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OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research
and Drafting

Legislative Budget
Office

S.B. 338
134th General Assembly

Fiscal Note & Local Impact Statement

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Version: As Introduced

Primary Sponsor: Sen. Lang

Local Impact Statement Procedure Required: No

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Highlights

- The Ohio Department of Agriculture (AGR) and the Ohio Department of Health (ODH) could incur some costs to adopt rules and to create and administer the written assessment for registered environmental health specialists (EHS) and environmental health specialists in training (EHS in training).
- ODH will incur administrative costs to produce the required cost methodology study report. It is possible that boards of health may also incur costs to submit information to ODH for the study.
- Any costs incurred by AGR would likely be paid from either the Food Safety Fund (Fund 4P70) or GRF line item 700407, Food Safety, that are used by AGR's Food Safety Division to enforce food safety laws.
- Any costs incurred by ODH would likely be paid from either the General Operations Fund (Fund 4700) or GRF line item 440454, Environmental Health/Radiation Protection.

Detailed Analysis

Evaluations of registered EHSs and EHSs in training

Under continuing law, a board of health issues licenses to food service operations, such as restaurants, and retail food establishments, such as grocery stores. As part of that responsibility, the board inspects the licensees to determine compliance with food safety regulations. These inspections are conducted by registered environmental health specialists (EHS) and (EHS) in training. At the state level, the Director of Health is responsible for evaluating the local food service operations licensure programs and the Director of Agriculture is responsible for evaluating the local retail food establishment licensure programs. At least once every three

years, the directors are required to survey each local licensing entity to determine if the entity is qualified to administer and enforce food safety regulations.

The bill, as part of the survey process to determine if a board is qualified to administer and enforce the laws governing food safety, requires the directors to each adopt rules establishing a method for evaluating a registered EHS or EHS in training's knowledge of the laws governing food safety, including the Uniform Food Safety Code. Under the bill, the directors may only evaluate a registered EHS or EHS in training through the use of an objective written or electronic assessment that complies with all of the following: (1) it is developed by the appropriate director in consultation with the Ohio Environmental Health Association and the Association of Ohio Health Commissioners, (2) it does not exceed 50 questions, and (3) it requires at least an 80% score for passage. Under the bill, EHSs and EHSs in training are allowed to review the Ohio Uniform Food Safety Code during the assessment. If a survey demonstrates that a board of health does not have the capacity to appropriately enforce these regulations, the board could lose its authority as the licensor of food service operations or retail food establishments. The bill requires the directors, in consultation with specified representatives, to review and update the assessment on at least a biennial basis.

The Ohio Department of Agriculture (AGR) and the Ohio Department of Health (ODH) could incur administrative costs in order to develop and administer the assessment. Any costs incurred as a result of the assessment provisions of the bill would be paid from either the Food Safety Fund (Fund 4P70) or GRF line item 700407, Food Safety, used by AGR's Food Safety Division to enforce food safety laws and the General Operations Fund (Fund 4700) or GRF line item 440454, Environmental Health/Radiation Protection for ODH. If a board loses its authority as a licensor as a result of the bill's provisions, ODH or AGR may incur some costs if they assist in any licensing responsibilities. However, it is unlikely that this would occur.

Cost methodology study

The bill requires ODH to study the cost methodology used by local health districts for food service operation licensing programs. As part of the study, ODH must evaluate (1) the impact that the COVID-19 pandemic has had on those programs, including whether local health districts have shifted staff away from those programs to assist with COVID-19-related operations, and (2) regarding the resumption of normal food service operation licensure programs post-pandemic, whether local health districts have sufficient funds to implement food service operation programs without increasing fees on the food and beverage industry. ODH is required to produce a report of its study, which must include recommendations regarding grant funding from state sources for local health districts to offset the costs of food service licensure programs so that local health districts will not have to increase fees that will negatively impact the food and beverage industry. ODH must consult with certain entities when producing the report, which must be submitted along with its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 31, 2022. ODH will incur administrative costs to produce the required cost methodology study report. It is possible that boards of health may incur costs to submit information to ODH regarding the cost methodology used for food service operation licensing programs.