



# OHIO LEGISLATIVE SERVICE COMMISSION

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## Bill Analysis

William Schwartz

### **H.B. 224**

132nd General Assembly  
(As Introduced)

**Reps.** Ingram, Becker, Boccieri, Boggs, Carfagna, Dean, Galonski, Goodman, Holmes, Howse, Kent, Lepore-Hagan, Patterson, Ramos, Reece, Reineke, Riedel, Seitz, Sheehy, Stein, West

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### **BILL SUMMARY**

- Permits schools that operate school food service programs to re-serve certain time- and temperature-controlled food items that were served or sold to students, but were not used or opened.
  - Requires the time- and temperature-controlled food items to meet certain standards in order to be re-served to students.
  - Requires the Department of Health, in consultation with the State Board of Education, to adopt rules for the administration of the bill's provisions.
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### **CONTENT AND OPERATION**

#### **Re-serving time- and temperature-controlled food items**

The bill permits a school district or school that operates a school food service program to re-serve time- and temperature-controlled food items that were served or sold to a student, but were not used or opened. For that purpose, the bill defines a "time- and temperature-controlled food item" as one that must be refrigerated when stored and served at or below 41 degrees Fahrenheit. These items include cartons of milk and other packaged dairy products.<sup>1</sup>

In order for a food item to be re-served, the following criteria must be met:

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<sup>1</sup> R.C. 3313.818(A).

(1) The food item must have been originally served in a sealed package;

(2) The food item must be unused and returned unopened, undamaged, and in the original packaging; and

(3) The food item must be returned to an employee of the school, or a designated area monitored by an employee of the school, prior to when the student to which the food item was originally served leaves the area used to serve students meals.<sup>2</sup>

The bill also requires the Department of Health, in consultation with the State Board of Education, to adopt rules for the administration of the bill's provisions. The bill expressly states that the Department of Health must modify any existing rules that prohibit the re-serving of time- and temperature-controlled food items in schools to comply with the bill's provisions.<sup>3</sup> Currently, the Department's rules permit only the re-serving of items that are not time- and temperature-controlled and then only under specified conditions.<sup>4</sup>

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## HISTORY

ACTION	DATE
Introduced	05-16-17

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<sup>2</sup> R.C. 3313.818(B).

<sup>3</sup> R.C. 3313.818(C).

<sup>4</sup> Ohio Administrative Code 3717-1-03.2(X). See also Sections 3-306.14 and 3-801.11(G) and (H) of the federal Food and Drug Administration's Food Code (<https://www.fda.gov/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/>).

