

As Introduced

132nd General Assembly

Regular Session

2017-2018

H. B. No. 444

Representative Sweeney

A BILL

To amend section 3717.45 of the Revised Code to 1
require a seasonal food service operation 2
license fee to be one-half of the license fee 3
for a food service operation that is not a 4
seasonal food service operation. 5

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

Section 1. That section 3717.45 of the Revised Code be 6
amended to read as follows: 7

Sec. 3717.45. (A) A licensor may charge fees for issuing 8
and renewing food service operation licenses. Any licensing fee 9
charged shall be used solely for the administration and 10
enforcement of the provisions of this chapter and the rules 11
adopted under it applicable to food service operations. 12

If a licensor charges fees for issuing and renewing food 13
service operation licenses, the licensor shall charge a seasonal 14
food service operation a fee that is one-half of the fee charged 15
for a food service operation that is not a seasonal food service 16
operation. 17

Any licensing fee charged under this section shall be 18
based on the licensor's costs of regulating food service 19

operations, as determined according to the uniform methodologies 20
established under section 3717.07 of the Revised Code. If the 21
licensor is a board of health, a fee may be disapproved by the 22
district advisory council in the case of a general health 23
district or the legislative authority of the city in the case of 24
a city health district. A disapproved fee shall not be charged 25
by the board of health. 26

Except when a licensing fee is established as an emergency 27
measure, the licensor shall hold a public hearing regarding the 28
proposed fee. At least twenty days prior to holding a public 29
hearing, the licensor shall give written notice of the hearing 30
to each person or government entity holding a food service 31
operation license that may be affected by the proposed fee. The 32
notice shall be mailed to the last known address of the licensee 33
and shall specify the date, time, and place of the hearing and 34
the amount of the proposed fee. On request, the licensor shall 35
provide the completed uniform methodology used in the 36
calculation of the licensor's costs and the proposed fee. 37

(B) In addition to licensing fees, a licensor may charge 38
fees for the following: 39

(1) Review of facility layout and equipment specifications 40
pertaining to food service operations, other than mobile and 41
temporary food service operations, or similar reviews conducted 42
for vending machine locations; 43

(2) Any necessary collection and bacteriological 44
examination of samples from food service operations, or similar 45
services specified in rules adopted under this chapter by the 46
director of health; 47

(3) Attendance at a course of study offered by the 48

licensor in food protection as it pertains to food service 49
operations, if the course is approved under section 3717.09 of 50
the Revised Code. 51

(C) (1) The director may determine by rule an amount to be 52
collected from applicants for food service operation licenses 53
for use in administering and enforcing the provisions of this 54
chapter and the rules adopted under it applicable to food 55
service operations. Licensors shall collect the amount prior to 56
issuing an applicant's new or renewed license. If a licensing 57
fee is charged under this section, the licensor shall collect 58
the amount at the same time the fee is collected. Licensors are 59
not required to provide notice or hold public hearings regarding 60
amounts to be collected. 61

(2) A licensor shall certify the amount collected under 62
division (C) (1) of this section and transmit the amount to the 63
treasurer of state according to the following schedule: 64

(a) For amounts received by the licensor on or after the 65
first day of January but not later than the thirty-first day of 66
March, transmit the amounts not later than the fifteenth day of 67
May; 68

(b) For amounts received by the licensor on or after the 69
first day of April but not later than the thirtieth day of June, 70
transmit the amounts not later than the fifteenth day of August; 71

(c) For amounts received by the licensor on or after the 72
first day of July but not later than the thirtieth day of 73
September, transmit the amounts not later than the fifteenth day 74
of November; 75

(d) For amounts received by the licensor on or after the 76
first day of October but not later than the thirty-first day of 77

December, transmit the amounts not later than the fifteenth day	78
of February of the following year.	79
(3) All amounts received under division (C)(2) of this	80
section shall be deposited into the general operations fund	81
created in section 3701.83 of the Revised Code. The director	82
shall use the amounts solely for the administration and	83
enforcement of the provisions of this chapter and the rules	84
adopted under it applicable to food service operations.	85
Section 2. That existing section 3717.45 of the Revised	86
Code is hereby repealed.	87