

Enrolled
House Bill 2617

Sponsored by Representative HOLVEY

CHAPTER

AN ACT

Relating to food establishments; creating new provisions; and amending ORS 603.034.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS chapter 603.

SECTION 2. (1) The State Department of Agriculture may issue licenses under this chapter to one or more additional users of a custom processing establishment, custom slaughtering establishment, meat seller establishment, nonslaughtering processing establishment or slaughterhouse that is licensed primarily for operation by another person. A license issued to an additional user of an establishment described in this subsection shall cover all operations at that establishment by the person licensed. Regardless of the number of persons licensed to use an establishment described in this subsection, the department may not recognize more than one person as the primary operator of the establishment.

(2) The department may assess a license fee to an additional user of an establishment described in this section, calculated as provided in ORS 603.025. In calculating license fees under ORS 603.025, the establishment's annual gross dollar volume of sales and services for an additional user of the establishment is independent of the establishment's annual gross dollar volume of sales for any other user or the primary operator of the establishment.

(3) Notwithstanding ORS 603.025, the department may adopt rules to establish the license expiration, renewal and application dates for additional users of an establishment.

(4) The department may adopt rules to determine the responsibilities of an establishment's primary operator and additional users of the establishment under ORS 603.034, 603.045 (6), 603.055 and 603.059 and rules adopted under ORS 603.055 and 603.085.

(5) A recognized primary operator of an establishment shall notify the department upon the expiration or termination of the rental or lease of the establishment by an additional user of the establishment. The renting or leasing of an establishment to a person licensed by the department as an additional user of the establishment or the expiration or termination of use by a person licensed as an additional user of the establishment does not, by itself, constitute the transfer of a business for purposes of ORS 603.027.

SECTION 3. ORS 603.034 is amended to read:

603.034. (1) In accordance with the provisions of ORS chapter 183, the State Department of Agriculture may suspend, revoke, or refuse to issue a license to any applicant or licensee whose establishment construction, equipment or sanitation does not meet the requirements of the State Meat Inspection Act as defined in ORS chapter 619, or of ORS 599.205 and this chapter, or of the rules promulgated thereunder.

(2) Notwithstanding the provisions of ORS chapter 183, upon conviction of a licensee of any violation of the State Meat Inspection Act, as defined in ORS chapter 619, or of any provisions of ORS 599.205 and this chapter, or of the rules promulgated thereunder, or upon determination by the department that a licensee has failed to maintain the surety bond or letter of credit required by ORS 603.025 (3), the department is authorized to forthwith suspend or revoke such license. The department shall, by certified mail addressed to such licensee at the address shown on the license, render notice that such license has been revoked or suspended.

(3) Subject to ORS 603.025, authority to carry on more than one type of activity at the same establishment shall [only] be approved by the department **only** if there is compliance [by the licensee] with the laws and rules applicable to each separate activity.

(4) ORS 599.205 and this chapter shall not require a person to obtain a license to slaughter on the person's own premises a meat animal, owned by the person, for the person's consumption or for consumption by members of the person's household, nonpaying guests or employees.

SECTION 4. Section 5 of this 2007 Act is added to and made a part of ORS 616.695 to 616.755.

SECTION 5. (1) The State Department of Agriculture may issue licenses under ORS 616.695 to 616.755 to one or more additional users of a food establishment that is licensed primarily for operation by another person. A license issued to an additional user of the food establishment shall cover all operations at that establishment by the person licensed. Regardless of the number of persons licensed to use a food establishment, the department may not recognize more than one person as the primary operator of the establishment.

(2) The department may assess a license fee to an additional user of a food establishment, calculated as provided in ORS 616.706. In calculating license fees under ORS 616.706, the gross sales for an additional user of the food establishment are independent of the gross sales by any other user or the primary operator of the food establishment.

(3) Notwithstanding ORS 616.706, the department may adopt rules to establish the license expiration, renewal and application dates for additional users of a food establishment.

(4) The department may adopt rules to determine the responsibilities of a food establishment's primary operator and additional users of the food establishment under ORS 616.700, 616.735 and 616.740.

(5) A recognized primary operator of a food establishment shall notify the department upon the expiration or termination of the rental or lease of the food establishment by an additional user of the establishment. The renting or leasing of a food establishment to a person licensed by the department as an additional user of the establishment or the expiration or termination of use by a person licensed as an additional user of the establishment does not, by itself, constitute the ceasing or discontinuance of operations or business at the food establishment by the primary operator or another additional user for purposes of ORS 616.706.

(6) Subsections (1) to (5) of this section do not apply to a food establishment located in an area that is part of a domestic kitchen.

SECTION 6. Sections 7 and 8 of this 2007 Act are added to and made a part of ORS chapter 621.

SECTION 7. (1) The State Department of Agriculture may issue a distributor or producer-distributor license under ORS 621.072 to one or more additional users of a milk processing plant that is primarily operated by another distributor or producer-distributor. A license issued to an additional user for activities at the milk processing plant may differ in activity type and fluid milk grade from the license issued to the primary operator of the plant. The physical facilities of the milk processing plant must conform to the requirements for all activity types and milk grades for which the primary operator and the additional users of the plant are licensed. Regardless of the number of persons licensed to use a milk processing plant, the department may not recognize more than one distributor or producer-distributor as the primary operator of the plant.

(2) The department may assess a distributor or producer-distributor license fee to an additional user of a milk processing plant, calculated as provided in ORS 621.072. In calculating license fees under ORS 621.072, the annual gross dollar volume of sales and services for an additional user of a milk processing plant is independent of the annual gross dollar volume of sales and services for any other user or the primary operator of the plant.

(3) Notwithstanding ORS 621.072, the department may adopt rules to establish the license expiration, renewal and application dates for distributors or producer-distributors that are additional users of a milk processing plant.

(4) The department may adopt rules to determine the responsibilities of a milk processing plant's primary operator and additional users of the milk processing plant under standards prescribed by ORS 621.176 and 621.181 and under ORS 621.183.

(5) A recognized primary operator of a milk processing plant shall notify the department upon the expiration or termination of the rental or lease of the plant by an additional user of the plant.

SECTION 8. (1) The State Department of Agriculture may issue a dairy products plant license under ORS 621.166 to one or more additional users of a dairy products plant that processes or uses milk to manufacture dairy products and is primarily operated by another person. A license issued to an additional user for activities at the dairy products plant shall cover all operations at that plant by the person licensed. Regardless of the number of persons licensed to use a dairy products plant, the department may not recognize more than one person as the primary operator of the plant.

(2) The department may assess a license fee to an additional user of a dairy products plant described in subsection (1) of this section, calculated as provided in ORS 621.166. In calculating license fees under ORS 621.166, the annual gross dollar volume of sales and services for an additional user of the dairy products plant is independent of the annual gross dollar volume of sales and services for any other user or the primary operator of the plant.

(3) Notwithstanding ORS 621.166, the department may adopt rules to establish the license expiration, renewal and application dates for additional users of a dairy products plant.

(4) The department may adopt rules to determine the responsibilities of the dairy products plant's primary operator and additional users of the dairy products plant's under standards prescribed by ORS 621.176 and 621.181 and under ORS 621.183.

(5) A recognized primary operator of a dairy products plant shall notify the department upon the expiration or termination of the rental or lease of the plant by an additional user of the plant.

SECTION 9. Section 10 of this 2007 Act is added to and made a part of ORS 625.010 to 625.270.

SECTION 10. (1) The State Department of Agriculture may issue licenses under ORS 625.030 to one or more additional users of a bakery that is licensed primarily for operation by another person. A license issued to an additional user of the bakery shall cover all operations at that bakery by the person licensed. Regardless of the number of persons licensed to use a bakery, the department may not recognize more than one person as the primary operator of the bakery.

(2) The department may assess a license fee to an additional user of a bakery, calculated as provided in ORS 625.180. In calculating license fees under ORS 625.180, the gross sales by an additional user of a bakery are independent of the gross sales by any other user or the primary operator of the bakery.

(3) Notwithstanding ORS 625.050, the department may adopt rules to establish the license expiration, renewal and application dates for additional users of a bakery.

(4) The department may adopt rules to determine the responsibilities of a bakery's primary operator and additional users of the bakery under requirements prescribed by the department as provided under ORS 625.150.

(5) A recognized primary operator of a bakery shall notify the department upon the expiration or termination of the rental or lease of the bakery by an additional user of the bakery.

(6) Subsections (1) to (5) of this section do not apply to a bakery located in an area that is part of a domestic kitchen.

Passed by House May 3, 2007

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Chief Clerk of House

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Speaker of House

Passed by Senate May 24, 2007

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President of Senate

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State