, except as 42  
follows: 43

(a) A license issued to a new food service operation after 44  
the first day of December shall not expire until the end of the 45  
licensing period next succeeding issuance of the license. 46

(b) A temporary food service operation license expires at the 47  
end of the period for which it is issued. 48

(2) All food service operation licenses remain valid until 49

they are scheduled to expire unless earlier suspended or revoked 50  
under section 3717.49 of the Revised Code. 51

(D) A food service operation license may be renewed, except 52  
that a temporary food service operation license is not renewable. 53  
A person or government entity seeking license renewal shall submit 54  
an application for renewal to the licensor not later than the 55  
first day of March, except that in the case of a mobile or 56  
seasonal food service operation the renewal application shall be 57  
submitted before commencing operation in a new licensing period. A 58  
licensor may renew a license prior to the first day of March or 59  
the first day of operation in a new licensing period, but not 60  
before the first day of February immediately preceding the 61  
licensing period for which the license is being renewed. 62

If a renewal application is not filed with the licensor or 63  
postmarked on or before the first day of March or, in the case of 64  
a mobile or seasonal food service operation, the first day of 65  
operation in a new licensing period, the licensor shall assess a 66  
penalty. The amount of the penalty shall be the lesser of fifty 67  
dollars or twenty-five per cent of the fee charged for renewing 68  
licenses, if the licensor charges renewal fees. If an applicant is 69  
subject to a penalty, the licensor shall not renew the license 70  
until the applicant pays the penalty. 71

(E)(1) A licensor may issue not more than ~~ten~~ twenty 72  
temporary food service operation licenses per licensing period to 73  
the same person or government entity to operate at different 74  
events within the licensor's jurisdiction. For each particular 75  
event, a licensor may issue only one temporary food service 76  
operation license to the same person or government entity. 77

(2) A licensor may issue a temporary food service operation 78  
license to operate for more than five consecutive days if both of 79  
the following apply: 80

(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.

**Sec. 3717.47.** ~~(A)~~ All of the following apply with respect to inspections of food service operations conducted by a licensor under this chapter:

(A) The inspections shall be conducted according to the procedures ~~and schedule of frequency~~ specified in rules adopted under section 3717.51 of the Revised Code. ~~An~~

(B)(1) Except as provided in division (B)(2) of this section, 111  
the inspections shall be conducted according to the schedule of 112  
frequency specified in the rules adopted under section 3717.51 of 113  
the Revised Code. 114

(2) A temporary food service operation is not subject to 115  
inspection if all of the conditions are met: 116

(a) The event for which the temporary food service operation 117  
license was issued occurs at the same location as the event for 118  
which a previous temporary food service operation license was 119  
issued. 120

(b) The person or government entity holding the license for 121  
the temporary food service operation is the same person or 122  
government entity that held the license for the previous temporary 123  
food service operation. 124

(c) The previous temporary food service operation was 125  
inspected during its operation. 126

(d) The temporary food service operation begins operating not 127  
more than thirty days after the previous temporary food service 128  
was inspected. 129

(C) An inspection may be performed only by an individual 130  
registered as a sanitarian or sanitarian-in-training under Chapter 131  
4736. of the Revised Code. ~~Each~~ 132

(D) Each inspection shall be recorded on a form prescribed 133  
and furnished by the director of health or a form approved by the 134  
director that has been prescribed by a board of health acting as 135  
licensor. ~~With~~ 136

(E) With the assistance of the director, a board acting as 137  
licensor, to the extent practicable, shall computerize the 138  
inspection process and shall standardize the manner in which its 139  
inspections are conducted. 140

~~(B)~~(F) A person or government entity holding a license for a 141  
food service operation license subject to inspection shall permit 142  
the licensor to inspect the food service operation for purposes of 143  
determining compliance with this chapter and the rules adopted 144  
under it or investigating a complaint regarding foodborne disease. 145  
On request of the licensor, the license holder shall permit the 146  
licensor to examine the records of the food service operation to 147  
obtain information about the purchase, receipt, or use of food, 148  
supplies, and equipment. 149

(G) A licensor may inspect any mobile food service operation 150  
or catering food service operation being operated within the 151  
licensor's district. If an inspection of a mobile or catering food 152  
service operation is conducted by a licensor other than the 153  
licensor that issued the license for the operation, a report of 154  
the inspection shall be sent to the issuing licensor. The issuing 155  
licensor may use the inspection report to suspend or revoke the 156  
license under section 3717.49 of the Revised Code. 157

~~(C)~~(H) An inspection may include an investigation to 158  
determine the identity and source of a particular food. 159

**Section 2.** That existing sections 3717.43 and 3717.47 of the 160  
Revised Code are hereby repealed. 161