



OREGON COALITION OF LOCAL HEALTH OFFICIALS

Representing the collective interests
of Oregon's 33 local public health
authorities to improve the health of
all Oregonians.

oregoncho.org

April 27, 2023
Re: SB 643A

Chair Bynum and Members of the Committee:

In follow-up to the 4/25 hearing on SB 643, CLHO offers the following clarifying information and amendment requests:

Tamales:

Tamales are not included in this bill. CLHO would oppose adding tamales because creation of tamales requires cooking, cooling, reheating, and hot holding procedures. Each of these steps is a critical control point that needs to be addressed to prevent both the introduction of foodborne disease causing organisms, and allow for growth of these organisms.

Rep. Osborne thought that/asked if counties have individual rules around restaurant inspections. Can counties customize or are they just enforcing statewide regulations?

In general counties do not have authority to create or enforce their own rules tied to licensed facilities; this authority is delegated from OHA to each local jurisdiction. Therefore, local public health is enforcing state wide rules. Some small deviations outside of the purview of OHA, such as Multnomah County creating a licensing program for Mobile Pod sites.

Foods are in their own packaging, separate from on-site consumables -- is this accurate for how the bill is written? So coffee shops wouldn't have these in a case and be serving them on a plate?

Yes this is accurate, but make no mistake if it is sold inside the facility, the public will assume it is "safe" by association

Inspections:

All restaurants in Oregon are inspected twice a year by local public health. Home kitchens are regulated by the Oregon Department of Agriculture, and we are not sure how often they are inspected, if at all.

Proponents said: These are shelf-stable foods. Foods don't go bad, they just go stale. True or false?

This is largely true. However, what local public health typically finds relates to the cross contamination of the foods. Norovirus, one of the most common foodborne organisms in this

country does not grow on foods, it is transferred by poor hygiene and poor food handling through fecal matter. In addition, foods requiring complex methods to create can introduce contamination, allowing for food to go bad. Here is an [outbreak](#) related to cookies and one with [cereal](#).

FYI for Reference: Definition of Restaurant - ORS 624.010:

(9) “Restaurant,” except as provided in subsection (10) of this section, means an establishment:

(a) Where food or drink is prepared for consumption by the public;

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

(c) That prepares food or drink in consumable form for service outside the premises where prepared.

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

CLHO Requests the following amendments:

Page 1, line 12: Delete: “Retailer” includes coffee shops and excludes restaurants.

Page 2, line 41: change “may” to “must”