

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 3717-1-03.7

Rule Type: Amendment

Rule Title/Tagline: Food: special requirements for highly susceptible populations.

Agency Name: Ohio Uniform Food Safety Code

Division:

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I. Rule Summary

1. **Is this a five year rule review?** Yes
 - A. **What is the rule's five year review date?** 6/14/2024
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3717.04, 3717.05
5. **What statute(s) does the rule implement or amplify?** 3717.04, 3717.05
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

This rule is being proposed due to the required five year review as well as updating the rules to be consistent with the current version of the Food and Drug Administration's (FDA) Model Food Code. Section 3717.05 (B)(1) of the Revised Code requires the Ohio uniform food safety code to be based on the most current version of the FDA model food code.

- 8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule provides special requirements for food sold or served to highly susceptible populations in a food service operation or retail food establishment. Proposed changes include: removal of regulatory restriction terms "may not", "shall", and "prohibit"; (C) (3) remove ".", add ";", add "and" at end of sentence; (C)(4) add new section with language "Packaged food as specified under paragraph (E) of rule 3717-1-03.3 of the Administrative Code."; (D)(2)(c)(v) remove "that".

- 9. Does the rule incorporate material by reference? Yes**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

The incorporations by reference found in this rule are exempt from compliance with O.R.C. 121.71 to 121.74 under O.R.C. 121.75, and the incorporated materials are readily available online.

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Had to submit an updated public hearing statement with some corrections.

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

The estimated cost would include purchasing food, equipment, utensils, etc.; and staff time to ensure compliance.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No
15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No
16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not Applicable.

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes
18. Does this rule have an adverse impact on business? No
 - A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes
 - A. How many new regulatory restrictions do you propose adding to this rule? 0
 - B. How many existing regulatory restrictions do you propose removing from this rule? 8

3717-1-03.7 (A)(2) May not

3717-1-03.7 (A)(3) Shall

3717-1-03.7 (B) May not

3717-1-03.7 (C) May not

3717-1-03.7 (D) Shall

3717-1-03.7 (D)(2)(c)(ii) Prohibits

3717-1-03.7 (E) May not

3717-1-03.7 (F)(1) May not

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable