



PIC For Mobiles Proposed

The Ohio Department of Health has released a draft rule revision that would require all mobile food operations to have a person who has a “person in charge” certificate in order to operate. This would be a new certificate requirement for mobile food operations. The Greater Ohio Showmen’s Association will be objecting to this new regulation. They will be arguing this is an undue burden on small business owners. The point will also be raised that one owner may have many mobile food units. This rule would require certification per unit, not per owner/event.

Many GOSA members provided feedback on the proposal which were incorporated into our comments. A meeting with the Ohio Department of Health and GOSA has been scheduled for later in September to review the comments in person.

In addition to GOSA, the Ohio Fair Managers Association, the National Independent Concessionaires Association and the Outdoor Amusement Business Association will be weighing in to object to the requirement.

Below is the new language in the proposed rule.

The licensor shall mandate person in charge certification for at least one person in charge per shift in mobile food service operations and mobile retail food establishments effective March 1, 2019. Paragraph (K)(2) of this rule does not apply to a person in charge working in a mobile food service operation or mobile retail food establishment who provides documentation to the licensor that the person in charge has obtained manager certification in food protection issued by the director of health.

"Person in charge" means the individual present at a food service operation or retail food establishment who is responsible for the operation at the time of inspection.

Amusement Ride Inspection Legislation Introduced

Representatives Jim Hughes (R – Columbus) and John Patterson (D – Jefferson) have introduced House Bill 631 in response to the ride accident at the Ohio State Fair. The bill proposes the following provisions:

- Require the Department of Agriculture to set rules determining a minimum number of inspector to inspect each ride;
- Requires to the ODAg to adopt the ASTM in their entirety;
- Requires the ODAg to give preference to professional engineers when hiring inspectors and the chief inspector. If a professional engineer does not apply for a position, preference must be given to a person with a level 1 or higher certification from NAARSO;
- Allows the ODAg to require amusement ride operators to take photos prior to and after repairs are made to rides. ODAg could also require detailed descriptions of all repairs made to ride;
- Requires all inspectors to keep an electronic manual for each amusement ride that is inspected in the state, if such a manual is available;
- The bill will include an emergency clause, so if passed into law it would go into effect immediately.

OFMA has reached out to the bill sponsors to let them know we are interested in the legislation. The bill had a sponsor hearing before the House Agriculture and Rural Development Committee on June 27, 2018. There has not been any formal action on the bill since then.

Fire Code Expanded to Mobiles

Earlier this year the GOSA learned that the Ohio Department of Commerce made significant changes to fire code regulations. Among the changes was adding provisions for mobile food operations. One provision required a minimum distance between mobile food vendors. This would have greatly effected fair and festival midways.

<http://codes.ohio.gov/oac/1301:7-7-03v1>

(7) 320.7 Distance and separation requirements. While parked and in operation mobile food units, exclusive of awnings and appurtenances, using or containing a fuel source or generator other than the vehicle fuel tank shall be separated from the entrances and other exits of buildings or structures, combustible materials, vehicles and other cooking operations by a clear space distance of 10 feet (3 m).

Exception: When approved by the local authority having jurisdiction, mobile food service operations using LP-Gas may be located at a distance of less than 10 feet from other mobile food units except that at no time shall a mobile food unit be closer than 7 feet from other mobile food units.

In speaking with the Department of Commerce, the target of these regulations were food trucks, however, all mobile food operations would have been effected.

After meeting with representatives from OFMA and GOSA, the State Fire Marshal released a memo GRANTING a statewide variance to the distance requirement. Under the variance, mobile units must be at least 3 feet apart from each other. This variance is in effect until the Fire Marshal revokes it, there is no expiration date.

Additionally, a representative from the State Fire Marshal attended each of the 4 OFMA Spring meetings to alert fairs to the changes and answer any questions.

On May 7, 2018, David Drake (GOSA), Rod Arter (OFMA) and Amanda Sines attended a follow-up meeting with the Fire Marshal's office. They walked us through the changes they plan to make to 1301:7-7-03 (T) Section 320. This is the section applying the fire code to mobile food units. They plan to make the following changes:

- 320.2.3 (carbon monoxide detection) – If there is no carbon monoxide source, a detector will not be required.
- 320.3.1 (fire extinguishers) – language may be tweaked.
- 320.6.1 (containers) – ASME will be included back in.
- 320.6.2 (location and installation) – The intent of this section is to protect from rear collisions. They will be making changes to clarify that this will only apply when the LP-gas is mounded on the rear exterior of a mobile food unit/vehicle and it will only apply when the mobile food unit/vehicle is in transit.
- 320.6.3 (piping and connectors) – Their intent is to remove any and all retroactivity. So this will only apply to units built or substantially modified after the effective date (December, 2017).
- 320.7 (distance and separation requirements) – the language in the variance will be adopted (3 feet). The 10ft distance will still apply to mobile units near buildings and entrances.
- 320.9.2 (wiring) – they will be taking another look at this and clarifying “exposed”.

A redrafted version of this section was recently shared with OFMA and the GOSA. All of the changes discussed with the Fire Marshal are included in the redrafted rule. We are please with the result of this process.

School Start Date Legislation– Survey Results Unveiled – House Bill Introduced – GOSA Submits Testimony

Senator Gayle Manning (R – North Ridgeville) reintroduced legislation to require schools to begin classes after Labor Day. Senate Bill 34 would allow local boards of education to adopt a resolution to begin classes before Labor Day, but before doing so, they must hold a public hearing to get community input.

The legislation has been assigned to the Senate Education Committee where there have been three hearings. The third hearing on the bill was held on April 25, 2017. Testifying in support was the Greater Ohio Showmen's Association, Lake Erie Marine Trades Association, Ohio Campground Owners Association, the Ohio Travel Association, and Cedar Fair. Questions were raised about removing control from the local level, implementation of this in Michigan, and potential

summer jobs that could result from this change. A fourth hearing was held on November 8, 2017. Testifying as proponent was Mike Caputo, a former Bay Village Board of Education member.

At a hearing on March 7, 2018, Melinda Huntley with the Ohio Travel Association, gave testimony highlighting results of a survey conducted on the issue. The Ohio Travel Association worked with Public Opinion Strategies, led by Neil Newhouse, on a statewide survey of 800 registered Ohio voters in September.

Highlights from the testimony:

“Ohio voters want a longer summer break instead of a broken up school year. What was most remarkable about this survey is that this support cuts across partisan, geographic and demographic lines. Researchers told us it’s rare to have an issue with such overwhelming and broad support. Fifty-nine percent of Ohio voters prefer a school start date after Labor Day and 12% prefer school starting the fourth week of August. That’s 71% of voters who are saying school shouldn’t start before the end of August.

When asked specifically about their support of SB 34, 66% of Ohioans were in favor. Teachers and parents agreed, with 65% of teachers supporting the bill and 61% of parents.

Opponents argue that this is an issue that should be decided at the local level; however, 93% of Ohio voters say they’ve never been asked their opinion on when the school year should begin, indicating this is less of a local control issue and more of a school board control issue. In fact, 71% of teachers also said they’d never been asked their preference for a start date.”

Separately, Representative Steve Arndt introduced companion legislation in the House of Representatives. House Bill 549 has been referred to House Education and Career Readiness. At the proponent hearing on May 22, 2018, GOSA submitted testimony in support of the bill. Also testifying was Melinda Huntley, who gave the House a summary of the survey findings similar to testimony given in the Senate.

This issue has gotten a lot of media attention as many schools have had to close or dismiss students early because of the late summer heat.

Sports Wagering Coming to Ohio?

As a result of a recent court ruling opening up opportunities for states to allow sports betting, Senate Bill 316 sponsored by Senator John Eklund and Sean O’Brien and House Bill 714 sponsored by Representative Dave Greenspan have been introduced as placeholder bills. This means the bills at this point only state: “It is the intent of the General Assembly to develop and enact legislation legalizing sports wagering.”

The sponsors of the bill will be meeting with interested parties to explore how to allow sports betting in Ohio. OFMA representatives has met with Representative Greenspan to let him know we are an interested party in this bill. OFMA would like to see a portion of sports betting at race tracks to benefit the Fairs Fund.

Copies of legislation – Go to www.legislature.state.oh.us

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