



KENT CITY HEALTH DEPARTMENT

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UPDATES TO THE OHIO FOOD CODE

As of March 1, 2019, a new version of the Ohio Uniform Food Safety Code went into effect. While most of the changes are minor, we wanted to inform you of several major changes that may affect your food service operation or retail food establishment.

To view the food code in its entirety, please visit <http://codes.ohio.gov/oac/3717-1>

NEW CODE REQUIREMENTS:

3717-1-2.1(A)(4) Management and Personnel: Employee Health- The rules have changed regarding when to report illness contact(s) such as contact with infected food or contact with people who are implicated in a foodborne illness to the Health District. Illness exposure may mean:

- You have prepared food that is suspected in an outbreak
- You work at a facility that prepared food implicated in an outbreak
- You live with someone who made food implicated in an outbreak
- You live with someone who works at a facility that made food implicated in an outbreak

Incubation times for some illnesses may take longer before symptoms appear than originally estimated. A Safe way to handle it is to train employees to inform their manager if any of these four bulleted items occur. Next, contact the Kent City Health Department at 330-678-8109 to discuss the situation and we will provide guidance. If our office is closed, please follow the instructions for after hours because reporting exposure to implicated foods and/or illnesses is extremely important in preventing outbreaks.

3717-1-2.3(C) Management and Personnel: Hygienic Practices- The rules now address specifically the types of hair restraints that must be used in a food service operation or retail food establishment. In part the code reads: "Food employees shall effectively restrain hair by wearing hair restraints such as hats, hair coverings and nets, beard restraints.....to effectively keep their hair from contacting exposed food..." which means pony tails and short hair are NOT considered hair restraints. Hair must be covered- including facial hair.

3717-1-2.4 (A)(2) Management and Personnel: Supervision- The section now reads "Each risk level III and IV food service operation and retail food establishment shall have at least one employee....obtain the level two certification in food protection..." This means that a District Manager who oversees several stores cannot be the sole person who holds a level two food safety certification. There must be at least one level two certified manager per store.

3717-1-2.4(B) Management and Personnel: Supervision- Based on the risks inherent to the operation, the person in charge shall demonstrate knowledge by "(1) Complying with

this Chapter by having no critical violations during the current inspection AND (2) Responding correctly to the sanitarian's questions as they relate to the specific food service operation or retail food establishment." The code no longer counts food safety certification as a means to meet this requirement. This is meant to move operations further toward active managerial control. If there are any critical violations noted, this section will automatically be marked out of compliance.

3717-1-2.4(C)(9) Management and Personnel: Supervision- Added to require that the Person In Charge ensure that employees are properly maintaining the temperature of TCS foods through daily oversight of the employees' routine monitoring of food temperatures. Active managerial control is the key to meeting this requirement.

3717-1-2.4 (C)17 Now reads, "The food service operation or retail food establishment has written procedures for employees to follow when responding to vomiting or diarrheal events that involve discharge onto surfaces in the food service operation or retail food establishment. The procedures shall address the specific actions employees must take to minimize the spread of contamination and the exposure of employees, consumers, food, and surfaces to vomitus or fecal matter." Either a written policy with corresponding supplies or a body fluid clean-up kit with written instructions must be present.

3717-1-03.2 (K)(2) Food: Protection from Contamination after Receiving- Addresses how scoops and utensils can be stored inside of bulk containers of non-TCS foods (i.e. flour, sugar or cinnamon). It states that as long as these foods are going to be thoroughly cooked, the utensil may be stored in the product. However, if the product will be used on ready to eat food such as cinnamon sprinkled onto a cake without cooking, the scoop handle must be up and out of the product and the product must remain covered.

3717-1-3.2(N)(4) Food: Protection from Contamination after Receiving- **Latex gloves will be prohibited from use in any food service operation or retail food establishment.** Many people suffer from latex allergies. Please find a way to dispose of your current latex gloves properly.

3717-1-04 Equipment, Utensils and Linens: Materials for Construction and Repair- There have been some changes that permit the use of wooden storage crates for foods that are delivered in them, such as produce and nuts, and also the use of properly treated wood containers if the preservative meets the requirements specified in the Code of Federal Regulations.

3717-1-4.2(J) Equipment, Utensils and Linens: Numbers and Capacities- A section has been added that requires the operator have sanitizers and cleaning agents available and accessible on-site during all hours of operation.

3717-1-5.3(C)(1) Water, Plumbing, and Waste: Sewage, Other Liquid Waste, and Rainwater- This section has been added to align with the Ohio Plumbing Code. A drain originating from equipment

in which food, portable equipment or utensils are placed shall have an indirect drain. This includes 3-compartment sinks.

3717-1-07.1 (B) Poisonous or Toxic Materials: Operational Supplies and Applications- It is specified that pesticides cannot be applied by anyone other than a licensed pest control operator. This includes household sprays and gels purchased over the counter in retail settings.

3717-1-8.4 Special Requirements: Acidified White Rice Preparation Criteria- Acidified white rice MUST now have a targeted pH of 4.1, but may not exceed a pH of 4.3.

3717-1-08.5 Dogs in outdoor dining areas of food service operations and retail food establishments.

(A) As used in this rule, "outdoor dining area" means an area adjacent to a food service operation or retail food establishment that is located outdoors and is designated for service and/or consumption of food, including an "outdoor patio" as defined in section 3794.01 of the Revised Code.

(B) A food service operation or retail food establishment may allow dogs in an outdoor dining area of the food service operation or retail food establishment. If the dog is a service animal as defined in rule 3717-1-01 (B) of the Administrative Code, no food service operation or retail food establishment shall refuse to allow the dog in the outdoor dining area unless such refusal is authorized under federal and state laws governing service animals.

(C) A food service operation or retail food establishment that allows dogs in an outdoor dining area shall:

(1) Conspicuously post signs near all entrances to the food service operation or retail food establishment and all entrances to the outdoor dining area that contain at least the following:

- (a) Notification that the food service operation or retail food establishment allows dogs in outdoor dining areas; and
- (b) Notification that dogs shall access the outdoor dining area only through an outdoor entrance.

(2) Provide an outdoor entrance into the outdoor dining area and prohibit dogs from entering the outdoor dining area through any indoor areas of the food service operation or retail food establishment;

(3) Prohibit employees of the food service operation or retail food establishment from intentionally contacting dogs while working;

(4) Prohibit dogs from being within five feet of areas located in an outdoor dining area of a food service operation or retail food establishment that are used for food preparation or for storage of food, equipment, utensils, single use items and single use articles;

(5) Prohibit dogs from sitting, standing, or lying on chairs, seats, benches, countertops, tables and other furnishings in the outdoor dining area;

(6) Have cleaning supplies and materials readily available to clean up dog hair, feces, urine, vomit and other debris; and

(7) Adopt a written policy that contains at least the following:

- (a) Requirements for patrons with a dog in the outdoor dining area of a food service operation or retail food establishment to properly control their dog with a leash or other effective means;
- (b) Instructions for promptly cleaning up dog hair, feces, urine, vomit, and other debris; and
- (c) Requirements for the proper vaccination of all dogs permitted in the outdoor dining area of a food service operation or retail food establishment in accordance with state or local laws.

(D) Food shall not be provided to dogs in outdoor dining areas of food service operations and retail food establishments, but water may be provided to dogs in single-use disposable containers.

(E) Employees of a food service operation or retail food establishment shall wash their hands using procedures described in paragraph (B) of rule 3717-1-02.2 of the Administrative Code after contacting a dog, watering a dog, or cleaning dog hair, feces, urine, vomit or other debris.

(F) During a public health emergency, the director of health may prohibit dogs from entering outdoor dining areas of food service operations and the director of agriculture may prohibit dogs from entering outdoor dining areas of retail food establishments.

3717-1-20 Existing Facilities and Equipment- “Existing facilities and equipment in a food service operation or retail food establishment shall be replaced with equipment and facilities meeting the requirements of this Chapter when any of the following occur:

- (A) They no longer comply with the following:
 - (1) Are in good repair and can be maintained in a sanitary condition;
 - (2) Have food contact surfaces that comply with the requirements of this Chapter;
 - (3) Have cooling, heating, and holding capacities that comply with the requirements of this Chapter; or
 - (4) Criteria upon which they were originally approved.
- (B) The facilities and equipment constitute a public health hazard; or
- (C) **The Food Service Operation or Retail Food Establishment changes ownership”**

If you are considering selling your facility, you may want to contact your inspector to find out what portions of your operation would need to be brought into compliance.

Effective March 1, 2012, the Kent City Health Department does not transfer Food Service Operation or Retail Food Establishment licenses to new owners. According to the Ohio Uniform Food Safety Code, the existing facilities that change ownership are required to fill out a Facility Review application and submit all required documents. Replacement of equipment and renovation of existing facilities may be required before a new license will be issued to the new owner/operator. Please contact the Kent City Health Department if a change of ownership is anticipated this licensing year.

If you have questions regarding these changes, please contact us by emailing j.smith@kent-ohio.org