

**CHAPTER 22**  
**FOOD HANDLERS**

**ADMINISTRATION**

**22.005 Definitions.** As used in BCC Chapter 22:

- (1) **"Communicable disease"** means any disease that may cause food-borne illness or may be transmitted from person to person under the conditions encountered in a food establishment.
- (2) **"Department"** means Benton County Health Department.
- (3) **"Director"** means the Benton County Health Administrator or his or her duly authorized representative.
- (4) **"Educational Institution"** means any school facility, fraternity, sorority or cooperative where food or drink is offered for consumption by the students or public whether or not the food or drink is served or consumed on the premises where it is prepared.
- (5) **"Employer"** means an individual, or legal entity.
- (6) **"Food"** means any material for human consumption as food or drink.
- (7) **"Food and Beverage Service Worker Permit"** means a permit issued by the Department indicating that the holder of the permit has demonstrated a minimum level of competency in the sanitary handling of food and drink.
- (8) **"Food Establishment"** means an establishment that prepares or offers food or drink for consumption by the public, or segment of the public, whether or not compensation is received. "Food establishment" includes restaurants, educational institutions, day cares certified under Oregon Administrative Rules, Chapter 412, and other facilities which are subject to Oregon Administrative Rules, Chapter 333, Food Sanitation Rules. "Food establishment" does not include food processing facilities under the jurisdiction of the State Department of Agriculture.
- (9) **"Food Service Worker"** means a person employed in or operating a food establishment who prepares, serves or handles food.
- (10) **"Restaurant"** means any establishment where food or drink is prepared or offered for consumption by the public, whether or not the food and drink is served or consumed on the premises where it is prepared.

(11) **"Rules"** means rules adopted by the Board of County Commissioners or Director.

(12) **"Temporary Restaurant"** means any establishment where food is prepared or offered for consumption by the public which operates temporarily in connection with any fair, carnival, circus or promotion, or any other event, and is licensed by the State under ORS 624 as a temporary restaurant. This definition does not include an establishment where food is prepared and served by a fraternal, social or religious organization only to its own members and guests, or a food product promotion where only a sample of food is offered to demonstrate the characteristics of the food product.

(13) **"Temporary Food Service Worker"** means a food service worker in an educational institution who works no more than two (2) hours per day and ten (10) hours per week. [Ord. 3, adopted May 31, 1974; Ord. 85-0002; Ord 90-0071]

**22.010 Adoption of State Division of Health Rules, Regulations and Statutes.** The rules and regulations of the State Division of Health and State statutes relative to food service workers are hereby incorporated by reference. [Ord. 3, adopted May 31, 1974; Ord. 85-0002]

**22.015 Jurisdiction.** The permit provided by the Department shall be valid in all areas of Benton County for the period for which it is issued, except in incorporated cities which by separate order of their governing body elect not to come under the provisions of BCC Chapter 22. [Ord. 85-0002]

**22.020 Administrative Rules.** The Board of Commissioners may establish rules necessary to carry out the provisions of BCC Chapter 22 upon the recommendation of the Department. Such rules shall be published and copies shall be provided upon request of any person. [Ord. 3, adopted May 31, 1974; Ord. 85-0002]

**22.025 Diseased Persons.** No person with a communicable disease shall handle, prepare, serve or sell food, food products, or beverages for public consumption, nor shall any person knowingly employ any food service worker so afflicted. [Ord. 3, adopted May 31, 1974; Ord. 85-0002)

## **PERMITS**

**22.105 Permit Required.** A food service worker employed in a food establishment shall obtain a food service workers permit from the Department within five days of employment. This section shall not apply to a temporary food service worker in an educational institution. [Ord. 3, adopted May 31, 1974; Ord. 850002; Ord. 90-0071]

**22.110 Permit Requirements for Temporary Restaurants.** An owner or operator, of any temporary restaurant shall obtain a food service worker's permit prior to commencing preparation or serving of food or drink. An owner or operator of any temporary restaurant shall educate and supervise all temporary food handlers in the elementary acceptable sanitary practices in the preparation, service, storage and handling of food and

beverages prior to commencing food service. (Ord. 3, adopted May 31, 1974; Ord. 85-0002]

**22.115 Duty to Notify of Permit Requirement.**

(1) An owner or operator of a food establishment shall inform all affected food service workers upon employment that they must obtain a food service permit from the Department within five (5) days of their employment.

(2) It shall be the responsibility of an operator or manager of any educational institution food service to obtain a food worker's permit and ensure that prior to commencing actual employment, a temporary food service worker shall have a basic knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages. [Ord. 3, adopted May 31, 1974; Ord. 85-0002; Ord. 90-0071]

**22.120 Examination.** An applicant for a food service worker's permit shall pass an oral or written examination conducted by the Department which shall test the applicant's knowledge of elementary acceptable sanitary practices in the preparation, service, storage and handling of food and beverages. Any person may take the examination any number of times provided at least 24 hours has lapsed between tests. Passage of this examination and completing of a health record provided by the Department will result in the issuance of a food service workers permit, which shall be valid for three (3) years. [Ord. 3, adopted May 31, 1974; Ord. 85-0002]

**22.125 Food and Beverage Service Workers.** A food service worker shall place on file with the person in charge of the food establishment his or her food and beverage worker's permit, as prescribed by the Department. Permits shall be available for inspection by public health officials during regular business hours. Such permit shall be returned by the employer to the employe upon termination of employment. [Ord. 3, adopted May 31, 1974; Ord. 85-0002; Ord. 90-0071]

**FEES**

**22.205 Fees.**

(1) For the purpose of partially defraying expenses involved in the testing of food service workers, the Department shall collect a non-refundable fee in advance for the following applications:

- (a) Food service worker permit.
- (b) Food service worker permit renewal.

(2) Fees may be waived or deferred by the Department upon its determination that a person is financially indigent at the time of application. [Ord. 3, adopted May 31, 1974; Ord. 85-0002]

## **REVOCAION OF PERMITS**

**22.305 When Revocation Permitted.** A Food and Beverage Service Worker's Permit may be revoked by the Department upon reasonable evidence indicating repeated or continuing violations of accepted procedures and practices in the preparation, service, storage or handing of food or beverage offered for public consumption. [Ord. 3, adopted May 31, 1974; Ord. 85-0002]

**22.310 Review.** A food or beverage service worker whose permit has been revoked by the Department may request that the Director conduct an administrative review. Such review must be requested within forty-eight (48) hours of notice of the revocation to the food or beverage service worker. The Director shall conduct a review and notify the affected parties of his or her findings within ten (10) days of the revocation. [Ord. 3, adopted May 31, 1974; Ord. 85-0002; Ord. 90-0071]