

# Oregon Nutrition Laws

August 2018

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July 2018

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# Oregon Nutrition Laws

# Introduction

## Introduction

This document outlines Oregon laws related to nutrition in Oregon. A brief overview of the federal landscape is included as well.

Laws include a brief summary and, where practical, full legal citations. In addition, cursory information about enforcement is included, as appropriate.

### *Definitions:*

**ORS:** Oregon Revised Statutes; contains statutes and the Oregon Rules of Civil Procedure.

**OAR:** Oregon Administrative Rules; ORS 183.310(9) defines “rule” as “any agency directive, standard, regulation or statement of general applicability that implements, interprets or prescribes law or policy, or describes the procedure or practice requirements of any agency.” The Oregon Administrative Rules are published by the Oregon Secretary of State.

### *Preemption Overview:*

The preemption doctrine refers to the idea that a higher authority of law will displace the law of a lower authority of law when the two authorities come into conflict.

Article VI, paragraph 2, of the U.S. Constitution makes federal law "the supreme law of the land," notwithstanding the contrary law any state might have. This is commonly known as the “Supremacy Clause.”

When state law and federal law conflict, federal law displaces, or preempts, state law, due to the Supremacy Clause of the Constitution. U.S. Const. art. VI., § 2. Preemption applies regardless of whether the conflicting laws come from legislatures, courts, administrative agencies, or constitutions. For example, the Voting Rights Act, an act of Congress, preempts state constitutions, and FDA regulations may preempt state court judgments in cases involving prescription drugs.

### Citation

U.S. Const. art. VI., § 2.

“This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every

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state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”

Currently, Oregon state law preempts local jurisdictions from enacting regulations stronger than State Law relating restaurant nutritional information disclosures.

However, local jurisdictions are not preempted from enacting local ordinances such as addressing pricing or promotion strategies.

# Retail / Point-of-Sale

## I. Retail/ Point-of-Sale

### State

#### Restaurant Nutritional Information Disclosures

As of January 1, 2010, restaurants with 15 or more outlets nationwide must provide information regarding the calories, saturated fat, trans fat, carbohydrates and sodium in their menu items.

#### *Enforcement*

Oregon Health Authority

#### *Citation*

ORS 616.555 to 616.585

#### **616.555 Definitions for ORS 616.555 to 616.585. As used in ORS 616.555 to 616.585:**

- (1) “Alcoholic beverage” has the meaning given that term in ORS 471.001.
- (2)(a) “Chain restaurant” means a restaurant located in Oregon that:
  - (A) Is part of an affiliation of 15 or more restaurants within the United States;
  - (B) Sells standardized menu items that constitute 80 percent or more of the menu items served in the restaurant and at least 14 of the other affiliated restaurants; and
  - (C) Operates under a trade name or service mark, both as defined in ORS 647.005, that is identical or substantially similar to the trade names or service marks of the affiliated restaurants.
- (b) “Chain restaurant” does not mean:
  - (A) A restaurant located inside a facility that is subject to State Department of Agriculture inspection under an interagency agreement described in ORS 624.530, unless the trade name or service mark for the restaurant differs from the trade name or service mark of the facility containing the restaurant;
  - (B) A cafeteria of a public or private educational institution;
  - (C) A health care facility as defined in ORS 442.015; or
  - (D) A motion picture theater.
- (3) “Food product” means a discrete unit serving of a ready-to-eat food or beverage.
- (4)(a) “Food tag” means an informational label placed near a menu item that is identified or indicated by the label.
  - (b) “Food tag” does not mean a menu or menu board.
- (5) “Menu” means a pictorial or written description of menu items that does not have a fixed location and is not intended for joint viewing by multiple patrons.
- (6)(a) “Menu board” means a pictorial display or written description of menu items that:
  - (A) Is located where the customer places an order for a menu item; and

## Retail / Point-of-Sale

(B) Is not a menu or a food tag.

(b) “Menu board” does not mean a pictorial display used solely for the purpose of marketing.

(7)(a) “Menu item” means a prepared food product or a group or combination of prepared food products that is offered on a menu, menu board or food tag as a distinct article for sale.

(b) “Menu item” does not mean the following:

(A) Condiments that are made available on tables or counters for general use without charge.

(B) Food products that are offered for sale less than 90 days during a calendar year.

(C) Alcoholic beverages, except as provided by rule by the Oregon Health Authority as described in ORS 616.575.

(D) Food products in sealed manufacturer packaging.

(8) “Restaurant” has the meaning given that term in ORS 624.010. [2009 c.314 §1; 2011 c.720 §208]

Note: 616.555 to 616.590 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 616 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**616.560** Determination of menu item typical values; provision of accurate information to customers. (1) A chain restaurant shall determine typical values of the following for each menu item offered by the restaurant:

(a) Total calories.

(b) Total grams of saturated fat.

(c) Total grams of trans fat.

(d) Total grams of carbohydrates.

(e) Total milligrams of sodium.

(2) The typical values described in subsection (1) of this section must be based on calorie and nutrient databases, verifiable reference values, government standards, laboratory testing or other methods for determining nutritional values recognized by the Oregon Health Authority by rule.

(3) The chain restaurant shall maintain a written list of the typical values described in subsection (1) of this section for all of the menu items of the restaurant and make copies of the list available for distribution to customers. The chain restaurant shall provide a copy of the list to a customer who is present in the restaurant and requests nutritional information regarding any menu item.

(4) A chain restaurant may not make available to customers any typical values determined under this section that are substantially inaccurate or that the restaurant knows or should know to be false or misleading. [2009 c.314 §2; 2011 c.720 §209]

## Retail / Point-of-Sale

Note: See note under 616.555.

**616.565** Calorie content information for combination or multiserving items. (1) The disclosure of calorie content information under ORS 616.570 on a menu or menu board next to a standard menu item that is a combination of at least two standard menu items on the menu or menu board must, based on all possible combinations for that standard menu item, include the minimum amounts of calories for the calorie content information and the maximum amounts of calories for the calorie content information. If there is only one possible total amount of calories, that total must be disclosed.

(2) The disclosure of calorie content information on a menu or menu board next to a standard menu item that is not an appetizer or dessert, but is intended to serve more than one individual, shall:

(a)(A) Include the number of individuals intended to be served by the standard menu item; and

(B) Include the calorie content information for an individual serving.

(b) If the standard menu item is a combination of at least two standard menu items, include the disclosure required under subsection (1) of this section. [2009 c.314 §2a]

Note: See note under 616.555.

**616.570** Menus, menu boards and food tags; additional information; disclaimer.

(1) If a chain restaurant serves a menu item that is not a self-service item, the chain restaurant shall have a menu, menu board or food tag that:

(a) Discloses nutritional information for the menu item as required by this section; and

(b) Is readily visible for customer use at the location where the customer places the order for the menu item.

(2)(a) If a chain restaurant offers a menu item for self-service, the chain restaurant shall have a menu board or food tag, for each area of the restaurant in which the item is displayed, that:

(A) Discloses nutritional information for the menu item as required by this section; and

(B) Is readily visible in the area where the menu item is displayed.

(b) If a chain restaurant offers a menu item for self-service that the restaurant also offers on a basis that is not self-service, the restaurant shall ensure that the area where the item is offered on a basis that is not self-service complies with subsection (1) of this section.

(3) If a chain restaurant uses a menu or menu board, the menu or menu board must include the following:

## Retail / Point-of-Sale

(a) A statement of the total calories for each of the menu items listed on that menu or menu board. The total calorie statement must be in a conspicuous place near the other menu or menu board information for that menu item. If the menu or menu board lists prices, the total calorie statement must be of a size and typeface no less prominent than the size and typeface used to display the price of the menu item. If the menu or menu board does not list prices, the total calorie statement must be of a size and typeface no less prominent than the size and typeface used to display the least prominent of any other information stated on the menu or menu board.

(b) In a conspicuous place, a statement listing the daily intake amounts of calories, saturated fat and sodium recommended by the Oregon Health Authority.

(c) In a conspicuous place, a statement that additional nutritional information is available upon request.

(4) If a chain restaurant uses food tags, the restaurant shall display the following:

(a) A statement of the total calories for the menu item in a conspicuous place on the tag. If the food tag states the price of the menu item, the total calorie statement must be of a size and typeface no less prominent than the size and typeface used to display the price of the menu item. If the food tag does not state the price, the total calorie statement must be of a size and typeface no less prominent than the size and typeface used to display the least prominent of any other information stated on the tag.

(b) In a conspicuous place, a statement listing the daily intake amounts of calories, saturated fat and sodium recommended by the authority.

(c) In a conspicuous place, a statement that additional nutritional information is available upon request.

(5) A chain restaurant may post disclaimers stating that the actual nutritional value of menu items may vary from the stated total calories or other nutritional information due to variations in preparation, size or ingredients or for custom orders.

(6) A chain restaurant may supplement the nutritional information disclosures required by this section and ORS 616.560 and 616.565 with additional consumer information. [2009 c.314 §3; 2011 c.720 §210]

Note: See note under 616.555.

**616.575** Rules; typical values for alcoholic beverages. (1) The Oregon Health Authority shall adopt rules the authority considers reasonable for the administration and enforcement of ORS 616.555 to 616.580. The rules adopted by the authority must include, but need not be limited to, rules for the rounding of stated values and the establishment of specifications for total calorie statements and other required statements. In adopting rules under this section, the authority shall:

## Retail / Point-of-Sale

(a) To the extent the authority considers practicable, follow any relevant United States Food and Drug Administration practices, standards and rules for nutritional labeling; and

(b) Seek input from representatives of chain restaurants.

(2) The authority shall adopt rules establishing conditions under which a menu board serving the drive-through area of a chain restaurant may qualify for a full or partial exception from ORS 616.565 and 616.570. The rules shall make an exception available only if compliance with ORS 616.565 or 616.570 would require the violation of local land use laws or sign ordinances, or is impracticable due to site-specific conditions. As used in this subsection, “drive-through area” means an area where customers place orders for and receive menu items while occupying motor vehicles.

(3)(a) Notwithstanding subsection (1) of this section, the following are the typical values for alcoholic beverages:

(A) For wine, 122 calories, 4 grams of carbohydrate and 7 milligrams of sodium for a five-ounce serving;

(B) For beer other than light beer, 153 calories, 13 grams of carbohydrate and 14 milligrams of sodium for a 12-ounce serving;

(C) For light beer, 103 calories, 6 grams of carbohydrate and 14 milligrams of sodium for a 12-ounce serving; and

(D) For distilled spirits, 96 calories for a 1.5-ounce serving.

(b) A chain restaurant shall use the typical values described in paragraph (a) of this subsection when calculating the total calories for a menu item that includes one or more alcoholic beverages.

(c) The authority:

(A) May adopt rules to require total calorie disclosures for an alcoholic beverage or a menu item that contains an alcoholic beverage, only if the alcoholic beverage or menu item is offered by a chain restaurant for 90 or more days during a calendar year; and

(B) May adopt rules that exempt containers or dispensers of alcoholic beverages from the use of food tags to state standard calorie values. [2009 c.314 §4; 2011 c.720 §211]

Note: See note under 616.555.

**616.580** Inspections; notice and opportunity to cure violation; penalties. (1) The Oregon Health Authority may inspect chain restaurants for compliance with ORS 616.560, 616.565 and 616.570 and authority rules adopted under ORS 616.575. The person operating the chain restaurant shall, upon request of the authority, permit access to all parts of the restaurant and any records in the possession of the restaurant regarding nutritional values or menu items and provide menu item samples for nutritional value testing by the authority.

## Retail / Point-of-Sale

(2) If a chain restaurant violates a provision of ORS 616.560, 616.565 or 616.570 or a rule adopted under ORS 616.575, the authority shall provide the restaurant with written notice informing the restaurant of the violation and stating that the restaurant may avoid a civil penalty for the violation by curing the violation within 60 days. If the chain restaurant fails to cure the violation within 60 days, the authority may impose a civil penalty of not less than \$250 and not more than \$1,000 for the violation. For a continuing violation, each 30-day period that the violation continues after the preceding imposition of a civil penalty is a separate offense subject to a separate civil penalty. The authority is not required to provide the chain restaurant with an opportunity to cure the continuing violation before imposing a civil penalty for the continuing violation. [2009 c.314 §5; 2011 c.720 §212]

Note: See note under 616.555.

**616.585** Local disclosure requirements prohibited. A local government may not adopt or enforce a local requirement for the determination or disclosure of nutritional information by a restaurant. [2009 c.314 §6]

Note: See note under 616.555.

**616.590** Lack of cause of action or claim. ORS 616.555 to 616.585 do not create a cause of action and may not be asserted as the basis for a per se negligence claim. [2009 c.314 §7]

Note: See note under 616.555.

### Federal

#### Nutrition Labeling and Education Act

The Nutrition Labeling and Education Act provides Food and Drug Administration with specific authority to require nutrition labeling of most foods regulated by the Agency; and to require that all nutrient content claims (i.e., 'high fiber', 'low fat', etc.) and health claims be consistent with agency regulations.

*Code of Federal Regulations:*

[Title 21; Chapter I; Subchapter B; Part 101](#)

# Workplace

## II. Workplace

### State

#### **Rest Periods for Expression of Milk**

Rest Periods for Expression of Milk requires a covered employer to provide reasonable rest periods to accommodate an employee who needs to express milk for her child.

#### *Enforcement*

Commissioner of the Bureau of Labor and Industries

#### *Citation*

#### **ORS 653.077 Expressing milk in workplace; rules.**

(1) As used in this section:

(a) “Reasonable efforts” means efforts that do not impose an undue hardship on the operation of an employer’s business.

(b) “Undue hardship” means significant difficulty or expense when considered in relation to the size, financial resources, nature or structure of the employer’s business.

(2)(a) An employer shall provide reasonable unpaid rest periods to accommodate an employee who needs to express milk for her child.

(b) The employee shall provide reasonable notice to the employer that the employee intends to express milk upon returning to work.

(c) Unless otherwise agreed to by the employer and the employee, the employer shall provide the employee a 30-minute rest period to express milk during each four-hour work period, or the major part of a four-hour work period, to be taken by the employee approximately in the middle of the work period.

(d) The employee shall, if feasible, take the rest periods to express milk at the same time as the rest periods or meal periods that are otherwise provided to the employee.

(e) If the employer is required by law or contract to provide the employee with paid rest periods, the employer shall treat the rest periods used by the employee for expressing milk as paid rest periods, up to the amount of time the employer is required to provide as paid rest periods. If an employee takes unpaid rest periods, the employer may allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. If the employee does not work to make up the amount of time used during the unpaid rest periods, the employer is not required to compensate the employee for that time.

(3) When an employer’s contribution to an employee’s health insurance is influenced by the number of hours the employee works, the employer shall treat any unpaid rest periods used by the employee to express milk as paid work time for the purpose of measuring the number of hours the employee works.

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(4) An employer is not required to provide rest periods under this section if to do so would impose an undue hardship on the operation of the employer's business.

(5)(a) An employer shall make reasonable efforts to provide a location, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk in private.

(b) The location may include, but is not limited to:

(A) The employee's work area if the work area meets the requirements of paragraph (a) of this subsection;

(B) A room connected to a public restroom, such as a lounge, if the room allows the employee to express milk in private; or

(C) A child care facility in close proximity to the employee's work location where the employee can express milk in private.

(6) An employer may allow an employee to temporarily change job duties if the employee's regular job duties do not allow her to express milk.

(7) This section applies only to an employer whose employee is expressing milk for her child 18 months of age or younger.

(8) This section applies only to employers who employ 25 or more employees in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which the rest periods are to be taken or in the year immediately preceding the year in which the rest periods are to be taken.

(9) Notwithstanding ORS 653.020 (3), this section applies to individuals engaged in administrative, executive or professional work as described in ORS 653.020 (3).

(10)(a) In addition to, and not in lieu of, any other requirement under this section, each school district board shall adopt a policy regarding breast-feeding in the workplace to accommodate an employee who needs to express milk for her child.

(b) Each policy must, at a minimum, designate a location at the school facility, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk in private.

(c) A policy adopted under this subsection, including the designated locations where an employee may express milk, must be published in an employee handbook. In addition, a list of the designated locations must be readily available, upon request, in the central office of each school facility and in the central administrative office for each school district.

(11) The Commissioner of the Bureau of Labor and Industries shall adopt rules to implement and enforce this section. [2005 c.466 §2; 2007 c.144 §1]

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors653.html](https://www.oregonlegislature.gov/bills_laws/ors/ors653.html)

# Workplace

## **Vending Facilities on Public Property (Blind Enterprise Program)**

This state law provides that the Commission for the Blind shall operate vending facilities in or on any "public buildings or properties" defined as any building, land or other real property, owned, leased or occupied by any department or agency of the State of Oregon.

### *Enforcement*

Oregon Commission for the Blind

### *Citation*

ORS 346.510 to 346.570

**346.510 Definitions for ORS 346.510 to 346.570.** As used in ORS 346.510 to 346.570:

- (1) "Cafeteria" means a food-dispensing facility:
  - (a) That can provide a variety of prepared foods and beverages;
  - (b) Where a patron may move through a self-service line;
  - (c) That may employ some servers to wait on patrons; and
  - (d) That provides seating suitable for patrons to consume meals.

(2) "Healthy vending item" and "local vending item" have the meanings given those terms by rules adopted by the Commission for the Blind in consultation with the Public Health Director and the business enterprise consumer committee.

(3) "Person who is blind" means a person who has not more than 20/200 visual acuity in the better eye with best correction or whose visual acuity, if better than 20/200, is accompanied by a limit to the field of vision to such a degree that its widest diameter subtends an angle of no greater than 20 degrees and whose blindness is certified by a licensed physician who specializes in diseases of the eye.

(4) "Political subdivision" means a local government as defined in ORS 174.116, a municipality, town or village of this state.

(5) "Public building" or "property" means a building, land or other real property, or a portion of a building, land or other real property, that is owned, leased, managed or occupied by a department or an agency of the State of Oregon or by a political subdivision, except for a public elementary school, a secondary school, a public university listed in ORS 352.002 or a public corporation created pursuant to ORS 353.020.

- (6) "Vending facility" means:

- (a) Shelters, counters, shelving, display and wall cases, refrigerating apparatus and other appropriate auxiliary equipment that are necessary or customarily used for the vending of articles, including an established mix of healthy vending items approved by the Commission for the Blind and the agency, department or political subdivision

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charged with maintaining the public building or property where the vending facility is located;

(b) Manual or coin-operated vending machines or similar devices for vending articles, including machines or devices that accept electronic payment; or

(c) Cafeterias or snack bars for the dispensing of food stuffs and beverages.

(7) “Vending facility manager” means a person who is:

(a) Blind;

(b) Responsible for the day-to-day conduct of the vending facility operation; and

(c) Licensed under ORS 346.510 to 346.570. [1957 c.295 §2; 1975 c.638 §7; 2007 c.70 §131; 2017 c.717 §12]

**346.520 Persons who are blind to have priority to manage vending facilities in public buildings or on public property; charges prohibited; exception.** (1) For purposes of providing persons who are blind with remunerative employment, enlarging the economic opportunities of persons who are blind and stimulating persons who are blind to greater efforts to make themselves self-supporting with independent livelihoods, persons who are blind and who are licensed under ORS 346.510 to 346.570 by the Commission for the Blind have priority in managing vending facilities in or on any public buildings or properties where, in the discretion of the agency, department or political subdivision in charge of the maintenance of the public buildings or properties, vending facilities may properly and satisfactorily operate.

(2) Notwithstanding ORS 276.385, the agency, department or political subdivision charged with maintaining a public building or property where a vending facility is operated under ORS 346.510 to 346.570 may not:

(a) Charge the commission or persons who are blind and who are licensed under the provisions of ORS 346.510 to 346.570 any amount for:

(A) Rental of the space where the vending facility is operated;

(B) Utility costs incurred in the operation of the vending facility; or

(C) The priority, right, permit, license or lease to operate a vending facility in or on the public building or property.

(b) Require that the commission or the vending facility manager pay to the agency, department or political subdivision any portion of a commission, gratuity or revenue earned by the vending facility manager from the operation of the vending facility.

(3) Subsection (2) of this section does not apply to charges imposed by the Department of Transportation or the Travel Information Council. Subject to the availability of funds, the department and the council may refrain from charging any amount for rental of space or utility costs described in subsection (2) of this section. [1957 c.295 §1; 1975 c.638 §8; 2003 c.268 §1; 2007 c.70 §132; 2017 c.717 §13]

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### **346.525 Persons who are blind to have priority to establish and operate certain vending facilities in public buildings and preference to operate certain vending facilities in public buildings.** (1) As used in this section:

(a) “Political subdivision” has the meaning given that term in ORS 346.510.

(b) “Vending facility” has the meaning given that term in ORS 346.510.

(2) This state shall grant to persons who are blind a:

(a) Priority to establish and operate vending facilities, other than cafeterias and in community colleges, in public buildings in this state.

(b) Preference to operate cafeterias, and vending facilities in community colleges, in public buildings in this state.

(3) If a state agency, department or political subdivision constructs a new public building or facility, modifies an existing public building or facility, enters into or modifies a contract for, or otherwise seeks to procure, products or services that are customarily provided by the business enterprise program of the Commission for the Blind, including the operation of vending facilities, the agency, department or political subdivision complies with:

(a) Subsection (2)(a) of this section if the agency, department or political subdivision:

(A) Notifies the commission of the intended action and allows the commission to determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service;

(B) Offers to the commission a right of first refusal;

(C) Does not charge the commission or vending facility manager any amount prohibited under ORS 346.520 (2); and

(D) Procures the vending service from the commission if the service:

(i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission; and

(ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility.

(b) Subsection (2)(b) of this section if the agency, department or political subdivision:

(A) Notifies the commission of the intended action and allows the commission to determine whether a vending facility manager licensed under ORS 346.510 to 346.570 is able to provide the product or service; and

(B) Procures the vending service from the commission if the service:

(i) Is offered by the commission or by persons with visual impairments under the direction and supervision of the commission;

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(ii) Meets the requirements of the agency, department or political subdivision for quality and quantity of food stuffs and beverages available through the vending facility; and

(iii) Is offered in a bid that is equal to any other bids submitted. [2017 c.717 §10]

**346.530 Notice to commission on vending facilities locations; notification of reason for refusal of commission offer.** (1) Each agency, department or political subdivision charged with maintaining public buildings or properties shall:

(a) Annually notify the Commission for the Blind in writing of any and all existing locations where vending facilities are in operation or where vending facilities might properly and satisfactorily be operated.

(b) Not less than 30 days prior to the reactivation, leasing, re-leasing, licensing or issuance of a permit for operation of any vending facility, inform the commission of the pending action.

(c) Inform the commission of any locations where vending facilities are planned or might properly and satisfactorily be operated in or about other public buildings or properties that are or may be under the jurisdiction of the agency, department or political subdivision for maintenance.

(2) If the commission offers to operate a vending facility under this section and the offer is not accepted for reasons other than the decision not to have a vending facility on the premises, the agency, department or political subdivision shall notify the commission in writing of the reasons for refusing the commission's offer. The agency, department or political subdivision shall offer the commission an opportunity to resolve the concerns raised in the written notice.

(3) Any contract or agreement between the commission and an agency, department or political subdivision relating to the operation of a vending facility entered into subsequent to July 1, 1975, that is not in compliance with or that is in violation of ORS 346.510 to 346.570 and 346.525, is null and void. [1957 c.295 §3; 1965 c.471 §1; 1975 c.638 §9; 2017 c.717 §14]

**346.540 Duties of commission with respect to operation of vending facilities; report; rules.** (1) The Commission for the Blind shall:

(a) As the commission determines is necessary, survey public buildings or properties to determine the suitability of the public buildings or properties as locations for vending facilities to be operated by persons who are blind and advise the agencies, departments or political subdivisions charged with maintaining the public buildings or properties of the commission's findings.

(b) With the consent of the agency, department or political subdivision charged with maintaining the buildings or properties, establish vending facilities in those

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locations that the commission determines are suitable and enter into agreements to operate the vending facilities.

(c) Recruit, select, train, license and install qualified persons who are blind as managers of vending facilities in public buildings or properties.

(d) Adopt rules as necessary to ensure the proper and satisfactory operation of vending facilities and for the benefit of vending facility managers.

(e) Provide for the continued operation of established vending facilities if a qualified person who is blind is not available until a qualified person who is blind is available for assignment as manager.

(f) Not later than January 15 of each year, submit an annual report on the performance of the commission's business enterprise program to the interim committees of the Legislative Assembly related to health and human services. The commission shall include with the report the results of any surveys made under paragraph (a) of this subsection that were conducted since the submission of the previous year's report, and any refusals from agencies, departments or political subdivisions to operate vending facilities in public buildings or properties.

(2) The commission may enter into agreements in compliance with ORS chapter 190 to operate vending facilities located in public buildings or on public properties described in subsection (1)(b) of this section.

(3) If the agency, department or political subdivision charged with maintaining public buildings or properties does not consent to the establishment of vending facilities in locations in the public building or on the public property that the commission determines are suitable, the agency, department or political subdivision shall inform the commission in writing of the reasons why consent is not given. [1957 c.295 §4; 1965 c.471 §2; 1975 c.638 §10; 1981 c.271 §2; 1989 c.966 §30; 2007 c.70 §133; 2017 c.717 §15]

**346.543 Aid by commission to persons with visual impairments to enable operation of vending facility.** (1) The Commission for the Blind may, in the discretion of the commission or if requested by a vending facility manager licensed under ORS 346.510 to 346.570, aid persons with visual impairments by supplying to a person with a visual impairment materials, equipment or machinery, or by allowing the manager to subcontract with a third party to obtain materials, equipment or machinery, in order to enable the operation of a vending facility.

(2) The commission may transfer to the person with a visual impairment ownership of any materials, equipment or machinery owned by the commission and supplied to the person. [2017 c.717 §9]

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**Note:** 346.543 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 346 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

**346.546 Active participation by business enterprise consumer committee.** (1)

The Commission for the Blind shall ensure the active participation of the commission's business enterprise consumer committee in the commission's major administrative, policy and program development decisions that impact the commission's business enterprise program.

(2) The commission shall provide relevant data and information to the committee in a timely manner in order to effectuate the committee's active participation.

(3) The commission has final authority and responsibility for the administration and operation of the business enterprise program.

(4) If the commission does not follow a recommendation of the committee regarding a matter on which the committee actively participates, the commission shall provide to the committee a written explanation as to the reason the committee's recommendation was not followed. [2017 c.717 §8]

**346.550 Commodities and articles that may be sold at vending facilities.** A vending facility operated under the provisions of ORS 346.510 to 346.570 must be used solely for the vending of commodities and articles approved by the Commission for the Blind and by the state agency, department or political subdivision charged with maintaining the public building or property in or on which the vending facility is operated. [1957 c.295 §5; 1975 c.638 §11; 2017 c.717 §16]

**346.553 Agreements with subcontractors; rules.** (1) With written approval from the Commission for the Blind, a vending facility manager may enter into an agreement with a subcontractor included on the list of approved subcontractors described in subsection (4) of this section in order to enable the manager to operate the vending facility.

(2) In determining whether to approve an agreement with a subcontractor, the commission shall consider:

(a) The quality of service that the vending facility manager and subcontractor are able to provide; and

(b) Any product storage requirements.

(3) The commission may provide in an agreement with a vending facility manager that the commission may increase the percentage of net proceeds collected under ORS 346.567 from a vending facility manager who enters into an agreement with a subcontractor under this section.

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(4)(a) The commission shall establish a list of approved subcontractors with which a vending facility manager may enter into an agreement.

(b) The business enterprise consumer committee shall actively participate in developing the criteria for approval of subcontractors.

(c) The commission shall consult with the Department of Administrative Services in establishing the list.

(d) The commission may, through a procurement process with the department, revise the list as necessary.

(e) The commission may, in approving subcontractors, give preference to subcontractors that provide healthy vending items or local vending items and that employ persons with disabilities, as defined in ORS 174.107, and veterans, as defined in ORS 408.225.

(f) An agreement with an approved subcontractor is subject to ORS chapter 279A and ORS chapter 279B.

(5) The commission may determine by rule the services or products that a subcontractor may provide and the extent to which a subcontractor may perform the duties of a vending facility manager, consistent with the vending facility manager statement of full-time employment described in ORS 346.556.

(6)(a) A vending facility manager who enters into an agreement with a subcontractor under this section is solely responsible for fulfilling the requirements of the vending facility manager statement described in ORS 346.556 and for meeting any obligations arising from agreements into which the vending facility manager has entered for the purpose of managing the vending facility. Unless the commission gives written approval, an agreement between a vending facility manager and a subcontractor may not include any provision that imposes liability on the commission or that obligates the commission to the subcontractor.

(b) The commission may not be held liable for claims of any nature, including claims for injunctive or declaratory relief that arise out of any agreement or subcontract between a vending facility manager and a subcontractor.

(7) The commission, with the active participation of the business enterprise consumer committee, may adopt rules relating to the assignment of a vending facility manager to manage a vending facility. [2017 c.717 §6]

### **346.556 Vending facility manager statement of full-time employment; rules. (1)**

The Commission for the Blind shall adopt by rule a vending facility manager statement of full-time employment with which a vending facility manager shall comply. The statement must describe the responsibilities of a vending facility manager, including, but not limited to, responsibilities regarding:

(a) Weekly contact requirements with employees or subcontractors of the manager;

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(b) Vending facility inspections; and

(c) The development and maintenance of work logs.

(2) The commission shall include the active participation, as described in ORS 346.546, of the commission's business enterprise consumer committee, in developing the statement described in this section. [2017 c.717 §5]

**346.560 Manager subject to applicable policies, rules, laws and ordinances.** The vending facility manager of each vending facility operated under ORS 346.510 to 346.570 is subject to the provisions of any policies, rules, laws and ordinances that apply within the territory where the vending facility is located, including any laws and ordinances that require a license or permit for the conduct of any aspect of the operation of the vending facility. [1957 c.295 §6; 1975 c.638 §12; 2017 c.717 §17]

**346.563 Winding down operations of vending facility by spouse or domestic partner.** The surviving spouse or domestic partner of a vending facility manager who is deceased or who becomes incapacitated by a physical or mental illness may continue to operate the vending facility formerly operated by the original vending facility manager for up to six months after the date of death or incapacitation, or until the date on which the operating agreement expires, whichever is sooner, for the purpose of winding down the operations of the vending facility. [2017 c.717 §7]

**346.565 Participation in state health benefit plan and deferred compensation plan.** (1) A business enterprise manager who is blind, as described under ORS 346.510 to 346.570, or a person who is blind who is an employee of a private nonprofit Oregon corporation established and authorized by the Commission for the Blind to provide employment to persons who are blind may participate in a health benefit plan available to state employees pursuant to ORS 243.105 to 243.285 at the expense of the manager or employee.

(2) A business enterprise manager who is blind, as described under ORS 346.510 to 346.570, may participate in state deferred compensation plan established under ORS 243.401 to 243.507, contingent on participation not affecting the tax exempt status of other contributions to the deferred compensation plan.

(3) For the purposes of subsections (1) and (2) of this section, such managers and employees shall be considered eligible state employees. [1991 c.577 §2; 1997 c.179 §28; 1997 c.222 §51; 2007 c.70 §134]

**346.567 Collection of percentage of net proceeds of operation of vending facilities; rules.** (1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under ORS 346.569.

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(2) The commission shall determine by rule the standard percentage of net proceeds to be collected under this section. The commission shall provide in an agreement with a vending facility manager the percentage of net proceeds that the commission will collect from the vending facility manager under this section. The commission shall reduce, but not below a percentage determined by the commission by rule, the percentage collected by the following amounts:

(a)(A) Four percentage points if the vending facility offers exclusively healthy vending items or local vending items;

(B) Three percentage points if at least 75 percent but less than 100 percent of the offerings at the vending facility are healthy vending items or local vending items; or

(C) Two percentage points if at least 50 percent but less than 75 percent of the offerings at the vending facility are healthy vending items or local vending items;

(b) Two percentage points if the vending facility employs at least one person who is blind, in addition to the vending facility manager;

(c) One percentage point for each person who is blind and is employed by the vending facility in addition to the persons described in paragraph (b) of this subsection;

(d) One percentage point if the vending facility employs at least one person with a disability, as defined in ORS 174.107, or who is a veteran, as defined in ORS 408.225, in addition to the vending facility manager; and

(e) One-half of one percentage point for each person with a disability or veteran employed by the vending facility in addition to the persons described in paragraph (d) of this subsection. [2017 c.717 §3]

**Note:** The amendments to 346.567 by section 4, chapter 717, Oregon Laws 2017, become operative January 1, 2020. See section 25, chapter 717, Oregon Laws 2017. The text that is operative on and after January 1, 2020, is set forth for the user's convenience.

**346.567.** (1) The Commission for the Blind shall collect a percentage of net proceeds earned by a vending facility. The moneys collected under this section shall be deposited into the fund established under ORS 346.569.

(2) The commission shall determine by rule, and shall state in an agreement with a vending facility manager, the percentage of net proceeds to be collected under this section.

**Note:** Sections 19 and 20, chapter 717, Oregon Laws 2017, provide:

**Sec. 19.** (1) The Commission for the Blind shall provide in any agreement with a vending facility manager that the commission shall increase the percentage of net proceeds collected under section 3 of this 2017 Act [346.567] by four percent if a vending facility manager licensed under ORS 346.510 to 346.570 does not operate in

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compliance with the requirements of the vending facility manager statement described in section 5 of this 2017 Act [346.556].

(2) A vending facility manager who is party to an agreement for the operation of a vending facility that is in effect on or before the effective date of this 2017 Act [October 6, 2017] is not subject to sections 5 and 6 [346.553] of this 2017 Act and may continue to operate pursuant to the agreement until December 31, 2019. [2017 c.717 §19]

**Sec. 20.** Section 19 of this 2017 Act is repealed on December 31, 2019. [2017 c.717 §20]

### **346.569 Fund from net proceeds of operation of vending facilities;**

**disbursements; report.** (1) The Commission for the Blind shall establish in the State Treasury a fund from the net proceeds of the operation of vending facilities. Moneys deposited into the fund, including the interest earned, shall be credited to a special checking account, separate and distinct from the General Fund. Disbursement from the account may be made by check signed by the person designated by the commission. Interest earned by the account shall be credited to the account.

(2) Moneys in the fund shall be used for the purposes of, and are continuously appropriated to the commission for:

- (a) Maintaining and replacing equipment;
- (b) Purchasing new equipment;
- (c) Management services, including but not limited to management training services;
- (d) Ensuring a fair minimum of return to vending facility managers; and
- (e) Retirement or pension funds, health insurance contributions and, if determined by a vote of vending facility managers, paid sick leave and vacation time.

(3) The commission shall provide to the Governor and to vending facility managers quarterly reports of the account established under this section. [2017 c.717 §2]

### **346.570 Rights of persons operating vending facilities prior to August 20, 1957.**

(1) Those individuals who are operating vending facilities in public buildings or on public properties, as defined in ORS 346.510 prior to August 20, 1957, shall not be affected by ORS 346.510 to 346.570, except and only insofar as provided in ORS 346.530 (2).

(2) Any person who is blind and who is presently operating a vending facility in or on public buildings or properties and who desires to make use of the advantages of the program authorized by ORS 346.510 to 346.570 shall have the right to do so; and, in such instance, the Commission for the Blind may negotiate and consummate arrangements for the purchase of such vending facility equipment as it may deem

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necessary for the satisfactory operation of the vending facility. [1957 c.295 §7; 1975 c.638 §13; 1987 c.158 §61; 2007 c.70 §135]

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors346.html](https://www.oregonlegislature.gov/bills_laws/ors/ors346.html)

## **Federal**

### **Fair Labor Standards Act (FLSA)**

The Patient Protection and Affordable Care Act amended the FLSA to require employers provide a nursing mother reasonable break time to express breast milk after the birth of her child. The amendment also requires that employers provide a place for an employee to express breast milk.

*United States Code:*

[General Provisions; Chapter 8; Section 207; Section r](#)

### **Vending Facilities for Blind in Federal Buildings (Randolph – Sheppard Act)**

Under the Randolph Sheppard program, state licensing agencies recruit, train, license and place individuals who are blind as operators of vending facilities located on federal and other properties. The Act authorizes a blind individual licensed by the state licensing agency to conduct specified activities in vending facilities through permits or contracts.

*Code of Federal Regulations*

[Title 34; Subtitle B; Chapter III; Part 395](#)

# Miscellaneous

## III. Miscellaneous

### State

#### **Food and Beverage Standards and Programs (Schools)**

**ORS 336.423** sets nutrition standards for all foods and beverages sold outside the National School Meals Program in all school locations during regular and extended day. It sets age appropriate portion sizes and calorie, fat and sugar limits for snacks and beverages. **ORS 336.426** establishes the Oregon Farm-to-School and School Garden Program.

#### *Enforcement*

Superintendent of Public Instruction

#### *Citation*

#### **ORS 336.423 Standards for food and beverages sold to students in schools; exceptions; compliance.** (1) As used in this section:

(a) “Entree” means a food that is generally regarded as being the primary food in a meal and includes, but is not limited to, sandwiches, burritos, pasta and pizza.

(b) “Snack” means a food that is generally regarded as supplementing a meal and includes, but is not limited to, chips, crackers, onion rings, nachos, french fries, doughnuts, cookies, pastries, cinnamon rolls and candy.

(2) Except as provided in subsection (6) of this section, all food and beverage items sold to students in a public kindergarten through grade 12 school must at a minimum meet the standards required by this section.

(3) The following shall apply to all food sold to students in a school during the times described in subsection (5)(a) of this section:

(a) A snack item may be sold only in a single-serving size and:

(A) May not have more than 35 percent of the total calories from fat. This requirement does not apply to snack items that are legumes, nuts, nut butters, seeds, seed butters, eggs, nonfried vegetables and cheese.

(B) May not have more than 10 percent of the total calories from saturated fat. This requirement does not apply to snack items that are nuts, nut butters, seeds, seed butters, eggs and cheese.

(C) May not contain more than 35 percent sugar by weight. This requirement does not apply to fruit and vegetables.

(D) May not contain more than 0.5 grams of trans fat per serving.

(E) May not contain more than 150 total calories if sold in a school in which the highest grade level in the school is grade 5 or less.

(F) May not contain more than 180 total calories if sold in a school in which the highest grade level in the school is grade 6, 7 or 8.

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(G) May not contain more than 200 total calories if sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12.

(b) An entree item that is sold individually:

(A) May not contain more than four grams of fat per 100 calories.

(B) May not contain more than 450 total calories.

(4) The following shall apply to all beverages sold to students in a school during the times described in subsection (5)(a) of this section:

(a) If the beverage is sold in a school in which the highest grade level in the school is grade 5 or less, the beverage may not contain caffeine and may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than eight ounces, is 100 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than eight ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(b) If the beverage is sold in a school in which the highest grade level in the school is grade 6, 7 or 8, the beverage may not contain caffeine and may be only:

(A) Water.

(B) Fruit or vegetable juice, provided the beverage item is not more than 10 ounces, is 100 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more than 120 calories per eight ounces.

(C) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 10 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(c) If the beverage is sold in a school in which the highest grade level in the school is grade 9, 10, 11 or 12, the beverage may be only:

(A) Water.

(B) Flavored water, provided the beverage item is not more than 20 ounces and contains no calories.

(C) Fruit or vegetable juice, provided the beverage item is not more than 12 ounces, is 100 percent juice or 100 percent juice diluted with water, has no added sweeteners and contains no more than 120 calories per eight ounces.

(D) Milk or a nutritionally equivalent milk alternative, provided the beverage item is not more than 12 ounces, is fat free or low fat and, if flavored, contains no more than 150 calories per eight ounces.

(E) A beverage item that is not more than 20 ounces and contains no more than 0.5 calories per ounce.

(F) A beverage item that is not more than 12 ounces and contains no more than five calories per ounce.

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(5)(a) The standards required by this section apply to food and beverage items sold to students in a school at all times during the regular or extended school day when the activities in the school are primarily under the control of the school district board. This includes, but is not limited to, the time before or after classes are in session and the time when the school is being used for activities such as clubs, yearbook, band or choir practice, student government, drama rehearsals or child care programs.

(b) The standards required by this section do not apply to food and beverage items sold in a school at times when the school is being used for school-related events or nonschool-related events for which parents and other adults are a significant part of an audience or are selling food or beverage items before, during or after the event, such as a sporting event or another interscholastic activity, a play or a band or choir concert.

(6) The standards required by this section do not apply to:

(a) Food and beverage items sold as a meal in a school as part of the United States Department of Agriculture's National School Lunch Program or School Breakfast Program; or

(b) Entree items that:

(A) At a minimum, meet the standards of the federal programs identified in paragraph (a) of this subsection;

(B) Are sold individually in portions allowed under the federal programs identified in paragraph (a) of this subsection; and

(C) Are sold not later than one day after items that are part of a federal program identified in paragraph (a) of this subsection are sold.

(7) A school district board may adopt standards that are more restrictive than the standards specified by this section.

(8) Each school year, a school district board shall determine whether the school district is in compliance with the standards required by this section and report the results of that determination to the Department of Education. The department may monitor whether school districts are in compliance with the standards required by this section. [2007 c.455 §1; 2015 c.317 §1]

### **ORS 336.426 Oregon Farm-to-School and School Garden Program; rules. (1)**

The Department of Education shall establish the Oregon Farm-to-School and School Garden Program. Through the program, the department shall:

(a) Assist school districts that participate in the United States Department of Agriculture's National School Lunch Program or School Breakfast Program in using Oregon food products and produce from school gardens;

(b) Promote food-based, agriculture-based and garden-based educational activities in school districts;

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(c) Provide information to school districts on how farm-to-school and school garden projects may help implement wellness policies mandated by the United States Department of Agriculture;

(d) Assist school districts in incorporating farm-to-school and school garden projects into wellness policies mandated by the United States Department of Agriculture;

(e) Work with the State Department of Agriculture to develop farm-to-school related programs; and

(f) Perform other activities necessary to facilitate the success of the Oregon Farm-to-School and School Garden Program.

(2) The State Board of Education may adopt any rules necessary for the administration of this section.

(3)(a) For the purpose of paying the costs of the Department of Education of administering the Oregon Farm-to-School and School Garden Program, the department may accept contributions of moneys and assistance from any source, public or private, and agree to conditions placed on the moneys not inconsistent with the duties of the department under this section.

(b) Any moneys received by the department under this subsection shall be placed in the Department of Education Account. [2008 c.21 §1; 2011 c.663 §1]

**336.431 Farm-to-School Grant Programs to purchase Oregon food products and to fund certain educational activities; rules; administrative costs.** (1) The Department of Education shall administer a Farm-to-School Grant Program as provided by this section.

(2) A school district may apply to the department for a grant as follows:

(a) As a noncompetitive grant to assist the school district with paying for costs incurred by the school district to purchase food produced or processed in this state; or

(b) As a competitive grant to fund food-based, agriculture-based and garden-based educational activities in the school district.

(3)(a) Based on a noncompetitive process, the department shall provide grants to school districts to assist in paying for costs incurred by the school district to purchase food produced or processed in this state. The amount of a grant awarded as provided by this subsection shall be determined by the department based on the number of lunches served by the school district during the previous school year under the United States Department of Agriculture's National School Lunch Program.

(b) A school district that receives a grant under this subsection shall use the moneys for the costs incurred by the school district to purchase food products that were:

(A) Purchased on or after the date the school district received notification from

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the Department of Education of the amount to be distributed to the school district as provided by this subsection;

(B) Produced or processed in this state; and

(C) Used for meals that are served as part of the United States Department of Agriculture's child nutrition programs.

(c)(A) A school district may not use any moneys received under this subsection to supplant purchases of food produced or processed in this state that the school district had regularly purchased prior to the date the school district first received a grant as provided by this subsection.

(B) Notwithstanding subparagraph (A) of this paragraph, a school district may use moneys received under this subsection to supplant purchases of food produced or processed in this state that the school district had regularly purchased prior to the date the school district first received a grant as provided by this subsection if the food meets criteria established by the State Board of Education by rule.

(4)(a) Based on a competitive process, the department shall provide grants to assist in paying the costs incurred to provide food-based, agriculture-based or garden-based educational activities in the school district. Grants may be provided to:

(A) School districts;

(B) Education service districts;

(C) Federally recognized Indian tribes;

(D) Schools overseen by the Bureau of Indian Education;

(E) Nonprofit organizations;

(F) Commodity commissions or councils organized under ORS 576.051 to 576.455 or ORS chapter 577 or 578; or

(G) Soil and water conservation districts organized under ORS 568.210 to 568.808 and 568.900 to 568.933.

(b) An entity identified in paragraph (a) of this subsection that receives a grant under this subsection shall use the moneys for costs directly associated with the educational activities, including staff time, travel costs and equipment purchased for the activities.

(c) When awarding grants under this subsection, preference shall be given to entities that propose educational activities that:

(A) Are well designed;

(B) Promote healthy food activities;

(C) Have clear educational objectives;

(D) Involve parents or the community;

(E) Are connected to a school district's farm-to-school procurement activities; and

(F) Are culturally relevant to the students being served by the grant moneys.

(d) The department must ensure that the recipients of grants under this subsection:

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(A) Represent a variety of school sizes and geographic locations; and  
(B) Serve a high percentage of children who qualify for free or reduced price school meals under the United States Department of Agriculture’s National School Lunch Program.

(5) The Department of Education shall consult with the State Department of Agriculture to:

(a) Develop rules and standards related to the grants awarded under this section.

(b) Determine the recipients and amounts of grants awarded under this section.

(6) The Department of Education may expend for the administrative costs incurred under this section no more than two percent of all moneys received by the department for the grant program. [2011 c.663 §2; 2013 c.652 §1; 2015 c.840 §13; 2017 c.609 §1]

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors336.html](https://www.oregonlegislature.gov/bills_laws/ors/ors336.html)

### **Federal**

#### **National School Lunch Program**

The National School Lunch Program was enacted to “safeguard the health and well-being of the Nation's children and to encourage the domestic consumption of nutritious agricultural commodities and other food, by assisting the States, through grants-in-aid and other means, in providing an adequate supply of food and other facilities for the establishment, maintenance, operation, and expansion of nonprofit school lunch programs.”

*Code of Federal Regulations:*

[Title 7; Subtitle B; Chapter II; Subchapter A; Part 210](#)

#### **National School Breakfast Program**

The National School Breakfast Program authorizes payments to the States to assist them in initiating, maintaining, or expanding nonprofit breakfast programs in schools.

*Code of Federal Regulations:*

[Title 7; Subtitle B; Chapter II; Subchapter A; Part 220](#)

# Policies and Executive Orders

## **IV. Policies and Executive Orders**

### **Department of Human Services | Oregon Health Authority (DHS | OHA)**

#### **Healthy Meetings, Conferences and Events Policy**

When events are paid for using state funds, DHS | OHA Healthy Meetings, Conferences and Events Policy requires all DHS and OHA employees to follow the associated guidelines to plan and offer healthy meetings. Staff are encouraged to implement these guidelines at all other agency meetings as well.

<https://apps.state.or.us/Forms/Served/me010-019.pdf>

#### **DHS | OHA Workplace Breastfeeding Support Policy**

A breastfeeding individual, whether staff, volunteer or visitor, may breastfeed in any area of DHS | OHA where the breastfeeding individual and child are authorized to be, whether or not the individual's breast or nipple is exposed as part of breastfeeding. DHS | OHA shall ensure that all individuals have an adequate location for breastfeeding or pumping breast milk. DHS | OHA shall allow for flexibility in scheduling for staff who are breastfeeding an infant brought into the agency for that purpose or for expressing milk.

<https://apps.state.or.us/Forms/Served/me010-020.pdf>

#### **Executive Order No 17-01 – State Agency Employee Wellness**

Establishes a policy to develop and implement an infrastructure for continued and sustainable employee wellness.

[http://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_17-01.pdf](http://www.oregon.gov/gov/Documents/executive_orders/eo_17-01.pdf)