

House Bill 2919

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 **as introduced**.

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.

A BILL FOR AN ACT

1
2 Relating to food services at residential facilities.

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

4 **SECTION 1. As used in sections 1 to 5 of this 2017 Act:**

5 (1) **"Food services" means the onsite handling, preparation, processing or storage of**
6 **foods to provide meals daily or more frequently to residents or guests of residents.**

7 (2) **"Senior community residence":**

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

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

10 (B) **Requires that at least one person in each residential unit be 55 years of age or older;**
11 **and**

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

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

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

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

18 **SECTION 2. (1) Except as provided in subsection (2) of this section, a senior community**
19 **residence may not provide food services unless:**

20 (a) **The residence has given the Oregon Health Authority notice of the food services; and**

21 (b) **The residence is in compliance with the foodborne illness prevention program de-**
22 **scribed in section 3 of this 2017 Act or is operating within the terms of any requirement for**
23 **corrective action issued under section 4 (1) of this 2017 Act.**

24 (2) **Subsection (1) of this section does not apply to a senior community residence that**
25 **provides food services only through an establishment licensed under ORS chapter 624.**

26 **SECTION 3. (1) The Oregon Health Authority shall adopt rules establishing a foodborne**
27 **illness prevention program for senior community residences. The Oregon Health Authority**

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 may inspect, or enter into intergovernmental agreements for one or more local public health
 2 authorities to inspect, senior community residences for compliance with the program. If the
 3 Oregon Health Authority enters into an intergovernmental agreement under this subsection,
 4 the agreement must provide for the Oregon Health Authority to monitor and review local
 5 public health authority performance under the agreement. The Oregon Health Authority or
 6 local public health authority shall inspect each senior community residence at least once
 7 each year for compliance with the foodborne illness prevention program. The inspecting au-
 8 thority shall give a copy of the inspection report to residence management and file a copy
 9 with the Oregon Health Authority.

10 (2) An inspecting authority may take samples of food, drink and other substances during
 11 an inspection and examine the samples to detect unwholesomeness or adulteration.

12 (3) An inspecting authority may charge a senior community residence a reasonable fee
 13 for conducting inspections for compliance with the foodborne illness prevention program.

14 **SECTION 4.** (1)(a) Except as provided in subsections (2) and (3) of this section, if the in-
 15 specting authority discovers a senior community residence is in violation of requirements
 16 of the foodborne illness prevention program for senior community residences, the inspecting
 17 authority shall require the residence to undertake corrective action within a time the au-
 18 thority deems reasonable based on the nature and severity of the violation and any special
 19 circumstances present. An inspecting authority may impose reasonable conditions or re-
 20 strictions on food services activities affected by a violation. The inspection report must
 21 specify any violation discovered, a requirement for corrective action and the time allowed for
 22 corrective action. If the inspecting authority has imposed conditions or restrictions on food
 23 services activities, the inspection reports shall also specify the conditions or restrictions.

24 (b) The inspecting authority may make a second inspection after the lapse of the rea-
 25 sonable time to ensure the violation has been corrected. If a senior community residence
 26 fails to correct a violation within the specified time for corrective action, the Oregon Health
 27 Authority may impose a civil penalty, not to exceed \$_____, on the residence for failure
 28 to correct the violation.

29 (2) In addition to any civil penalty assessed by the Oregon Health Authority:

30 (a) If the violation constitutes a potential threat to resident health, the inspecting au-
 31 thority may order the senior community residence to suspend food services until the vio-
 32 lation is corrected and the residence is reinspected; or

33 (b) If a violation constitutes an imminent or present danger to the health of residents,
 34 the inspecting authority shall order the senior community residence to immediately suspend
 35 food services until the violation has been corrected and the residence is reinspected.

36 (3) If an inspecting authority orders the suspension of food services under subsection (2)
 37 of this section, the inspection report for the reinspection must specify the program violation
 38 and resulting danger to facility resident health, state that the inspecting authority ordered
 39 the suspension of food services and state the date the suspension takes effect. The inspecting
 40 authority shall provide a copy of the inspection report to residence management. The in-
 41 spection report must clearly display notice that procedures are available under ORS chapter
 42 183 for the senior community residence to appeal the suspension order. The inspecting au-
 43 thority shall file a copy of the notice with the Oregon Health Authority. If requested, the
 44 Oregon Health Authority shall provide a senior community residence with a prompt hearing
 45 in accordance with ORS chapter 183.

1 **SECTION 5.** A person involved in food services at a senior community residence must
2 successfully complete a food handler training program described in ORS 624.570 no later than
3 30 days after becoming involved in food preparation at the residence. The Oregon Health
4 Authority may adopt rules to determine the nature, degree and frequency of activity that
5 constitutes involvement in food services for purposes of this section.

6 **SECTION 6.** A senior community residence that is providing food services on the effec-
7 tive date of this 2017 Act must provide notice of the food services to the Oregon Health Au-
8 thority under section 2 of this 2017 Act no later than 180 days after the effective date of this
9 2017 Act.

10 **SECTION 7.** The Oregon Health Authority shall adopt initial rules to establish a
11 foodborne illness prevention program for senior community residences under section 3 of
12 this 2017 Act in time for the rules to take effect no later than 180 days after the effective
13 date of this 2017 Act. Notwithstanding sections 2 to 4 of this 2017 Act, a senior community
14 residence is not subject to inspection for compliance with the food borne illness prevention
15 program until 60 days after the effective date of the initial rules establishing the program.

16 **SECTION 8.** The Oregon Health Authority shall adopt initial rules to determine activities
17 constituting involvement in food services for purposes of section 5 of this 2017 Act in time
18 for the rules to take effect no later than 180 days after the effective date of this 2017 Act.
19 Notwithstanding section 5 of this 2017 Act, a person involved in food services at a senior
20 community residence is not required to complete a food handler training program earlier
21 than 60 days after the effective date of the initial rules.

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