

**PROPOSED AMENDMENTS TO  
SENATE BILL 841**

1 On page 1 of the printed bill, line 3, delete “and 215.453 and section 6,  
2 chapter 679, Oregon Laws 2011” and insert “, 215.453, 624.010 and 624.046”.

3 On page 3, delete lines 41 through 43.

4 In line 44, delete “(11)” and insert “(10)”.

5 On page 4, line 2, delete “(12)” and insert “(11)”.

6 In line 10, delete “(13)” and insert “(12)”.

7 After line 23, insert:

8 “(13) When a bed and breakfast facility, as defined in ORS 624.010, is sited  
9 as a home occupation on the same tract as a winery established under this  
10 section and is in association with the winery:

11 “(a) The bed and breakfast facility may prepare and serve any meals for  
12 a maximum of 18 patrons; and

13 “(b) Meals prepared at the bed and breakfast facility for a maximum of  
14 18 patrons may be served at the winery.”.

15 Delete lines 31 through 34 and insert:

16 “**SECTION 3.** (1) A local government may authorize the siting of a  
17 winery, on land zoned for exclusive farm use, as a commercial activity in  
18 conjunction with farm use under ORS 215.213 (2)(c) or 215.283 (2)(a) or other  
19 law if the winery:

20 “(a) Does not qualify for siting under ORS 215.452 or 215.453; or

21 “(b) Seeks to carry out uses or activities that are not authorized by ORS  
22 215.452 or 215.453.”.

1 On page 5, delete lines 5 through 15 and insert:

2 **“SECTION 5. (1) A use or structure that is lawfully established at**  
3 **a winery located in an exclusive farm use zone and that exists on the**  
4 **effective date of this 2013 Act, including events and activities that ex-**  
5 **ceed the income limit imposed by ORS 215.452, may be continued, al-**  
6 **tered, restored or replaced pursuant to ORS 215.130.**

7 **“(2) Subsection (1) of this section does not affect the lawful con-**  
8 **tinuation, alteration, restoration or replacement of the winery sited**  
9 **on the same tract.”.**

10 In line 38, delete the period and insert a semicolon.

11 On page 6, line 6, delete the period and insert a semicolon.

12 Delete lines 9 and 10 and insert “on-site, including food and beverages:

13 “(A) Required to be made available in conjunction with the consumption  
14 of wine on the premises by the Liquor Control Act or rules adopted under  
15 the Liquor Control Act; or

16 “(B) Served in conjunction with an activity authorized by paragraph (b)  
17 or (d) of this subsection;”.

18 In line 11, delete “private” and insert “agri-tourism or other  
19 commercial”.

20 On page 7, delete lines 23 and 24 and insert:

21 “(12) When a bed and breakfast facility, as defined in ORS 624.010, is sited  
22 as a home occupation on the same tract as a winery established under this  
23 section and is in association with the winery:

24 “(a) The bed and breakfast facility may prepare and serve any meals for  
25 a maximum of 18 patrons; and

26 “(b) Meals prepared at the bed and breakfast facility for a maximum of  
27 18 patrons may be served at the winery.

28 “(13) As used in this section:

29 “(a) ‘Agri-tourism or other commercial events’ includes outdoor concerts  
30 for which admission is charged, educational, cultural, health or lifestyle

1 events, facility rentals, celebratory gatherings and other events at which the  
2 promotion of wine produced in conjunction with the winery is a secondary  
3 purpose of the event.

4 “(b) ‘On-site retail sale’ includes the retail sale of wine in person at the  
5 winery site, through a wine club or over the Internet or telephone.

6 **“SECTION 7.** ORS 624.010 is amended to read:

7 “624.010. As used in ORS 624.010 to 624.121, unless the context requires  
8 otherwise:

9 “(1) ‘Authority’ means the Oregon Health Authority.

10 “(2) ‘Bed and breakfast facility’ means any establishment located in a  
11 structure designed for a single family residence and structures appurtenant  
12 thereto, regardless of whether the owner or operator of the establishment  
13 resides in any of the structures, that:

14 “(a) Has more than two rooms for rent on a daily basis to the public; and

15 “(b) Offers [*a breakfast*] meal **service as provided in ORS 624.046** as part  
16 of the cost of the room.

17 “(3) ‘Director’ means the Director of the Oregon Health Authority.

18 “(4) ‘Intermittent temporary restaurant’ means an establishment:

19 “(a) That operates temporarily at a specific location in connection with  
20 multiple public gatherings, entertainment events, food product promotions  
21 or other events, at least two of which are arranged for by different oversight  
22 organizations; and

23 “(b) Where food is prepared or served for consumption by the public.

24 “(5) ‘Limited service restaurant’ means a restaurant serving only individ-  
25 ually portioned prepackaged foods prepared from an approved source by a  
26 commercial processor and nonperishable beverages.

27 “(6) ‘Operational review’ means the examination of a plan of operation for  
28 an establishment in order to ensure that the proposed operation conforms  
29 with applicable sanitation standards.

30 “(7) ‘Oversight organization’ means an entity responsible for organizing,

1 managing or otherwise arranging for a public gathering, entertainment  
2 event, food product promotion or other event, including but not limited to  
3 ensuring the availability of water, sewer and sanitation services.

4 “(8) ‘Restaurant,’ except as provided in subsection (9) of this section,  
5 means an establishment:

6 “(a) Where food or drink is prepared for consumption by the public;

7 “(b) Where the public obtains food or drink so prepared in form or  
8 quantity consumable then and there, whether or not it is consumed within  
9 the confines of the premises where prepared; or

10 “(c) That prepares food or drink in consumable form for service outside  
11 the premises where prepared.

12 “(9) ‘Restaurant’ does not mean a railroad dining car, bed and breakfast  
13 facility, intermittent temporary restaurant, seasonal temporary restaurant  
14 or single-event temporary restaurant.

15 “(10) ‘Seasonal temporary restaurant’ means an establishment:

16 “(a) That operates at a specific location in connection with multiple  
17 public gatherings, entertainment events, food product promotions or other  
18 events that are arranged for by the same oversight organization; and

19 “(b) Where food is prepared or served for consumption by the public.

20 “(11) ‘Single-event temporary restaurant’ means an establishment:

21 “(a) That operates in connection with a single public gathering, enter-  
22 tainment event, food product promotion or other event; and

23 “(b) Where food is prepared or served for consumption by the public.

24 “**SECTION 8.** ORS 624.046 is amended to read:

25 “624.046. (1) The Oregon Health Authority shall allow a bed and breakfast  
26 facility to conduct food service operations for its patrons in rooms used by  
27 the owner or operator[, *provided that:*]

28 “[*(1) Such rooms are not used as sleeping quarters; and*]

29 “[*(2) Persons not employed by the facility shall be excluded from such*  
30 *rooms during breakfast meal hours.*] **if the rooms in which food service**

1 **operations are conducted:**

2 **“(a) Are not used as sleeping quarters; and**

3 **“(b) Are off-limits during meal hours to individuals not employed**  
4 **by the bed and breakfast facility.**

5 **“(2) Except as provided in ORS 215.452 or 215.453, meal service in a**  
6 **bed and breakfast facility is limited to the preparation and service of**  
7 **breakfast.”.**

8 In line 25, delete “7” and insert “9”.

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