

B-Engrossed
House Bill 2060

Ordered by the Senate May 14
Including House Amendments dated February 25 and Senate Amendments
dated May 14

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Department of Agriculture)

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.

Authorizes State Department of Agriculture to order [*condemnation or*] closure of food establishment if department authorization required for operation of food establishment has not been obtained or has lapsed.

Makes violation of order for [*condemnation or*] closure of food establishment subject to civil penalty, not to exceed \$10,000 per violation.

A BILL FOR AN ACT

1
2 Relating to food establishments lacking valid authorizations required for operation; creating new
3 provisions; and amending ORS 616.997.

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

5 **SECTION 1. Section 2 of this 2019 Act is added to and made a part of ORS chapter 616.**

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

7 (a) "Authorization" means a license, permit, certificate or other approval for the opera-
8 tion of a food establishment.

9 (b) "Food establishment" has the meaning given that term in ORS 616.695.

10 (2) In addition to any other authority granted to the State Department of Agriculture,
11 including, but not limited to, condemnation or closure authority under ORS 632.705 to 632.815
12 or this chapter or ORS chapter 619, 621, 622, 624 or 625, the department may order the clo-
13 sure of a food establishment if:

14 (a) Department authorization for operation of the food establishment is required by law;
15 and

16 (b) The authorization has not been obtained or has lapsed.

17 (3) Prior to ordering the closure of a food establishment under this section, the depart-
18 ment shall give notice:

19 (a) As required under ORS 561.300, if the authorization to operate the food establishment
20 has lapsed.

21 (b) As provided by a rule of the department that allows not less than 45 days for com-
22 pliance, if an authorization to operate the food establishment has not been obtained.

23 (4) After providing the notice required under subsection (3) of this section and prior to
24 ordering the closure of a food establishment under this section, the department shall give
25 notice to the owner or operator of the food establishment that the authorization required for

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 **operating the food establishment has not been obtained or has lapsed. The department shall**
2 **send the notice to the owner or operator by certified mail addressed to the last-known ad-**
3 **dress of the person on file with the department or, if none, to the address of the food es-**
4 **tablishment. The date of mailing must be at least 30 days prior to any order issued by the**
5 **department under this section for closure of the food establishment.**

6 **(5) Food establishments for which the department may issue an order for closure under**
7 **this section include, but are not limited to, establishments for which department authori-**
8 **zation is required under ORS 603.025, 616.706, 619.031, 621.161, 621.335, 622.080, 625.020, 625.080,**
9 **625.180, 628.220, 632.715, 632.730 or 635.027.**

10 **SECTION 3.** ORS 616.997 is amended to read:

11 616.997. (1) In addition to any penalty available under ORS 561.190, 616.992 or 616.994, the State
12 Department of Agriculture may impose a civil penalty for a violation of this chapter, [*or*] of rules,
13 regulations or standards adopted under this chapter **or of an order issued under section 2 of this**
14 **2019 Act.** For the purposes of this section, each day a violation continues after the period of time
15 established for compliance shall be considered a separate violation unless the department finds that
16 a different period of time is more appropriate to describe a specific violation event.

17 (2) The department may adopt rules establishing a schedule of civil penalties that may be im-
18 posed under this section. Civil penalties imposed under this section may not exceed \$10,000 for each
19 violation.

20 (3) When the department imposes a civil penalty under subsection (1) of this section, the de-
21 partment shall impose the penalty in the manner provided by ORS 183.745, except that the written
22 application for a hearing must be received by the department no later than 10 days after the date
23 of mailing or personal service of the notice of civil penalty.

24 (4) Moneys received by the department from civil penalties imposed under this section shall be
25 deposited in the General Fund to the credit of the Department of Agriculture Account.

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