

A-Engrossed
House Bill 2919

Ordered by the House March 31
Including House Amendments dated March 31

Sponsored by Representative ESQUIVEL

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.

[Requires certain facilities providing residential accommodations for persons 55 years of age or older to notify Oregon Health Authority prior to providing food services for residents. Requires Oregon Health Authority to adopt rules establishing foodborne illness prevention program for facilities. Makes facilities subject to inspection for prevention of foodborne illness.]

[Allows Oregon Health Authority to contract with local public health authorities for conducting inspections to ensure compliance with foodborne illness prevention program. Allows inspecting authority to require facilities to correct violations. Allows civil penalty and suspension of food services as sanctions for failure to timely correct violation.]

[Requires employee involved in food services at facility to obtain food handler training.]

Makes facility providing food services at senior community residence subject to regulation as restaurant.

A BILL FOR AN ACT

1
2 Relating to food services at residential facilities; amending ORS 624.010.

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

4 **SECTION 1.** ORS 624.010 is amended to read:

5 624.010. As used in ORS 624.010 to 624.121, unless the context requires otherwise:

6 (1) "Authority" means the Oregon Health Authority.

7 (2) "Bed and breakfast facility" means any establishment located in a structure designed for a
8 single family residence and structures appurtenant thereto, regardless of whether the owner or op-
9 erator of the establishment resides in any of the structures, that:

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

11 (b) Offers meal service as provided in ORS 624.046 as part of the cost of the room.

12 (3) "Director" means the Director of the Oregon Health Authority.

13 (4) "Intermittent temporary restaurant" means an establishment:

14 (a) That operates temporarily at a specific location in connection with multiple public gath-
15 erings, entertainment events, food product promotions or other events, at least two of which are
16 arranged for by different oversight organizations; and

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

18 (5) "Limited service restaurant" means a restaurant serving only individually portioned pre-
19 packaged foods prepared from an approved source by a commercial processor and nonperishable
20 beverages.

21 (6) "Operational review" means the examination of a plan of operation for an establishment in
22 order to ensure that the proposed operation conforms with applicable sanitation standards.

23 (7) "Oversight organization" means an entity responsible for organizing, managing or otherwise

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 arranging for a public gathering, entertainment event, food product promotion or other event, in-
2 cluding but not limited to ensuring the availability of water, sewer and sanitation services.

3 (8) "Person" means a person as defined in ORS 174.100, a public body as defined in ORS 174.109,
4 the Oregon Health and Science University or the Oregon State Bar.

5 (9) "Restaurant," except as provided in subsection [(9)] (10) of this section, means [*an establish-*
6 *ment*]:

7 **(a) An establishment:**

8 [(a)] (A) Where food or drink is prepared for consumption by the public;

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

11 [(c)] (C) That prepares food or drink in consumable form for service outside the premises where
12 prepared[.]; or

13 **(b) A facility providing food services at a senior community residence.**

14 (10) "Restaurant" does not mean a railroad dining car, bed and breakfast facility, intermittent
15 temporary restaurant, seasonal temporary restaurant or single-event temporary restaurant.

16 (11) "Seasonal temporary restaurant" means an establishment:

17 (a) That operates at a specific location in connection with multiple public gatherings, enter-
18 tainment events, food product promotions or other events that are arranged for by the same over-
19 sight organization; and

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

21 **(12) "Senior community residence":**

22 **(a) Means a facility that:**

23 **(A) Provides residential accommodations for six or more households; and**

24 **(B) Has a majority of residents who are 55 years of age or older.**

25 **(b) Does not include a facility:**

26 **(A) Routinely providing residents with care, treatment or counseling to meet health care,**
27 **mental health, dependency or disability needs; or**

28 **(B) Occupied as transient lodging or under a week-to-week tenancy, both as defined in**
29 **ORS 90.100.**

30 [(12)] (13) "Single-event temporary restaurant" means an establishment:

31 (a) That operates in connection with a single public gathering, entertainment event, food prod-
32 uct promotion or other event; and

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

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