

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2868

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Measure Description:

Provides for licensing of intermittent temporary restaurants and seasonal temporary restaurants.

Government Unit(s) Affected:

Oregon Health Authority (OHA), Counties

Expenditure Impact:

See Analysis

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

Under current law, there is only one type of temporary restaurant license valid for 30 days or until a temporary food vendor ceases operation. HB 2868 differentiates and stipulates the requirements, standards, procedures and fees for licensing of three categories of temporary restaurants by the Oregon Health Authority (OHA):

1. Intermittent temporary restaurant category – allows an establishment operating at the same location over several days at events sponsored by different organizations to apply for an intermittent temporary license that is valid for 30 days. Under existing law, these restaurants are required to obtain a license for each sponsored event.
2. Seasonal temporary restaurants – allows an establishment operating periodically at the same location and with the same oversight group (e.g. vendors at weekly farmers markets) to apply for a seasonal temporary license valid for 90 days. Under existing law, these temporary restaurants could be required to obtain several licenses during a 30 day period if, for example, they operate on a weekend and then tear down their food booth until the next weekend when the farmers market reopened.
3. Single-event temporary restaurants – allows establishments operating in one location in connection with a single public gathering to apply for a single-event temporary license valid for 30 days.

HB 2868 also exempts the following entities from licensing requirements for all categories of temporary restaurants: (1) fraternal, social or religious organizations preparing and serving food only to their members; (2) approved school lunchrooms; (3) food promotional sampling events that do not include a meal, a hot dish or a whole sandwich; and (4) private residences. In addition, the bill exempts benevolent organizations operating a single-event temporary restaurant from being charged licensing or inspection fees.

Oregon Health Authority (OHA)

This bill will have a minimal fiscal impact on OHA. If this bill passes, OHA's Public Health Division (PHD) will use existing staff and resources to amend rules for temporary restaurants. Training of county inspectors on how to license temporary restaurants using the three licensing categories is within the current responsibility and workload of the Food borne Illness Prevention Program.

County Health Departments

HB 2868 will have a minimal fiscal impact on county health departments. Passage of this bill could result in a reduction in licensing applications, and therefore a reduction in fee revenue for local health departments. However, there should be a corresponding reduction in workload due to a decrease in licensing and inspection activities.