

Enrolled House Bill 3189

Sponsored by Representatives WEIDNER, WITT; Representatives BARKER, BARNHART, BOONE, BREWER, CONGER, DOHERTY, GREENLICK, KOMP, KRIEGER, MATTHEWS, MCLANE, PARRISH, THOMPSON, WAND, WHISNANT, WINGARD, Senators BOQUIST, GEORGE, GIROD, KRUSE, MORSE, OLSEN, TELFER, WINTERS

CHAPTER

AN ACT

Relating to bakeries; amending ORS 616.785 and 625.010.

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

SECTION 1. ORS 625.010 is amended to read:

625.010. As used in ORS 625.010 to 625.270, unless the context requires otherwise:

(1) "Bakery" means any place, premises or establishment where any bakery product is regularly prepared, processed or manufactured for sale other than for consumption on the premises where originally prepared, processed or manufactured.

(2) "Bakery product" includes bread, rolls, cakes, pies, doughnuts, **cookies, biscuits, crackers** and all similar goods, to be used for human food[, *but does not include cookies, biscuits or crackers*].

(3) "Container" means the container or wrapper in which bakery products are sold or offered for sale.

(4) "Department" means the State Department of Agriculture.

(5) "Distributor" means any person other than a bakery engaged within the state in the selling, marketing, or distributing at wholesale or retail any bakery products but does not include:

(a) Any person distributing solely bakery products manufactured by the person in a bakery licensed under ORS 625.010 to 625.270.

(b) Any retail food store selling or making delivery from a fixed place of business.

(6) "Label" or "labeled" means:

(a) The words "Net Weight" or the abbreviation thereof "Net Wt."; [and]

(b) The applicable net weight as prescribed and required for each such loaf of bread; [and]

(c) The name and place of business of the manufacturer or distributor; [and]

(d) The identity of the bakery product within the container; and

(e) Such other information and wording as may be required by rules promulgated by the department under the authority granted by ORS 625.160.

(7) "Person" includes an individual, partnership, corporation, association or club.

SECTION 2. ORS 616.785 is amended to read:

616.785. (1) It shall be unlawful for any person to manufacture, mix, compound, sell or offer for sale for human consumption any of the flours, macaroni products or noodle products specified in ORS 616.775 (2) and (3) unless they are enriched.

(2) Subsection (1) of this section shall not apply to flours sold to distributors, commercial bakers, or other processors if such flours will be:

- (a) Resold to a distributor, commercial baker or other processor;
- (b) Used in the manufacture, mixing or compounding of:
 - (A) Enriched flour, enriched macaroni products or enriched noodle products; or
 - (B) Enriched breads, enriched rolls or enriched buns as defined by ORS 625.212 (3); or
 - (c) Used in the manufacture of a *[nonbakery product such as specified in ORS 625.010 (2)]* **cookie, biscuit or cracker.**

Passed by House March 15, 2011

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 Ramona Kenady Line, Chief Clerk of House

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 Bruce Hanna, Speaker of House

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 Arnie Roblan, Speaker of House

Passed by Senate May 4, 2011

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 Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2011

Approved:

.....M.,....., 2011

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 John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2011

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 Kate Brown, Secretary of State