



LETTER SHEET • Ohio Department of Agriculture



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Retail Food Establishment Definition Over-the-Counter Drugs/Dietary Supplements

With the recent passage of Amended Substitute Senate Bill 136 the definition of Retail Food Establishment has been changed.

(C) "Retail food establishment" means a premises or part of a premises where food, ~~over-the-counter drugs, nutrients designed for use in lieu of pharmaceuticals, and products designed for use as dietary supplements are~~ is stored, processed, prepared, manufactured, or otherwise held or handled for retail sale. Except when expressly provided otherwise, "retail food establishment" includes a mobile retail food establishment, seasonal retail food establishment, and temporary retail food establishment.

As you can see the reference to *over-the-counter drugs, nutrients designed for use in lieu of pharmaceuticals, and products designed for use as dietary supplements* has been eliminated. As a result of this change to the definition, those facilities that only offer these products will no longer be licensable as retail food establishments. This is not an exemption. Additionally, that portion of a licensable retail food establishment that provides *over-the-counter drugs, nutrients designed for use in lieu of pharmaceuticals, and products designed for use as dietary supplements* will no longer be subject to inspection by the licensor.

The Ohio Department of Agriculture will be responsible through its authority in Chapter 3715 of the Revised Code to monitor *over-the-counter drugs, nutrients designed for use in lieu of pharmaceuticals, and products designed for use as dietary supplements*.

Please contact our office if you have additional questions about these firms. Thank you.