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Scioto County Board of Health Resolution – EH – 22-2

Retail Food Program

Ohio Revised Code 3717.49 (C)(1)

Immediate Danger to the Public Health – Food Service Operation

Whereas, Ohio Revised Code - Section 3717.05 is the Uniform Food Safety Code, which shall be used by the licensors of retail food establishments and food service operations in ensuring the safe handling of food in the state of Ohio.

Whereas, Section 3717.49(C)(1) of the Ohio Revised Code states that if a license holder is in violation of any requirement of this chapter or the rules adopted under it applicable to food service operations and that the violation presents an *immediate danger to the public health, the licensor may suspend the food service operation license without giving written notice or affording the license holder the opportunity to correct the violation*. If the license holder is operating a mobile or catering food service operation, either the licensor that issued the license or the licensor for the health district in which the operation is being operated may suspend the license. *A suspension under division (C)(1) of this section takes effect immediately and remains in effect until the licensor lifts the suspension*. When a mobile food service operation license is suspended under this division, the licensor that suspended the license shall hold the license until the suspension is lifted and the licensor receives from the license holder written notice of the next location at which the license holder proposes to operate food service operation, and;

Whereas, after suspending a license under division (C)(1) of this section, the licensor shall give the license holder written notice of the procedure for appealing the suspension. The license holder may appeal the suspension by giving written notice to the board and specifying in the notice whether a hearing is requested. The appeal shall be conducted in accordance with division 3717.49(C)(2) of the Ohio Revised Code, and;

Whereas, a health commissioner, if authorized by the board, may take any action that the board may take under division (C)(1) of this section. A health commissioner who suspends a license under this authority, on determining that there is no longer an immediate danger to the public health, may lift the suspension without consulting the board, and;

Therefore, *Be It Resolved* this 14th Day of January 2022, the Scioto County Board of Health gives the authority to the Health Commissioner to take any action that may be taken under division (C)(1) of this section.

Prevent. Promote. Protect.



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Dr. Michael Martin, Health Commissioner