



133rd General Assembly

The legislature is gearing up for a new General Assembly. Legislative members were sworn in on January 7, 2019. Newly Elected statewide office holders were sworn in on January 14, 2019. We have yet to see any legislative committee assignments or announcements. There have not been any bills introduced yet either. Typically, the first 10 bills introduced in each chamber indicate the priorities of the body. The first half of 2019 will be heavily focused on the state's biennial budget negotiations. Governor DeWine has indicated that children and children's initiatives will be a major priority for his administration. When he introduces his budget proposal in March, we have a much better sense of his specific goals and priorities.

Governor DeWine Cabinet Announcements

Governor Mike DeWine has made several announcements to cabinet positions over the last month.

Dorothy Pelanda named as Director of the Ohio Department of Agriculture. Pelanda most recently served in the House of Representatives representing the Marysville area.

Jeff McClain was selected as the Commissioner of the Department of Taxation. McClain also served in the House of Representatives and most recently led Tax policy for the Ohio Chamber of Commerce.

Legislative Leadership for 133rd General Assembly

The Senate caucuses officially elected their leadership teams at the opening legislative session on January 7, 2019. Below are the leaders for each caucus. In the coming weeks, leaders will announce committee chairman and committee composition.

The Senate Republicans will continue to be led by Senate President Larry Obhof. Also on the Senate Republican leadership team is Senator Bob Peterson, Senator Randy Gardner and Senator Matt Huffman. (Since this election, Senator Gardner was appointed to DeWine's cabinet. It remains to be seen who will fill out the Senate leadership team).

The Senate Democrats have voted to retain Senator Kenny Yuko as Minority Leader. Filling out the Senate Democrat leadership team are Senators Cecil Thomas, Sean O'Brien and Sandra Williams.

In the most contentious leadership vote of the lot, the House Republicans elected Larry Householder to serve as Speaker. He had been locked in a battle with the most recent Speaker Ryan Smith. When it came to a vote Householder came out on top with a vote of 52-45. After Householder took the gavel, it was announced that other leadership votes will be delayed. The House Democrats had already unofficially elected their leaders. However, with the shake up on the Republican side, Minority Leader Fred Strahorn took his name out of consideration. The House is expected to make their leadership official in the coming weeks.

Hill Appointed to Senate

Representative Brian Hill who served as the Chairman House Agriculture Committee, has been selected to replace Troy Balderson in the Ohio Senate. Balderson was recently elected to serve in DC as a Congressman. Hill's father was selected to replace him in the House for the final House voting session.

Otterbacher Appointed to Retail Food Council

Jeff Otterbacher was recently appointed to serve on the Retail Food Safety Advisory Council. The duties of the council are established by 3717.03 of the Ohio Revised Code. They are outlined below. Mr. Otterbacher was recommended for this appointment by both the OFMA and GOSA. We were please that Mr. Otterbacher was selected and we are certain he will be an asset to the Council's work.

(A) The retail food safety advisory council shall meet as necessary to fulfill its duties, which include all the following:

- (1) Making recommendations for the Ohio uniform food safety code;
- (2) Examining specific food safety issues raised by the director of agriculture or director of health and making recommendations regarding those issues;
- (3) Mediating unresolved issues among state agencies about the interpretation of rules adopted under this chapter and making recommendations regarding the issues;
- (4) Reviewing all comments on and requests for interpretation of the Ohio uniform food safety code, as submitted by any holder of a license issued under this chapter or any other person or government entity;
- (5) Making recommendations to the director of agriculture and director of health for use in issuing joint letters of opinion pursuant to section 3717.041 of the Revised Code;
- (6) Making recommendations to the director of agriculture and director of health with respect to improving the food safety awareness of consumers and their confidence in the state's food supply;
- (7) Making recommendations to the director of agriculture and director of health regarding the licensing categories and inspection frequencies to be used in regulating retail food establishments and food service operations;
- (8) Making recommendations to the director of health with respect to the program for certification of individuals in food protection and approval of courses in food protection.

School Start Date Legislation – Not Enacted

We are disappointed that legislation to have schools start after Labor Day was not enacted this year. However, the GOSA thanks David Drake for making a trip to the statehouse to testify in favor of the bill. We also thank Melinda Huntley from the Ohio Travel Association for her diligence on this issue. The OTA conducted a terrific survey to gather data on the issue and made the rounds speaking to groups in support of the concept.

State Minimum Wage Will Increase in 2019

Ohio's minimum wage increased from \$8.30 to \$8.55 on Tuesday, Jan. 1, 2019, based on a 2.9 percent increase in the Consumer Price Index, with tipped wages rising from \$4.15 to \$4.30.

PIC For Mobiles - Delayed

In 2018, the Ohio Department of Health released a draft rule revision that would have 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 objected to this new regulation. We argued this is an undue burden on small business owners.

The point was also 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 was held with ODH on September 21, 2018. Attending on GOSA's behalf was David Drake, Mike Tedrick and Amanda Sines. Because of significant objections to the rule and because of the lack of opportunity for input from effected parties, the ODH did not pursue this new requirement. However, the OCOA does expect the issue to be discussed in 2019.

In addition to GOSA, the Ohio Fair Managers Association, the National Independent Concessionaires Association, the Outdoor Amusement Business Association, and the Ohio Campground Owners Association submitted objections to the requirement.

Below is the language that was proposed.

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.

Fire Code Rule Revisions Move Forward

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.

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. The Ohio Department of Commerce held a public hearing on the rule was held November 19, 2018 on the revised rules. The rules have gone forward and will be made effective. The GOSA is thankful for the Ohio Department of Commerce and the State Fire Marshal for their willingness to address our concerns and their open communication on the issue.

Amusement Ride Inspection Legislation Not Enacted in 2018

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

- Require the Department of Agriculture to set rules determining a minimum number of inspectors to inspect each ride;
- Requires 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.

GOSA 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 was not any additional formal action on the bill in 2018.

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

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