



REQUEST FOR PUBLIC COMMENT Food Safety – Chapter 4 Rule Package

The rules in this package have been reviewed pursuant to Chapter 119 of the Revised Code and are being proposed as follows. **The comment period will remain open through July 23, 2021.** Comments may be emailed to ecomments@agri.ohio.gov or mailed to Legal Section, Ohio Department of Agriculture, 8995 E. Main St., Reynoldsburg, Ohio 43068.

The Food Safety Division has drafted the following rules of the Administrative Code:

Rule 901:3-4-01 outlines the definitions as used in the chapter. This rule is being amended to update a subsection of IRS code and stylistic amendments.

Rule 901:3-4-02 outlines the process for obtaining and renewing a license to operate a retail food establishment. This rule is being amended to add new paragraphs and stylistic amendments.

Rule 901:3-4-03 outlines the license fees as established in sections 3717.01 and 3717.25 of the Revised Code. This rule is being amended to remove and add paragraphs.

Rule 901:3-4-04 outlines the cost analysis conducted on an annual basis by each of the 113 local health districts. This rule is being amended to remove text no longer necessary and stylistic amendments.

Rule 901:3-4-05 establishes the classifications of retail food establishments by risk levels. This rule is being amended to re-structure the paragraphs of the rule and to add requirements necessary for risk level IV establishments and mobile retail food establishments.

Rule 901:3-4-06 regulates the frequency at which retail food establishments are inspected. The frequency of inspections depends on the risk level of the establishment. This rule is being amended to clarify the inspections for Risk Level I and New retail food establishments.

Rule 901:3-4-07 sets forth that all retail food establishments must have the layout and equipment specifications approved by the licensor prior to construction, installation, or alteration of a retail food establishment. This rule is being amended to correct an LSC stylistic change.

Rule 901:3-4-08 sets forth the process for the appeal of a proposed denial, suspension, or revocation of a retail food establishment. This rule is being amended to correct LSC stylistic changes.



Rule 901:3-4-09 outlines how and when a licensor shall investigate complaints made regarding a retail food establishment. This rule is being amended to list obligations of the licensor and clarify information included in a written policy of the licensor.

Rule 901:3-4-10 states that a licensor or licensee may request mediation in an attempt to resolve a dispute between the retail food establishment and the licensor. This rule is being amended to correct an LSC stylistic requirement.

Rule 901:3-4-11 outlines when a board of health may request enforcement support from the department of agriculture. This rule is being amended to correct LSC stylistic changes.

Rule 901:3-4-12 sets forth the procedures for removing an article from a retail food establishment when that article presents a public health hazard. This rule is being amended to include food service operations and contains LSC stylistic changes.

Rule 901:3-4-13 outlines the process for which a license holder may request records. This rule is being amended to include a citation for a definition.

Rule 901:3-4-14 sets forth the rules for the collection of food samples for the purposes of identifying if a food product has been adulterated or misbranded. This rule is being amended to correct LSC stylistic changes.

Rule 901:3-4-15 regulates the embargo of food that may be adulterated, misbranded, or expired. This rule sets forth the process for the embargo and the petitioning to remove the embargo. This rule is being amended to include the C.F.R. publication date and an LSC stylistic change.

Rule 901:3-4-16 outlines the process for becoming certified in food protection. The rule also grants the authority to licensors to require training to all retail food establishments. This rule is being amended to correct an OAC cross-reference and amend the certification necessary in food protection.

Rule 901:3-4-17 sets forth the process for the department of agriculture to evaluate the program every three years. This rule is being amended to correct LSC stylistic changes.

Rule 901:3-4-18 sets forth the process for the department to reinstate a licensor. This rule is being amended to correct LSC stylistic changes.

