

RESOLUTION A-2020

ESTABLISHING PROCEDURES FOR THE TAGGING AND EMBARGO OF ARTICLES AND FOOD PER OHIO ADMINISTRATIVE CODE, 901:3-4-15, IN RETAIL FOOD ESTABLISHMENTS AND FOOD SERVICE OPERATIONS

The Board of Health of the Hamilton County General Health District met in regular session on February 10, 2020 with the following members present:

Jim Brett, President	<u>Present</u>
Mark A. Rippe, Vice President	<u>Present</u>
Kenneth G. Amend, M.D.	
Tracey Puthoff, Esq.	<u>Present</u>
Elizabeth A. Kelly, M.D.	<u>Present</u>

Ms. Puthoff

moved for adoption of the following regulation:

Resolution Establishing Procedures for the Tagging and Embargo of Articles and Foods Per Ohio Administrative Code

WHEREAS, the Board of Health of the Hamilton County General Health District is mandated to provide services that protect the public health and prevent disease: and

WHEREAS, Chapter 901: 3-4 of the Ohio Administrative Code (OAC) now establishes rules and authorizes approved health districts to inspect Retail Food Establishments in a manner similar to inspections previously done by the Ohio Department of Agriculture: and

WHEREAS, OAC 901: 3-4-12 authorizes the licensor of a Retail Food Establishment to “tag” articles such as utensils, materials or pieces of equipment to be removed from the use if such articles present a public health hazard: and

WHEREAS, OAC 3701-21-27 authorizes the licensor to embargo food in a Food Service Operation according to section 901:3-4-15 of the Ohio Administrative Code; and

WHEREAS, 901:3-4-15 authorizes the licensor of a Retail Food Establishment or Food Service Operation to “embargo” foods that are adulterated, or so misbranded as to be dangerous or fraudulent, or infant formula or baby food that is expired; and

WHEREAS, the licensor may designate and authorize the health commissioner or other person employed by the licensor to take such action on behalf of the licensor.

NOW, THEREFORE BE IT RESOLVED that the Board of Health of the Hamilton County General Health District hereby authorizes the Health Commissioner and other sanitarians employed by the Hamilton County General Health District to “tag” articles per OAC 901:3-4-12, and to “embargo” foods, infant formula, baby food, and any other products allowable under

OAC 901:3-4-15 on behalf of the Hamilton County Board of Health when such actions are necessary to preserve the public health and safety.

BE IT FURTHER RESOLVED that the Board of Health of the Hamilton County General Health District hereby finds by a vote of at least three-fourths of its members that this resolution be read only once and the requirement that it be read on three different days be dispensed with as provided by law; and


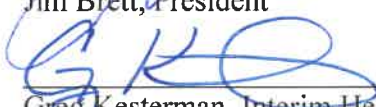
BE IT FURTHER RESOLVED that any previous regulation, rule or policy adopted by the Board of Health of the Hamilton County General Health District, that in any way conflicts with this resolution in part or in whole is rescinded and repealed in part or in whole to the extent of any conflict; and

BE IT FURTHER RESOLVED that the Board of Health of the Hamilton County General Health District finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of the Board and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with the applicable legal requirement, including Sections 121.22 of the Ohio Revised Code.

Dr. Kelly seconded the regulation, upon roll call, the vote was as follows:

Jim Brett, President	<u>Yes</u>
Mark A. Rippe, Vice President	<u>Yes</u>
Kenneth G. Amend, M.D.	<u>Yes</u>
Tracey Puthoff, Esq.	<u>Yes</u>
Elizabeth A. Kelly, M.D.	<u>Yes</u>

Board of Health of the Hamilton County General Health District

 Jim Brett, President	<u>2/10/2020</u> Date
Attest:  Greg Kesterman, Interim Health Commissioner	<u>2/10/2020</u> Date

This regulation was approved as to form by the office of the Hamilton County Prosecuting Attorney, Joseph T. Deters, Prosecutor.

By:  Nee Fong Chin Chief Assistant Prosecuting Attorney	<u>February 10, 2020</u> Date
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