

House Bill 2617

Sponsored by Representative HOLVEY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes State Department of Agriculture to issue license for temporary use of food establishment by person renting or leasing establishment.

Creates penalty for violation of food establishment laws, punishable by maximum of \$1,000 fine or one year's imprisonment, or both.

A BILL FOR AN ACT

1
2 Relating to food establishments.

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

4 **SECTION 1. Sections 2 and 3 of this 2007 Act are added to and made a part of ORS 616.695**
5 **to 616.755.**

6 **SECTION 2. (1) The State Department of Agriculture may issue a person a license to**
7 **temporarily use a food establishment that is licensed for operation by another person. A li-**
8 **cence for the temporary use of a licensed food establishment shall cover all operations at a**
9 **single food establishment by the person licensed.**

10 **(2) The department may assess a license fee to a person granted a license to temporarily**
11 **use a food establishment. The license fee for the temporary use of the food establishment**
12 **shall be calculated on the same basis as provided in ORS 616.706 for calculating the license**
13 **fee for operating the food establishment. In calculating license fees under ORS 616.706, the**
14 **gross sales by a temporary user of a food establishment are independent of the gross sales**
15 **by the licensed operator of the food establishment.**

16 **(3) Notwithstanding ORS 616.706, the department may establish the expiration and re-**
17 **newal dates for a temporary-use license by rule.**

18 **(4) The department may, subject to the applicable provisions of ORS chapter 183, sus-**
19 **pend, revoke or refuse to renew a temporary-use license if the temporary user violates a**
20 **provision of ORS 616.695 to 616.755 or a rule adopted under ORS 616.695 to 616.755.**

21 **(5) The licensed operator of a food establishment may rent or lease the food establish-**
22 **ment for temporary use by a person licensed under this section. No more than one-half of**
23 **the use of the food establishment during any 12-month period may be by the same temporary**
24 **user. However, the department may waive the limitation on use of a food establishment by**
25 **the same temporary user for good cause.**

26 **(6) The licensed operator of a food establishment shall notify the department upon the**
27 **expiration or termination of the rental or lease of the food establishment by a temporary**
28 **user. The renting or letting of a food establishment to a temporary user or the expiration**
29 **or termination of use by a temporary user does not, by itself, constitute the ceasing or dis-**
30 **continuance of operations or business at the food establishment by the licensed operator for**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 purposes of ORS 616.706.

2 **SECTION 3.** (1) If the licensed operator of a food establishment rents or lets the food
3 establishment for temporary use by a person licensed under section 2 of this 2007 Act, both
4 the licensed operator and the temporary user of a food establishment are responsible during
5 the period of temporary use for ensuring that:

6 (a) The food establishment is constructed and maintained in a clean, healthful and sani-
7 tary condition;

8 (b) The food establishment maintains time and temperature controls, indicating and re-
9 cording thermometers and indicating pressure gauges for pressure cookers and retorts and
10 other facilities necessary to carry out the intent and purpose of ORS 616.695 to 616.755; and

11 (c) Proper toilet and lavatory facilities are provided and maintained for employees.

12 (2) The temporary user of the food establishment, but not the licensed operator, is re-
13 sponsible during the period of temporary use for:

14 (a) Maintaining minimum temperature and time period standards for cooking foods;

15 (b) Ensuring that food dispensed, transported, sold, held for sale, stored, salvaged or
16 displayed is not filthy, decomposed, putrid, unsafe, contaminated, deleterious to health, unfit,
17 unwholesome, unclean, insanitary or diseased;

18 (c) Ensuring that the food is not adulterated as defined in ORS 616.235;

19 (d) Ensuring that refuse, dirt and waste products subject to decomposition or
20 fermentation incident to the temporary use of the food establishment are removed as re-
21 quired by the State Department of Agriculture;

22 (e) Ensuring that trunks, trays, boxes, baskets, buckets or other receptacles, chutes,
23 platforms, racks, troughs, shelves, knives, saws, cleaver and other utensils and machinery
24 of the food establishment are thoroughly cleaned as required by the department during the
25 temporary use of the food establishment;

26 (f) Ensuring that toilet and lavatory facilities are kept in a clean and sanitary condition;

27 (g) Ensuring the cleanliness of clothing and persons of operatives, employees, clerks or
28 other persons in the food establishment; and

29 (h) Ensuring that any product produced by the temporary user meets applicable re-
30 quirements for packaging and labeling.

31 **SECTION 4.** The violation of a provision of ORS 616.695 to 616.755, or of a department
32 rule for the administration or enforcement of ORS 616.695 to 616.755, is an unclassified
33 misdemeanor punishable by a fine of not more than \$1,000, imprisonment for not more than
34 one year, or both.