

As Introduced

**130th General Assembly
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S. B. No. 11

Senator Brown

**Cosponsors: Senators Lehner, Tavares, Smith, Gentile, Kearney, Schiavoni,
Cafaro, Sawyer, Turner, Skindell, LaRose**

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A B I L L

To amend sections 3313.813, 3715.52, 3717.22, 1
3717.42, and 5104.051 and to enact sections 2
3327.18 and 3717.60 of the Revised Code to require 3
school districts to allow alternative summer meal 4
sponsors to use school facilities to provide food 5
service for summer intervention services under 6
certain conditions, to allow the distribution and 7
consumption of meals on a school bus, and to 8
create a healthy food license for child day-care 9
centers and school child programs. 10

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

Section 1. That sections 3313.813, 3715.52, 3717.22, 3717.42, 11
and 5104.051 be amended and sections 3327.18 and 3717.60 of the 12
Revised Code be enacted to read as follows: 13

Sec. 3313.813. (A) As used in this section: 14

(1) "Outdoor education center" means a public or nonprofit 15
private entity that provides to pupils enrolled in any public or 16
chartered nonpublic elementary or secondary school an outdoor 17
educational curriculum that the school considers to be part of its 18

educational program. 19

(2) "Outside-school-hours care center" has the meaning 20
established in 7 C.F.R. 226.2. 21

(B) The state board of education shall establish standards 22
for a school lunch program, school breakfast program, child and 23
adult care food program, special food service program for 24
children, summer food service program for children, special milk 25
program for children, food service equipment assistance program, 26
and commodity distribution program established under the "National 27
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 28
amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 29
U.S.C. 1771, as amended. Any board of education of a school 30
district, nonprofit private school, outdoor education center, 31
child care institution, outside-school-hours care center, or 32
summer camp desiring to participate in such a program or required 33
to participate under this section shall, if eligible to 34
participate under the "National School Lunch Act," as amended, or 35
the "Child Nutrition Act of 1966," as amended, make application to 36
the state board of education for assistance. The board shall 37
administer the allocation and distribution of all state and 38
federal funds for these programs. 39

(C) The state board of education shall require the board of 40
education of each school district to establish and maintain a 41
school breakfast, lunch, and summer food service program pursuant 42
to the "National School Lunch Act" and the "Child Nutrition Act of 43
1966," as described in divisions (C)(1) to (4) of this section. 44

(1) The state board shall require the board of education in 45
each school district to establish a breakfast program in every 46
school where at least one-fifth of the pupils in the school are 47
eligible under federal requirements for free breakfasts and to 48
establish a lunch program in every school where at least one-fifth 49
of the pupils are eligible for free lunches. The board of 50

education required to establish a breakfast program under this 51
division may make a charge in accordance with federal requirements 52
for each reduced price breakfast or paid breakfast to cover the 53
cost incurred in providing that meal. 54

(2) The state board shall require the board of education in 55
each school district to establish a breakfast program in every 56
school in which the parents of at least one-half of the children 57
enrolled in the school have requested that the breakfast program 58
be established. The board of education required to establish a 59
program under this division may make a charge in accordance with 60
federal requirements for each meal to cover all or part of the 61
costs incurred in establishing such a program. 62

(3) The state board shall require the board of education in 63
each school district to establish one of the following for summer 64
intervention services described in division (D) of section 65
3301.0711 or provided under section 3313.608 of the Revised Code, 66
and any other summer intervention program required by law: 67

(a) An extension of the school breakfast program pursuant to 68
the "National School Lunch Act" and the "Child Nutrition Act of 69
1966"; 70

(b) An extension of the school lunch program pursuant to 71
those acts; 72

(c) A summer food service program pursuant to those acts. 73

(4)(a) If the board of education of a school district 74
determines that, for financial reasons, it cannot comply with 75
division (C)(1) or (3) of this section, the district board may 76
choose not to comply with either or both divisions, except as 77
provided in ~~division~~ divisions (C)(4)(b) and (c) of this section. 78
The district board publicly shall communicate to the residents of 79
the district, in the manner it determines appropriate, its 80
decision not to comply. 81

(b) If a district board chooses not to comply with division 82
(C)(1) of this section, the state board nevertheless shall require 83
the district board to establish a breakfast program in every 84
school where at least one-third of the pupils in the school are 85
eligible under federal requirements for free breakfasts and to 86
establish a lunch program in every school where at least one-third 87
of the pupils are eligible for free lunches. The district board 88
may make a charge in accordance with federal requirements for each 89
reduced price breakfast or paid breakfast to cover the cost 90
incurred in providing that meal. 91

(c) If the board of education of a school district chooses 92
not to comply with division (C)(3) of this section, the state 93
board nevertheless shall require the district board to permit an 94
alternative summer meal sponsor to use school facilities located 95
in a school building attendance area where at least one-half of 96
the pupils are eligible for free lunches. 97

The state board shall provide each district with a list of 98
approved alternative summer meal sponsors that may use school 99
facilities under this division. 100

Subject to the provisions of sections 3313.75 and 3313.77 of 101
the Revised Code, a school district may charge the summer meal 102
sponsor a reasonable fee for the use of school facilities that may 103
include the actual cost of custodial services and a prorated share 104
of the utility costs as determined by the district. A school 105
district also may require the summer meal sponsor to indemnify and 106
hold harmless the district from any potential liability resulting 107
from the operation of an alternative summer meal program under 108
this division. 109

(d) If a school district cannot for good cause comply with 110
the requirements of division (C)(2) or (4)(b) or (c) of this 111
section at the time the state board determines that a district is 112
subject to these requirements, the state board shall grant a 113

reasonable extension of time. Good cause for an extension of time 114
shall include, but need not be limited to, economic impossibility 115
of compliance with the requirements at the time the state board 116
determines that a district is subject to them. 117

(D)(1) The state board shall accept the application of any 118
outdoor education center in the state making application for 119
participation in a program pursuant to division (B) of this 120
section. 121

(2) For purposes of participation in any program pursuant to 122
this section, the board shall certify any outdoor education center 123
making application as an educational unit that is part of the 124
educational system of the state, if the center: 125

(a) Meets the definition of an outdoor education center; 126

(b) Provides its outdoor education curriculum to pupils on an 127
overnight basis so that pupils are in residence at the center for 128
more than twenty-four consecutive hours; 129

(c) Operates under public or nonprofit private ownership in a 130
single building or complex of buildings. 131

(3) The board shall approve any outdoor education center 132
certified under this division for participation in the program for 133
which the center is making application on the same basis as any 134
other applicant for that program. 135

(E) Any school district board of education or chartered 136
nonpublic school that participates in a breakfast program pursuant 137
to this section may offer breakfast to pupils in their classrooms 138
during the school day. 139

(F) Notwithstanding anything in this section to the contrary, 140
in each fiscal year in which the general assembly appropriates 141
funds for purposes of this division, the board of education of 142
each school district and each chartered nonpublic school that 143

participates in a breakfast program pursuant to this section shall 144
provide a breakfast free of charge to each pupil who is eligible 145
under federal requirements for a reduced price breakfast. 146

Sec. 3327.18. To the extent permitted by federal law, a 147
school district that elects to provide a summer food service 148
program under the "National School Lunch Act," 60 Stat. 230 149
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 150
of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, may do any of 151
the following: 152

(A) Use a school bus to transport children to summer meal 153
service sites; 154

(B) Use a school bus to transport meals to summer meal 155
service sites; 156

(C) Permit the serving and consumption of meals while 157
children are seated in the school bus, as long as the bus is 158
parked and not in motion and the district complies with section 159
3313.815 of the Revised Code. 160

Sec. 3715.52. (A) The following acts and causing them are 161
prohibited: 162

(1) The manufacture, sale, or delivery, holding or offering 163
for sale of any food, drug, device, or cosmetic that is 164
adulterated or misbranded; 165

(2) The adulteration or misbranding of any food, drug, 166
device, or cosmetic; 167

(3) The receipt in commerce of any food, drug, device, or 168
cosmetic that is adulterated or misbranded, and the delivery or 169
proffered delivery thereof for pay or otherwise; 170

(4) The sale, delivery for sale, holding for sale, or 171
offering for sale of any article in violation of section 3715.61 172

or 3715.65 of the Revised Code;	173
(5) The dissemination of any false advertisement;	174
(6) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by section 3715.70 of the Revised Code;	175 176 177
(7) The giving of a guaranty or undertaking that is false, except by a person who relied on a guaranty or undertaking to the same effect signed by, and containing the name and address of the person residing in this state from whom the person received in good faith the food, drug, device, or cosmetic;	178 179 180 181 182
(8) The removal or disposal of a detained or embargoed article in violation of section 3715.55 or 3715.551 of the Revised Code;	183 184 185
(9) The alteration, mutilation, destruction, obliteration, or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if the act is done while the article is held for sale and results in the article being misbranded;	186 187 188 189 190
(10) Forging, counterfeiting, simulating, or falsely representing, or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by rules adopted pursuant to sections 3715.52 to 3715.72 of the Revised Code;	191 192 193 194 195
(11) The using, on the labeling of any drug or in any advertisement relating to a drug, of any representation or suggestion that any application with respect to the drug is effective under section 3715.65 of the Revised Code or that the drug complies with the provisions of that section;	196 197 198 199 200
(12) The using by any person to the person's own advantage, or revealing, other than to the director of agriculture or to the	201 202

courts when relevant in any judicial proceeding under sections 203
3715.52 to 3715.72 of the Revised Code, any information acquired 204
under authority of sections 3715.01 and 3715.52 to 3715.72 of the 205
Revised Code, concerning any information that as a trade secret is 206
entitled to protection; 207

(13) The issuance by the manufacturer, packer, or distributor 208
of a dangerous drug of any advertisements, catalogues, or price 209
lists, except those lists specifically designed for disseminating 210
price change information, that do not contain in clearly legible 211
form the name and place of business of the manufacturer who mixed 212
the final ingredients and, if different, the manufacturer who 213
produced the drug in its finished dosage form and, if different, 214
the packer or distributor. 215

(B)(1) No person at a flea market shall sell, offer for sale, 216
or knowingly permit the sale of any of the following products: 217

(a) Baby food, infant formula, or similar products; 218

(b) Any drug, cosmetic, or device; 219

(c) Any product on which is printed or stamped an expiration 220
date or a date recommended by the manufacturer as either the last 221
day on which the product should be offered for sale or the last 222
day on which the product should be used. 223

(2) Division (B)(1) of this section does not apply to a 224
person who keeps available for public inspection an identification 225
card identifying the person as an authorized representative of the 226
manufacturer or distributor of any drug, cosmetic, or device, as 227
long as the card is not false, fraudulent, or fraudulently 228
obtained. 229

(3) Division (B)(1)(c) of this section does not apply to a 230
person or governmental entity that is licensed as a retail food 231
establishment or food service operation under Chapter 3717. of the 232
Revised Code or is listed in division (B)~~(9)~~(10) or ~~(12)~~(13) of 233

section 3717.42 of the Revised Code. 234

(4) As used in division (B)(1) of this section, "flea market" 235
means any location, other than a permanent retail store, at which 236
space is rented or otherwise made available to others for the 237
conduct of business as transient vendors as defined in section 238
5739.17 of the Revised Code. 239

Sec. 3717.22. (A) The following are not retail food 240
establishments: 241

(1) A food service operation licensed under this chapter, 242
including a food service operation that provides the services of a 243
retail food establishment pursuant to an endorsement issued under 244
section 3717.44 of the Revised Code; 245

(2) An entity exempt under divisions (B)(1) to ~~(9)~~(10) or 246
~~(11)~~(12) to ~~(13)~~(14) of section 3717.42 of the Revised Code from 247
the requirement to be licensed as a food service operation and an 248
entity exempt under division (B)~~(10)~~(11) of that section if the 249
entity is regulated by the department of agriculture as a food 250
processing establishment under section 3715.021 of the Revised 251
Code; 252

(3) A business or that portion of a business that is 253
regulated by the federal government or the department of 254
agriculture as a food manufacturing or food processing business, 255
including a business or that portion of a business regulated by 256
the department of agriculture under Chapter 911., 913., 915., 257
917., 918., or 925. of the Revised Code. 258

(B) All of the following are exempt from the requirement to 259
be licensed as a retail food establishment: 260

(1) An establishment with commercially prepackaged foods that 261
are not potentially hazardous and contained in displays, the total 262
space of which equals less than two hundred cubic feet; 263

(2) A person at a farmers market that is registered with the	264
director of agriculture pursuant to section 3717.221 of the	265
Revised Code that offers for sale only one or more of the	266
following:	267
(a) Fresh unprocessed fruits or vegetables;	268
(b) Products of a cottage food production operation;	269
(c) Maple syrup, sorghum, or honey that is produced by a	270
maple syrup or sorghum producer or beekeeper described in division	271
(A) of section 3715.021 of the Revised Code;	272
(d) Commercially prepackaged food that is not potentially	273
hazardous, on the condition that the food is contained in	274
displays, the total space of which equals less than one hundred	275
cubic feet on the premises where the person conducts business at	276
the farmers market.	277
(3) A person who offers for sale at a roadside stand only	278
fresh fruits and fresh vegetables that are unprocessed;	279
(4) A nonprofit organization exempt from federal income	280
taxation under section 501(c)(3) of the "Internal Revenue Code of	281
1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, that raises	282
funds by selling foods and that, if required to be licensed, would	283
be classified as risk level one in accordance with rules	284
establishing licensing categories for retail food establishments	285
adopted under section 3717.33 of the Revised Code, if the sales	286
occur inside a building and are for not more than seven	287
consecutive days or more than fifty-two separate days during a	288
licensing period. This exemption extends to any individual or	289
group raising all of its funds during the time periods specified	290
in division (B)(4) of this section for the benefit of the	291
nonprofit organization by selling foods under the same conditions.	292
(5) An establishment that offers food contained in displays	293
of less than five hundred square feet, and if required to be	294

licensed would be classified as risk level one pursuant to rules 295
establishing licensing categories for retail food establishments 296
adopted under section 3717.33 of the Revised Code, on the 297
condition that the establishment offers the food for sale at 298
retail not more than six months in each calendar year; 299

(6) A cottage food production operation, on the condition 300
that the operation offers its products directly to the consumer 301
from the site where the products are produced; 302

(7) A maple syrup and sorghum processor and beekeeper 303
described in division (A) of section 3715.021 of the Revised Code, 304
on the condition that the processor or beekeeper offers only maple 305
syrup, sorghum, or honey directly to the consumer from the site 306
where those products are processed; 307

(8) A person who annually maintains five hundred or fewer 308
birds, on the condition that the person offers the eggs from those 309
birds directly to the consumer from the location where the eggs 310
are produced or at a farm product auction to which division 311
(B)(11) of this section applies; 312

(9) A person who annually raises and slaughters one thousand 313
or fewer chickens, on the condition that the person offers dressed 314
chickens directly to the consumer from the location where the 315
chickens are raised and slaughtered or at a farm product auction 316
to which division (B)(11) of this section applies; 317

(10) A person who raises, slaughters, and processes the meat 318
of nonamenable species described in divisions (A) and (B) of 319
section 918.12 of the Revised Code, on the condition that the 320
person offers the meat directly to the consumer from the location 321
where the meat is processed or at a farm product auction to which 322
division (B)(11) of this section applies; 323

(11) A farm product auction, on the condition that it is 324
registered with the director pursuant to section 3717.221 of the 325

Revised Code that offers for sale at the farm product auction only	326
one or more of the following:	327
(a) The products described in divisions (B)(8) to (10) of	328
this section that are produced, raised, slaughtered, or processed,	329
as appropriate, by persons described in divisions (B)(8) to (10)	330
of this section;	331
(b) Fresh unprocessed fruits or vegetables;	332
(c) Products of a cottage food production operation;	333
(d) Maple syrup, sorghum, or honey that is produced by a	334
maple syrup or sorghum producer or beekeeper described in division	335
(A) of section 3715.021 of the Revised Code.	336
(12) An establishment that, with respect to offering food for	337
sale, offers only alcoholic beverages or prepackaged beverages	338
that are not potentially hazardous;	339
(13) An establishment that, with respect to offering food for	340
sale, offers only alcoholic beverages, prepackaged beverages that	341
are not potentially hazardous, or commercially prepackaged food	342
that is not potentially hazardous, on the condition that the	343
commercially prepackaged food is contained in displays, the total	344
space of which equals less than two hundred cubic feet on the	345
premises of the establishment;	346
(14) An establishment that, with respect to offering food for	347
sale, offers only fountain beverages that are not potentially	348
hazardous;	349
(15) A person who offers for sale only one or more of the	350
following foods at a festival or celebration, on the condition	351
that the festival or celebration is organized by a political	352
subdivision of the state and lasts for a period not longer than	353
seven consecutive days:	354
(a) Fresh unprocessed fruits or vegetables;	355

(b) Products of a cottage food production operation;	356
(c) Maple syrup, sorghum, or honey if produced by a maple syrup or sorghum processor or beekeeper as described in division (A) of section 3715.021 of the Revised Code;	357 358 359
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet;	360 361 362 363
(e) Fruit butter produced at the festival or celebration and sold from the production site.	364 365
(16) A farm market on the condition that it is registered with the director pursuant to section 3717.221 of the Revised Code that offers for sale at the farm market only one or more of the following:	366 367 368 369
(a) Fresh unprocessed fruits or vegetables;	370
(b) Products of a cottage food production operation;	371
(c) Maple syrup, sorghum, or honey that is produced by a maple syrup or sorghum producer or beekeeper described in division (A) of section 3715.021 of the Revised Code;	372 373 374
(d) Commercially prepackaged food that is not potentially hazardous, on the condition that the food is contained in displays, the total space of which equals less than one hundred cubic feet on the premises where the person conducts business at the farm market;	375 376 377 378 379
(e) Cider and other juices manufactured on site at the farm market;	380 381
(f) The products or items described in divisions (B)(8) to (10) of this section, on the condition that those products or items were produced by the person offering to sell them, and further conditioned that, with respect to eggs offered, the person	382 383 384 385

offering to sell them annually maintains five hundred or fewer 386
birds, and with respect to dressed chickens offered, the person 387
annually raises and slaughters one thousand or fewer chickens. 388

Sec. 3717.42. (A) The following are not food service 389
operations: 390

(1) A retail food establishment licensed under this chapter, 391
including a retail food establishment that provides the services 392
of a food service operation pursuant to an endorsement issued 393
under section 3717.24 of the Revised Code; 394

(2) An entity exempt from the requirement to be licensed as a 395
retail food establishment under division (B) of section 3717.22 of 396
the Revised Code; 397

(3) A business or that portion of a business that is 398
regulated by the federal government or the department of 399
agriculture as a food manufacturing or food processing business, 400
including a business or that portion of a business regulated by 401
the department of agriculture under Chapter 911., 913., 915., 402
917., 918., or 925. of the Revised Code. 403

(B) All of the following are exempt from the requirement to 404
be licensed as a food service operation: 405

(1) A private home in which individuals related by blood, 406
marriage, or law reside and in which the food that is prepared or 407
served is intended only for those individuals and their nonpaying 408
guests; 409

(2) A private home operated as a bed-and-breakfast that 410
prepares and offers food to guests, if the home is owner-occupied, 411
the number of available guest bedrooms does not exceed six, 412
breakfast is the only meal offered, and the number of guests 413
served does not exceed sixteen; 414

(3) A stand operated on the premises of a private home by one 415

or more children under the age of twelve, if the food served is 416
not potentially hazardous; 417

(4) A residential facility that accommodates not more than 418
sixteen residents; is licensed, certified, registered, or 419
otherwise regulated by the federal government or by the state or a 420
political subdivision of the state; and prepares food for or 421
serves food to only the residents of the facility, the staff of 422
the facility, and any nonpaying guests of residents or staff; 423

(5) A church, school, fraternal or veterans' organization, 424
volunteer fire organization, or volunteer emergency medical 425
service organization preparing or serving food intended for 426
individual portion service on its premises for not more than seven 427
consecutive days or not more than fifty-two separate days during a 428
licensing period. This exemption extends to any individual or 429
group raising all of its funds during the time periods specified 430
in division (B)(5) of this section for the benefit of the church, 431
school, or organization by preparing or serving food intended for 432
individual portion service under the same conditions. 433

(6) A common carrier that prepares or serves food, if the 434
carrier is regulated by the federal government; 435

(7) A food service operation serving thirteen or fewer 436
individuals daily; 437

(8) A type A or type B family day-care home, as defined in 438
section 5104.01 of the Revised Code, that prepares or serves food 439
for the children receiving day-care; 440

(9) A child day-care center or school child program that 441
holds a healthy food license issued under section 3717.60 of the 442
Revised Code and prepares or serves food, as authorized by the 443
license, for the children in the center's or program's care; 444

(10) A vending machine location where the only foods 445
dispensed are foods from one or both of the following categories: 446

(a) Prepackaged foods that are not potentially hazardous;	447
(b) Nuts, panned or wrapped bulk chewing gum, or panned or wrapped bulk candies.	448 449
(10) (11) A place servicing the vending machines at a vending machine location described in division (B)(9) of this section;	450 451
(11) (12) A commissary servicing vending machines that dispense only milk, milk products, or frozen desserts that are under a state or federal inspection and analysis program;	452 453 454
(12) (13) A "controlled location vending machine location," which means a vending machine location at which all of the following apply:	455 456 457
(a) The vending machines dispense only foods that are not potentially hazardous;	458 459
(b) The machines are designed to be filled and maintained in a sanitary manner by untrained persons;	460 461
(c) Minimal protection is necessary to ensure against contamination of food and equipment.	462 463
(13) (14) A private home that prepares and offers food to guests, if the home is owner-occupied, meals are served on the premises of that home, the number of meals served does not exceed one hundred fifteen per week, and the home displays a notice in a place conspicuous to all of its guests informing them that the home is not required to be licensed as a food service operation;	464 465 466 467 468 469
(14) (15) An individual who prepares full meals or meal components, such as pies or baked goods, in the individual's home to be served off the premises of that home, if the number of meals or meal components prepared for that purpose does not exceed twenty in a seven-day period.	470 471 472 473 474
<u>Sec. 3717.60. (A) As used in this section:</u>	475

(1) "Child day-care center" has the same meaning as in 476
section 5104.01 of the Revised Code. 477

(2) "Healthy food license" means a license that authorizes a 478
child day-care center or school child program to receive, serve, 479
and store any of the following for the children in the center's or 480
program's care: 481

(a) Fruit; 482

(b) Vegetables; 483

(c) Single-serving dairy products, if included in the 484
licensing category applicable to the license held by the center or 485
program. 486

(3) "School child program" has the same meaning as in section 487
3301.52 of the Revised Code. 488

(B) A child day-care center or school child program seeking a 489
healthy food license or renewal of a license shall apply to the 490
entity specified in rules adopted under this section on a form 491
provided by the entity. The entity shall issue or renew a license 492
if the applicant meets the requirements established in rules 493
adopted under this section. 494

A healthy food license remains valid until scheduled to 495
expire unless earlier suspended or revoked pursuant to rules 496
adopted under this section. 497

(C) A child day-care center or school child program holding a 498
healthy food license shall comply with the standards and 499
procedures established in rules adopted under this section. 500

(D) The director of health shall adopt rules governing 501
healthy food licenses. The rules shall be adopted in accordance 502
with Chapter 119. of the Revised Code. The rules shall include all 503
of the following: 504

(1) Standards and procedures for applying for a license or 505

<u>renewal of a license, including the length of the license;</u>	506
<u>(2) The amount of the fees to be charged for issuing and renewing licenses;</u>	507 508
<u>(3) Procedures for selecting a local entity to enforce this section;</u>	509 510
<u>(4) Standards and procedures for reviewing and approving applications for licenses;</u>	511 512
<u>(5) Standards and procedures for conducting inspections of the child day-care centers and school child programs holding healthy food licenses, including a schedule of frequency for conducting the inspections;</u>	513 514 515 516
<u>(6) Standards and procedures for conducting investigations of complaints pertaining to centers and programs holding healthy food licenses;</u>	517 518 519
<u>(7) Specification of the fruits, vegetables, and, if applicable, single-serving dairy products that may be received, stored, and served by the center or program holding a healthy food license;</u>	520 521 522 523
<u>(8) Specifications regarding the manner in which a child day-care center or school child program may receive, serve, and store fruit, vegetables, and single-serving dairy products, except that the specifications shall not be the same as or more restrictive than the specifications for food service operations governed under this chapter;</u>	524 525 526 527 528 529
<u>(9) Licensing categories that apply to healthy food licenses and requirements for each category based on whether the license authorizes the holder to receive, serve, and store fruit and vegetables only or authorizes the holder to receive, serve, and store single-serving dairy products in addition to fruit and vegetables;</u>	530 531 532 533 534 535

(10) Standards and procedures for suspending or revoking a 536
license; 537

(11) Any other matter the director considers relevant to the 538
administration and enforcement of the provisions of this section. 539

Sec. 5104.051. (A)(1) The department of commerce is 540
responsible for the inspections of child day-care centers as 541
required by division (A)(1) of section 5104.05 of the Revised 542
Code. Where there is a municipal, township, or county building 543
department certified under section 3781.10 of the Revised Code to 544
exercise enforcement authority with respect to the category of 545
building occupancy which includes day-care centers, all 546
inspections required under division (A)(1) of section 5104.05 of 547
the Revised Code shall be made by that department according to the 548
standards established by the board of building standards. 549
Inspections in areas of the state where there is no municipal, 550
township, or county building department certified under section 551
3781.10 of the Revised Code to exercise enforcement authority with 552
respect to the category of building occupancy which includes 553
day-care centers shall be made by personnel of the department of 554
commerce. Inspections of centers shall be contingent upon payment 555
of a fee by the applicant to the department having jurisdiction to 556
inspect. 557

(2) The department of commerce is responsible for the 558
inspections of type A family day-care homes as required by 559
division (B)(3) of section 5104.05 of the Revised Code. Where 560
there is a municipal, township, or county building department 561
certified under section 3781.10 of the Revised Code to exercise 562
enforcement authority with respect to the category of building 563
occupancy which includes type A homes, all inspections required 564
under division (B)(3) of section 5104.05 of the Revised Code shall 565
be made by that department according to the standards established 566

by the board of building standards. Inspections in areas of the 567
state where there is no municipal, township, or county building 568
department certified under section 3781.10 of the Revised Code to 569
exercise enforcement authority with respect to the category of 570
building occupancy which includes type A homes shall be made by 571
personnel of the department of commerce. Inspections of type A 572
homes shall be contingent upon payment of a fee by the applicant 573
to the department having jurisdiction to inspect. 574

(B) The state fire marshal is responsible for the inspections 575
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 576
Revised Code. In municipal corporations and in townships outside 577
municipal corporations where there is a fire prevention official, 578
the inspections shall be made by the fire chief or the fire 579
prevention official under the supervision of and according to the 580
standards established by the state fire marshal. In townships 581
outside municipal corporations where there is no fire prevention 582
official, inspections shall be made by the employees of the state 583
fire marshal. 584

(C) The state fire marshal shall enforce all statutes and 585
rules pertaining to fire safety and fire prevention in child 586
day-care centers and type A family day-care homes. In the event of 587
a dispute between the state fire marshal and any other responsible 588
officer under sections 5104.05 and 5104.051 of the Revised Code 589
with respect to the interpretation or application of a specific 590
fire safety statute or rule, the interpretation of the state fire 591
marshal shall prevail. 592

(D) As used in this division, "licensor" has the same meaning 593
as in section 3717.01 of the Revised Code. 594

~~The~~ Except as provided in division (E) of this section, the 595
licensor for food service operations in the city or general health 596
district in which the center is located is responsible for the 597
inspections required ~~under~~ by Chapter 3717. of the Revised Code. 598

(E) The entity specified in rules adopted by the director of health under section 3717.60 of the Revised Code is responsible for inspections required by that section. 599
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(F) Any moneys collected by the department of commerce under this section shall be paid into the state treasury to the credit of the industrial compliance operating fund created in section 121.084 of the Revised Code. 602
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Section 2. That existing sections 3313.813, 3715.52, 3717.22, 3717.42, and 5104.051 of the Revised Code are hereby repealed. 606
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