

**Governor
John R. Kasich****Lieutenant Governor
Mary Taylor****ODA Director
David T. Daniels****ODH Director
Theodore E. Wymyslo, M.D.**

DATE: July 12, 2013

TO: Health Commissioners, Directors of Environmental Health and Interested Parties

FROM: Ohio Department of Health, Food Safety Program
Ohio Department of Agriculture, Division of Food Safety

RE: Letter of Opinion 2013-01

Licensing of Summer and After School Child Meal Programs

This Letter of Opinion is being issued to clarify the licensing requirements for the Summer and After School Child Meal Programs operating in Ohio. The program sponsors receive funds from the United States Department of Agriculture (USDA) to provide free food to children at various sites throughout the state.

Section 3717-1-01 (B)(48) of the Ohio Administrative Code defines a Food Service Operation as follows:

A place, location, site, or separate area where food intended to be served in individual portions is prepared or served for a charge or required donation. As used in this definition, "served" means a response made to an order for one or more individual portions of food in a form that is edible without washing, cooking, or additional preparation and "prepared" means any action that affects a food other than receiving or maintaining it at the temperature at which it was received.

It is the opinion of the Ohio Department of Health and the Ohio Department of Agriculture that "charge" does not mean funds provided by the USDA that are administered by the Ohio Department of Education directed to the After School At-risk Meal Program or Summer Food Service Program pursuant to 7 CFR 225 and 7 CFR 226.

Therefore, the specific operations listed above would not meet the definition of a Food Service Operation and would not be subject to licensing or inspections under Chapter 3717 of the Ohio Revised Code. However, the USDA requires that "a meal program must have a food service that complies with applicable State and local health and sanitation requirements", regardless of licensing requirements.

This "Letter of Opinion" was reviewed and recommended by the Retail Food Safety Advisory Council at their June 10, 2013 meeting.