



## Ohio Administrative Code

### Rule 3717-1-02 Determination of the primary business of a facility for purpose of licensure.

Effective: September 5, 2024

---

(A) When the activities of a food service operation and a retail food establishment are carried on within the same facility by the same person or government entity, the licensor will determine whether the person or government entity is to be licensed as a food service operation or retail food establishment according to the primary business of the person or government entity.

(B) The licensor will consult with the person or government entity to obtain the necessary information about whether:

(1) The facility's food service operation sales volume is greater than its retail food establishment sales volume, in which case its primary business is a food service operation; or

(2) The facility's retail food establishment sales volume is greater than its food service operation sales volume, in which case its primary business is a retail food establishment.

(3) When sales volume information does not exist, the licensor will determine the primary business in consultation with the person or government entity based on the anticipated sales volume.

(C) If the licensors of a food service operation and a retail food establishment are not the same, the licensors will jointly determine the primary business in consultation with the person or government entity.

---