

Enrolled
Senate Bill 320

Sponsored by Senators ROBLAN, HANSELL, THOMSEN; Senators BURDICK, DEMBROW, JOHNSON, KRUSE, MONNES ANDERSON, OLSEN, THATCHER, Representatives BOONE, BUEHLER, CLEM, DAVIS, DOHERTY, ESQUIVEL, GOMBERG, HACK, HEARD, HELM, JOHNSON, KENY-GUYER, MCKEOWN, NOSSE, REARDON, WHITSETT, WITT (Pre-session filed.)

CHAPTER

AN ACT

Relating to residential food establishments.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS chapter 616.

SECTION 2. (1) As used in this section:

(a) “Food” and “food establishment” have the meanings given those terms in ORS 616.695. “Food” does not include any article containing marijuana.

(b) “Potentially hazardous” means requiring temperature control due to the capacity to support the rapid and progressive growth of infectious microorganisms or the growth of toxic microorganisms.

(2) ORS 616.695 to 616.755 do not apply to a food establishment if:

(a) The food establishment is located in a residential dwelling;

(b) The food establishment sells food only to the end user of the product;

(c) The foods prepared at the food establishment for public distribution are not potentially hazardous;

(d) The foods prepared at the food establishment for public distribution are baked goods or confectionary items;

(e) The food bears on its label a statement and product information as described in subsection (4) of this section informing consumers that the product is not prepared in an inspected food establishment;

(f) Except as provided in subsection (6) of this section, the annual gross sales of foods prepared at the food establishment do not exceed \$20,000; and

(g) Each individual involved in the preparation of food at the food establishment for public distribution has successfully completed a food handler training program and holds a certificate issued under ORS 624.570.

(3) A person may not sell foods prepared in an establishment described in this section on the Internet or to a commercial entity or an institution including, but not limited to, a restaurant, grocery store, caterer, school, day care center, hospital, nursing home or correctional facility.

(4)(a) Except as provided in this paragraph, the label statement required under subsection (2) of this section is “This product is homemade and is not prepared in an inspected

food establishment.” The State Department of Agriculture may adopt rules specifying alternative wording for the label statement to the extent that alternative wording is necessary in order to comply with federal requirements.

(b) In addition to the statement required under paragraph (a) of this subsection, the label shall disclose the following product information:

- (A) The name, phone number and address for the food establishment;
- (B) The name of the product;
- (C) The ingredients of the product in descending order by weight;
- (D) The net weight or net volume of the product;
- (E) Any applicable allergen warnings as specified under federal labeling requirements;

and

(F) If the label provides any nutrient content claim, health claim or other nutritional information, product nutritional information as described in federal labeling requirements.

(5) Notwithstanding subsection (2) of this section, the department may require a food establishment described in this section to become licensed under ORS 616.695 to 616.755, if the food establishment refuses to comply with department rules requiring that the food establishment be constructed and maintained in a clean, healthful and sanitary condition.

(6) The department may adopt rules increasing the food sales limit established in subsection (2) of this section by an amount that reflects changes in the Portland-Salem, OR-WA, Consumer Price Index for All Urban Consumers for All Items as reported by the Bureau of Labor Statistics of the United States Department of Labor. The State Department of Agriculture may not adopt rules decreasing the food sales limit established in subsection (2) of this section.

(7) A person operating a food establishment described in this section must maintain accurate records of annual sales and the types of foods produced by the food establishment. The person must retain the records for not less than three years and make the records available for inspection by the department upon request.

Passed by Senate March 23, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 4, 2015

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Tina Kotek, Speaker of House

Received by Governor:

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Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State