

Senate Bill 693

Sponsored by COMMITTEE ON FINANCE AND REVENUE

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**.

Requires that packaged ice sold or offered for sale be made from safe drinking water derived from water supplier and water system that are in compliance with federal law and Oregon Drinking Water Quality Act. Directs Oregon Health Authority to adopt standards and rules for packaged ice sold or offered for sale. Authorizes authority to impose civil penalty for violation.

Becomes operative January 1, 2012.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to packaged ice; and declaring an emergency.

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

4 **SECTION 1. As used in sections 1 to 4 of this 2011 Act:**

5 (1) **"Ice" means water that is frozen into a solid state and that is intended for human**
6 **consumption.**

7 (2) **"Packaged ice" means ice that has been packaged for sale at retail.**

8 (3) **"Safe drinking water" has the meaning given that term in ORS 448.115.**

9 (4) **"Water supplier" has the meaning given that term in ORS 448.115.**

10 (5) **"Water system" has the meaning given that term in ORS 448.115.**

11 **SECTION 2. Packaged ice that is manufactured, processed, packaged, sold or offered for**
12 **sale in this state must be made from safe drinking water derived from a water supplier and**
13 **a water system that are in compliance with ORS 448.119 to 448.285, 454.235 and 454.255 and**
14 **the National Primary Drinking Water Regulations adopted pursuant to the federal Safe**
15 **Drinking Water Act, 42 U.S.C. 300f et seq.**

16 **SECTION 3. (1) The Oregon Health Authority shall adopt rules establishing standards to**
17 **ensure that packaged ice is safely manufactured, processed, packaged, labeled, handled,**
18 **transported, stored, sold and offered for sale in this state.**

19 (2) **The standards must include, at a minimum, all of the following:**

20 (a) **Methods, materials and instruments used to manufacture, process, package, label,**
21 **handle, transport, store and sell packaged ice must preclude contamination at levels estab-**
22 **lished by the authority by rule.**

23 (b) **Air used for water agitation during the manufacture and processing of packaged ice**
24 **must be filtered or otherwise treated so as to be free of oil, dust, dirt, insects, extraneous**
25 **materials and other contaminants.**

26 (c) **Spillage that occurs during the manufacture, processing, packaging, labeling, handl-**
27 **ing, transportation and storage of packaged ice must be disposed of and not used.**

28 (d) **Materials used to package packaged ice must:**

29 (A) **Be of food-grade quality as defined by the authority by rule; and**

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 (B) Have airtight closures, except that the packaging material may contain pinholes or
2 butterfly vents that do not exceed one-fourth inch in diameter and that are located in the
3 upper one-third portion of the packaging material.

4 (e) Methods used to protect packaged ice from contamination during manufacture, pro-
5 cessing, packaging, labeling, handling, transportation and storage must include, but need not
6 be limited to:

7 (A) Protections from spillage, splash and overhead dripping;

8 (B) Prohibiting the use of wooden platforms or pallets to transport or store packaged ice
9 unless they are designed or covered with a surface that protects the packaged ice from
10 splintering and contamination; and

11 (C) Requiring that platforms, pallets, machinery, utensils, tools or vehicles used in the
12 handling, transportation or storage of packaged ice are easily cleaned and sanitized or are
13 replaced between uses at a frequency determined by the authority by rule.

14 (f) Packaged ice may not at any time during manufacture, processing, packaging, label-
15 ing, handling, transportation or storage come into contact with the floor or ground.

16 (g) Labeling of packaged ice must be done in compliance with federal law under 21 C.F.R.
17 part 101 and labels must display a date or lot code to facilitate traceability.

18 **SECTION 4.** (1) In addition to any other penalty provided by law, a person who violates
19 a provision of sections 1 to 4 of this 2011 Act or any rule adopted by the Oregon Health Au-
20 thority pursuant to sections 1 to 4 of this 2011 Act is subject to a civil penalty not to exceed
21 \$500 for each day of violation.

22 (2) The Director of the Oregon Health Authority shall adopt rules that establish a
23 schedule of the amounts of civil penalties that may be imposed for first and subsequent vio-
24 lations.

25 (3) The director may impose the civil penalty without hearing after providing the person
26 that has incurred the penalty with at least five days' advance written notice from the au-
27 thority.

28 (4) In imposing a civil penalty pursuant to the schedule adopted under this section, the
29 director shall consider the following factors:

30 (a) The past history of the person incurring the penalty in taking all feasible steps or
31 procedures necessary or appropriate to correct any violation.

32 (b) Any prior violations of statutes, rules or orders pertaining to the manufacture, pro-
33 cessing, packaging, labeling, handling, transportation, storage, sale or offer for sale of
34 packaged ice in this state.

35 (c) The financial circumstances of the person incurring the penalty.

36 (5) The civil penalty imposed under this section may be remitted or mitigated upon such
37 terms and conditions as the director considers proper and consistent with the public health
38 and safety.

39 **SECTION 5.** Sections 1 to 4 of this 2011 Act become operative on January 1, 2012.

40 **SECTION 6.** The Oregon Health Authority may adopt rules and take any other action
41 before the operative date specified in section 5 of this 2011 Act that is necessary for the au-
42 thority to exercise, on and after the operative date specified in section 5 of this 2011 Act, all
43 of the duties, functions and powers conferred on the authority by sections 1 to 4 of this 2011
44 Act.

45 **SECTION 7.** This 2011 Act being necessary for the immediate preservation of the public

1 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**
2 **on its passage.**

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