

3701-21-02.3 Risk level of food service operations.

The licensor shall determine the risk level based on the highest risk level activity of the food service operation in accordance with the following criteria:

(A) Risk level I poses potential risk to the public in terms of sanitation, food labeling, sources of food, storage practices, or expiration dates. Examples of risk level I activities include, but are not limited to, an operation that offers for sale or sells:

- (1) Coffee, self-service fountain drinks, prepackaged non- time/temperature controlled for safety beverages;
- (2) Pre-packaged refrigerated or frozen time/temperature controlled for safety foods;
- (3) Pre-packaged non- time/temperature controlled for safety foods; or
- (4) Baby food or formula.

A "food delivery sales operation" as defined in division (H) of section 3717.01 of the Revised Code shall be classified as a risk level I.

(B) Risk level II poses a higher potential risk to the public than risk level I because of hand contact or employee health concerns but minimal possibility of pathogenic growth exists. Examples of risk level II activities include, but are not limited to:

- (1) Handling, heat treating, or preparing non- time/temperature controlled for safety food;
- (2) Holding for sale or serving time/temperature controlled for safety food at the same proper holding temperature at which it was received; or
- (3) Heating individually packaged, commercially processed time/temperature controlled for safety foods for immediate service.

(C) Risk level III poses a higher potential risk to the public than risk level II because of the following concerns: proper cooking temperatures, proper cooling procedures, proper holding temperatures, contamination issues or improper heat treatment in association with longer holding times before consumption, or processing a raw food product requiring bacterial load reduction procedures in order to sell it as ready-to-eat. Examples of risk level III activities include, but are not limited to:

- (1) Handling, cutting, or grinding raw meat products;
- (2) Cutting or slicing ready-to-eat meats and cheeses;
- (3) Assembling or cooking time/temperature controlled for safety food that is immediately served, held hot or cold, or cooled;
- (4) Operating a heat treatment dispensing freezer;
- (5) Reheating in individual portions only; or
- (6) Heating of a product, from an intact, hermetically sealed package and holding it hot.

(D) Risk level IV poses a higher potential risk to the public than risk level III because of concerns associated with: handling or preparing food using a procedure with several preparation steps that includes reheating of a product or ingredient of a product where multiple temperature controls are needed to preclude bacterial growth; offering as ready-to-eat a raw time/temperature controlled for safety meat, poultry product, fish, or shellfish or a food with these raw time/temperature controlled for safety items as ingredients; using freezing as a means to achieve parasite destruction; serving a primarily high risk clientele including immuno-compromised or elderly individuals in a facility that provides either health care or assisted living; or using time in lieu of temperature as a public health control for time/temperature controlled for safety food or performs a food handling process that is not addressed,

deviates, or otherwise requires a variance for the process. Examples of risk level IV activities include, but are not limited to:

- (1) Reheating bulk quantities of leftover time/temperature controlled for safety food more than once every seven days; or
- (2) Caterers or other similar food service operations that transport food.

Five Year Review (FYR) Dates: 01/13/2015 and 01/13/2020

Promulgated Under: 119.03

Statutory Authority: 3717.04, 3717.51

Rule Amplifies: 3717.07

Prior Effective Dates: 9/4/1995, 11/27/00, 12/21/01 (Emer.), 3/21/02, 12/1/04, 3/1/10