

# Senate Bill 320

Sponsored by Senators ROBLAN, HANSELL, Representative MCLANE; Senators BURDICK, DEMBROW, JOHNSON, KRUSE, OLSEN, THATCHER, Representatives BOONE, DAVIS, ESQUIVEL, GOMBERG, KENY-GUYER, MCKEOWN, REARDON) (Pre-session filed.)

## 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**.

Allows food establishment located within residential dwelling to produce limited amounts of certain foods for sale to public without being regulated by State Department of Agriculture.

## A BILL FOR AN ACT

1  
2 Relating to residential food establishments.

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

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

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

6 (a) "Food" and "food establishment" have the meanings given those terms in ORS 616.695.

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

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

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

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

13 (c) The foods prepared at the food establishment for public distribution are not poten-  
14 tially hazardous;

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

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

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

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

25 (4) Except as provided in this subsection, the label statement required under subsection  
26 (2) of this section is "This product is homemade and is not prepared in an inspected food  
27 establishment." The State Department of Agriculture may adopt rules specifying alternative  
28 wording for the label statement to the extent that alternative wording is necessary in order  
29 to comply with federal requirements.

30 (5) Notwithstanding subsection (2) of this section, the department may require a food

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 establishment described in this section to become licensed under ORS 616.695 to 616.755, if  
2 the food establishment refuses to comply with department rules requiring that the food es-  
3 tablishment be constructed and maintained in a clean, healthful and sanitary condition.

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

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

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