

Requested by SENATE COMMITTEE ON NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 643**

1 On page 1 of the printed bill, delete lines 4 through 32 and delete page
2 2 and insert:

3 **“SECTION 1.** ORS 616.723 is amended to read:

4 “616.723. (1) As used in this section:

5 “(a) ‘Food’ and ‘food establishment’ have the meanings given those terms
6 in ORS 616.695. ‘Food’ does not include any article containing cannabis.

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

10 **“(c) ‘Retailer’ means a person who engages in the business of selling**
11 **consumer goods to retail buyers. ‘Retailer’ includes coffee shops and**
12 **excludes restaurants.**

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

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

15 “[*(b) The food establishment sells food only to the end user of the*
16 *product;*]

17 “[*(c)*] **(b)** The foods prepared at the food establishment for public distrib-
18 ution are **packaged and** not potentially hazardous, **including but not**
19 **limited to baked goods, confectionary items, coffee beans, teas,**
20 **popcorn, jams, jellies, honey, syrups, fruit butters, nut mixes, re-**
21 **packaged freeze-dried foods, repackaged dried and dehydrated foods**

1 **and powdered drink mixes;**

2 *“(d) The foods prepared at the food establishment for public distribution*
3 *are baked goods or confectionary items;]*

4 *“(e) (c) The food bears on its label a statement and product information*
5 *as described in subsection [(4)] (6) of this section informing consumers that*
6 *the product is not prepared in an inspected food establishment;*

7 *“(f) Except as provided in subsection (6) of this section, the annual gross*
8 *sales of foods prepared at the food establishment do not exceed \$20,000; and]*

9 **“(d) The annual gross sales of foods prepared at the food establish-**
10 **ment do not exceed \$50,000, adjusted annually for inflation pursuant**
11 **to the Consumer Price Index for All Urban Consumers, West Region**
12 **(All Items), as published by the Bureau of Labor Statistics of the**
13 **United States Department of Labor and rounded to the nearest \$100;**
14 **and**

15 *“(g) (e) Each individual involved in the preparation of food at the food*
16 *establishment for public distribution has successfully completed a food han-*
17 *dlers training program and holds a certificate issued under ORS 624.570.*

18 *“(3) A person may not sell foods prepared in an establishment described*
19 *in this section on the Internet or to a commercial entity or an institution in-*
20 *cluding, but not limited to, a restaurant, grocery store, caterer, school, day care*
21 *center, hospital, nursing home or correctional facility.]*

22 **“(3) A person may not sell foods prepared in a food establishment**
23 **described in subsection (2) of this section to an institution including,**
24 **but not limited to, a caterer, school, day care center, hospital, nursing**
25 **home, correctional facility or restaurant.**

26 **“(4) A person may sell foods prepared in a food establishment de-**
27 **scribed in subsection (2) of this section directly to the end user in any**
28 **manner, including from the home, online, through the mail and at**
29 **events.**

30 **“(5) A person may sell packaged foods prepared in a food establish-**

1 **ment described in subsection (2) of this section to a retailer if the**
2 **retailer agrees to:**

3 **“(a) Store and display the foods separately from other foods; and**

4 **“(b) Clearly indicate in displaying the foods that the foods are**
5 **homemade and not prepared in an inspected food establishment.**

6 **“[(4)(a)] (6)(a)** Except as provided in this paragraph, the label statement
7 required under subsection (2) of this section is “This product is homemade,
8 [and is] not prepared in an inspected food establishment **and must be stored**
9 **and displayed separately if merchandised by a retailer.’** The State De-
10 partment of Agriculture may adopt rules specifying alternative wording for
11 the label statement to the extent that alternative wording is necessary in
12 order to comply with federal requirements.

13 **“(b)** In addition to the statement required under paragraph (a) of this
14 subsection, the label [shall] **must** disclose the following product information:

15 **“(A)** The name[,] **and** phone number [and address] for the food establish-
16 ment;

17 **“(B) The address of the food establishment or the unique identifi-**
18 **cation number for the food establishment provided under subsection**
19 **(7) of this section;**

20 **“[(B)] (C)** The name of the product;

21 **“[(C)] (D)** The ingredients of the product in descending order by weight;

22 **“[(D)] (E)** The net weight or net volume of the product;

23 **“[(E)] (F)** Any applicable allergen warnings as specified under federal
24 labeling requirements; [and]

25 **“[(F)] (G)** If the label provides any nutrient content claim, health claim
26 or other nutritional information, product nutritional information as de-
27 scribed in federal labeling requirements; **and**

28 **“(H) The presence of pets in the residential dwelling in which the**
29 **food establishment is located, if any, and the potential for pet**
30 **allergens.**

1 **“(7) At the request of a food establishment described in subsection**
2 **(2) of this section, the department shall provide to the food establish-**
3 **ment a unique identification number that the food establishment may**
4 **use on the label of a product under subsection (6) of this section. The**
5 **department may establish and collect a reasonable fee to cover the**
6 **cost of administering this subsection.**

7 “[(5)] **(8)** Notwithstanding subsection (2) of this section, the department
8 may require a food establishment described in **subsection (2) of** this section
9 to become licensed under ORS 616.695 to 616.755, if the food establishment
10 refuses to comply with department rules requiring that the food establish-
11 ment be constructed and maintained in a clean, healthful and sanitary con-
12 dition.

13 “[(6) *The department may adopt rules increasing the food sales limit es-*
14 *tablished in subsection (2) of this section by an amount that reflects changes*
15 *in the Consumer Price Index for All Urban Consumers, West Region (All*
16 *Items), as published by the Bureau of Labor Statistics of the United States*
17 *Department of Labor. The State Department of Agriculture may not adopt*
18 *rules decreasing the food sales limit established in subsection (2) of this sec-*
19 *tion.*]

20 **“(9) The department shall adjust annually the maximum dollar**
21 **amount of annual gross sales described in subsection (2)(d) of this**
22 **section.**

23 **“(10) The department may not prohibit a food establishment located**
24 **in a residential dwelling, including a food establishment licensed as a**
25 **domestic kitchen, from selling foods on the basis that there are pets**
26 **in the residential dwelling. The department shall prohibit pets from**
27 **being in the food preparation area.**

28 “[(7)] **(11)** A person operating a food establishment described in **sub-**
29 **section (2) of** this section must maintain accurate records of annual sales
30 and the types of foods produced by the food establishment. The person must

1 retain the records for not less than three years and make the records avail-
2 able for inspection by the department upon request.”.

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