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DEPARTMENT OF HUMAN SERVICES, PUBLIC HEALTH DIVISION

DIVISION 170

BED AND BREAKFAST FACILITIES

333-170-0000

Definitions

As used in OAR 333-170-0000 to and including 333-170-0130:

(1) "Appurtenant Structure" means a building that belongs to, is accessory or incident to, adjacent, appended or annexed to a single family residence. The single family residence and appurtenant structure must be on the same tax lot. Appurtenant structure includes but is not limited to a carriage house, garage, livery, pool or cabana building, guest cottage, bunkhouse, or similar building converted for human occupancy.

(2) "Bed and Breakfast Facility" means any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, which:

- (a) Has more than two rooms for rent on a daily basis to the public;
- (b) Offers a breakfast meal as part of the cost of the room;
- (c) Serves one breakfast meal a day to guests, staff and owners, only.

(3) "Breakfast Meal" is the meal served to guests during the a.m. or morning hours each day.

(4) "Designated Employees' Restroom" means toilet room with handwashing lavatory accessible to employees only, during breakfast meal preparation and service.

(5) "Guests' Restroom" means toilet room located in the area of the guest rooms.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; HD 23-1988(Temp), f. & cert. ef. 9-23-88; HD 2-1989, f. & cert. ef. 1-31-89; HD 2-1992, f. 3-24-92, cert. ef. 3-30-92

333-170-0010

Application of Rules

(1) Except as otherwise set forth in ORS 624.100 and these rules, Bed and Breakfast Facilities shall meet the applicable requirements in OAR 333-150-0000 of the Oregon Food Sanitation Rules.

(2) If more than nine bedrooms or accommodations for 19 or more persons are available on a daily basis, commercial grade

dishwashing and separate refrigeration equipment must be provided.

Stat. Auth.: ORS 624.100

Stats. Implemented: ORS 624.100

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; HD 2-1992, f. 3-24-92, cert. ef. 3-30-92; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004 (Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0020

Animal Restrictions

Bed and Breakfast Facilities shall be exempt from the provisions of OAR 333-150-0000 section 6-501.115 provided, however, that no live animal, bird, or turtle will be kept or allowed in any portion of the premises where food for the registered guests of the establishment is stored, prepared, served, offered for sale, or given away. Aquariums and aviaries shall be allowed if enclosed so as not to create a public health problem.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; PH 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0030

Equipment Replacement

Bed and Breakfast Facilities shall meet the provisions of OAR 333-150-0000 section 8-304.11 (G) and (H) except that replacement equipment and new equipment acquired after the effective date of these Bed and Breakfast rules may be of residential design, construction and installation. The equipment must be in good repair, capable of being maintained in a sanitary condition, have nontoxic food-contact surfaces and meet all other requirements of these rules.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0040

Employee Change Rooms

Bed and Breakfast Facilities shall be exempt from the provisions of OAR 333-150-0000 sections 6-305.11, 6-403.11 (B) and 6-501.110 provided, however, that no person shall change clothes, store clothing or personal effects in any area used for the storage or preparation of food or for utensil washing or storage.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0050

Dishwashing

(1) All food service utensils and equipment shall be scraped, cleaned, and/or sanitized as circumstances of use require.

(2) Bed and Breakfast Facilities shall comply with provisions of OAR 333-150-0000 for manual and/or mechanical cleaning and sanitizing of equipment and utensils, however, at the option of the owner or operator a domestic or homestyle dishwasher may be used provided the following performance criteria can be met:

(a) The dishwasher must effectively remove physical soil from all surfaces of dishes;

(b) The dishwasher must sanitize dishes either by the application of enough accumulative heat or by the application of adequate chemical solutions to the surface of the dish;

(c) Machines relying on heat for sanitizing shall produce heat unit equivalents in the final rinse and drying cycles which comply time and temperature relationships or equivalents listed in Table 1 (155° F. minimum):

TABLE 1

155° F -- 150 seconds

161° F -- 30 seconds

165° F -- 15 seconds

170° F -- 5 seconds

(d) If machine or water line mounted thermometers which indicate temperature of the final rinse water as it enters the manifold are not provided, the operator shall provide and daily use a registering thermometer or thermopaper to check the temperature at the dish surface during the final sanitizing rinse and drying cycles;

(e) The dishwasher must be installed and operated according to manufacturer's instructions for the highest level of sanitization possible when sanitizing Bed and Breakfast Facilities' utensils; a copy of the instructions must be available on the premises at all times;

(f) The pressure of the final rinse water supplied to the dishwasher shall not be less than 15 nor more than 25 pounds per square inch, (psi);

(g) There shall be sufficient area or facilities such as portable dish tubs and drain boards for the proper handling of soiled utensils prior to washing and of cleaned utensils after sanitization so as not to interfere with safe food handling, handwashing and the proper use of dishwashing facilities.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0060

Plumbing

Notwithstanding provisions of OAR 333-150-0000 sections 5-202.11 and 5-402.11, existing food preparation sinks and mechanical dishwashers in Bed and Breakfast Facilities are not required to have indirect sewer connections. However, any new food preparation sinks or dishwashers installed after the effective date of these rules or existing installations in which backflow has been demonstrated may be required to comply with the Oregon State Plumbing Specialty Code. In existing food preparation sinks which are directly plumbed and where food is placed in the sink below the rim then food must be placed in a container where the rim is above the flood rim of the sink. Bed and Breakfast Facilities shall meet OAR 333-150-0000 section 5-203.14, in preventing contamination of the potable water system. New plumbing in a Bed and Breakfast Facility shall be installed and maintained in accordance with the Oregon State Plumbing Specialty Code.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04; PH 14-2006, f. 6-27-06, cert. ef. 7-1-06

333-170-0070

Ventilation

Bed and Breakfast Facilities shall be exempt from the provisions of OAR 333-150-0000 sections 6-304.11 and 6-501.14(A), however, in the event that the inspecting sanitarian determines that sufficient ventilation must be mechanical in nature, such ventilation shall be installed and operated according to state and local code.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0080**Construction**

In Bed and Breakfast Facilities, only new and replacement walls and ceilings (or their coverings), constructed after the effective date of these rules need comply with OAR 333-150-0000 sections 6-201.11, 6-201.16 and 6-201.17 provided, however, that all walls and ceilings (and their coverings) must be in good repair and maintained in a clean and sanitary condition.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0090**Utility Facilities**

Bed and Breakfast Facilities shall be exempt from the provisions of OAR 333-150-0000 sections 5-203.13 and 6-306.10 provided, however, that hot water must be available for janitorial purposes. The use of handwashing lavatories, utensil-washing or equipment-washing or food preparation sinks for this purpose is prohibited.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0100**Food Storage**

Bed and Breakfast Facilities shall be exempt from the 333-150-0000 sections 6-202.111 and 6-202.112. However, no sleeping accommodations shall be allowed in any area where utensils are washed or where food is stored, prepared, or served.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0110**Food Source**

All food intended for consumption by guests shall meet the Department of Agriculture requirements as being obtained from an approved source. The use of home canned foods and meat and dairy products from unapproved sources is prohibited, and the storage of such food items shall not be allowed in any area where food is prepared or served to guests.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88

333-170-0120**Laundry Facilities**

Bed and Breakfast Facilities shall be exempt from the provisions of OAR 333-150-0000 section 4-803.13 provided that food service laundry be laundered and stored separately from guest or resident laundry and laundry operations are separated from food preparation areas.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

333-170-0130**Toilet and Handwashing Facilities**

Toilet and handwashing facilities in Bed and Breakfast Facilities shall comply with OAR 333-150-0000 of the Oregon Food Sanitation Rules except as follows:

(1) Bed and Breakfast Facilities are exempt from OAR 333-150-0000 sections 5-203.12 and 6-402.11 provided an employees restroom can be designated during meal preparation and service, and guests' restrooms are available. New toilet facilities shall be installed according to the **Oregon State Plumbing Specialty Code**.

(2) Notwithstanding OAR 333-150-0000 section 4-501.16, handwashing facilities may be designated at a sink compartment used for dishwashing provided this sink is not being used to store or wash soiled dishes or prepare food during food preparation and service. Handwashing facilities, in the kitchen, shall be available at all times during food preparation and service. If facility operation results in handwashing facilities being unavailable, then a separate handwashing lavatory in the food preparation area will be required.

(3) Handwashing signs are required to be properly posted at all sinks designated for employee handwashing.

(4) "Guests' restrooms" not designated for food service worker use do not need to comply with Oregon Food Sanitation Rules.

Stat. Auth.: ORS 624.041

Stats. Implemented: ORS 624.041

Hist.: HD 6-1988, f. & cert. ef. 4-4-88; OHD 11-2002, f. & cert. ef. 8-7-02; 5-2004(Temp), f. & cert. ef. 2-13-04 thru 7-30-04; PH 15-2004, f. & cert. ef. 4-9-04

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