

HB 2060 A STAFF MEASURE SUMMARY
House Committee On Agriculture and Land Use

Carrier: Rep. Smith DB

Action Date: 02/19/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Boshart Davis, Clem, Helm, McLain, Post, Smith DB, Williams

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

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Meeting Dates: 1/22, 1/24, 2/19

WHAT THE MEASURE DOES:

Authorizes the Oregon Department of Agriculture (ODA) to order the condemnation or closure of certain food establishments if the required ODA authorization for operation has lapsed or has not been obtained. Requires ODA, prior to ordering the condemnation or closure of a food establishment, to provide a 30-day notice of the impending order in addition to: providing notice as statutorily required for establishments with lapsed authorizations, or providing notice per ODA rule that allows a minimum of 45 days for compliance for establishments that have never obtained authorization. Makes the violation of an order subject to a civil penalty, not to exceed \$10,000 per violation.

ISSUES DISCUSSED:

- Continuation of ODA inspections in cases of lapsed licenses
- Complaint-driven process to identify new, unlicensed businesses
- Quantity of non-compliant food establishments
- Current ODA tools to compel compliance
- Current ODA notice process for delinquent license renewal
- Codification of both the current notice process and the proposed 30-day condemnation or closure notice

EFFECT OF AMENDMENT:

Requires Oregon Department of Agriculture, prior to ordering the condemnation or closure of a food establishment, to provide notice as statutorily required for establishments with lapsed authorizations, and to provide notice per ODA rule that allows a minimum of 45 days for compliance for establishments that have never obtained authorization.

BACKGROUND:

The Oregon Department of Agriculture (ODA) is responsible for the inspection, regulation, and licensure of food establishment operations to ensure they are constructed and maintained in a clean, healthful, and sanitary condition.

For licensed food establishments, ODA currently provides a 30-day notice in advance of the license expiration date to remind the business to renew their license. If the establishment fails to renew their license, ODA notifies the establishment 30 days following the expiration date that they will be subject to a delinquent renewal penalty that takes effect 60 days after the expiration date. At 60 days following expiration, ODA sends notice that the license renewal fee in addition to a penalty fee are owed. At 90 days following renewal failure, the food establishment is considered to be operating without a license, and under ORS 561.300, ODA may initiate collections and civil penalty procedures.

For food establishments that have never obtained a license, ODA rule states that a food establishment is considered unlicensed 14 days following the initial ODA inspection of the establishment. ODA may initiate

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collections and civil penalty procedures at that time.

House Bill 2060 A would authorize ODA, following specified notice requirements, to order condemnation or closure of certain food establishments, and would establish a civil penalty for order violation.