

Food Code Fact Sheet #16

What you should know about the Code

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/FOODSAFETY

Foods Exempt from Licensing by the Local Public Health Authority at Temporary Events

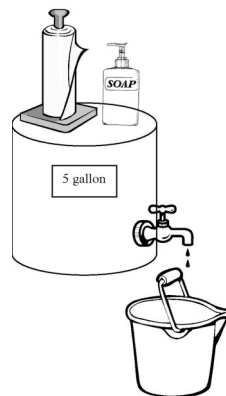
In Oregon, a food establishment or organization that prepares or sells the following food items for immediate consumption are exempt from licensure and the provisions of ORS 624.010 to 624.120 and ORS 624.310 to 440 whether they are operating at an event or not:

- Non-potentially hazardous confections, such as candy or sweets, including, but not limited to salted caramel, fudge, marshmallow bars, chocolate covered marshmallows, and hard candy.
- Commercially prepackaged ice cream and frozen desserts sold in individual servings
- Commercially pickled products, commercially processed jerky, nuts, nutmeats, popcorn and prepackaged foods such as potato chips, pretzels and crackers
- Unopened bottled and canned non-potentially hazardous beverages, including alcoholic beverages for immediate consumption
- Coffee and tea, with non-potentially hazardous ingredients
- Non-potentially hazardous hot or cold beverages prepared for immediate consumption from individually packaged powdered mixes and commercially bottled water
- Non-potentially hazardous foods or beverages provided by a non-food service business or organization as a courtesy for no charge to customers.

For a complete list of exempt activities/foods please see OAR 333-150-0000, Section 1-201.10, definition for "Food establishment does not include".

An establishment or organization that prepares or sells non-potentially hazardous food items for immediate consumption at an event are exempt from licensure if:

- Food employees do not contact exposed, ready-to-eat food with their bare hands and use suitable utensils such as deli tissue, spatulas, tongs, single-use gloves, or dispensing equipment
- A temporary handwashing facility is provided:



- A notice is posted in public view that states: "NOTICE: Food served at this location may not have been inspected by the regulatory authority" or similar language that has been approved by the regulatory authority (see pg 2 for printable sign)
- All ingredients, including water and ice, must be from an approved source and the product must be produced using safe food handling practices
- Vendors of raw citrus juices such as lemon, lime, orange, and grapefruit that express the juice at the event location and prepare and sell the product only for immediate consumption in individual servings. The establishment may add only

non-potentially hazardous, commercially processed ingredients to the juice, not to include other fresh fruits or vegetables. If raw citrus juice is sold or served that has not been specifically processed to prevent, reduce, or eliminate the presence of pathogens, the following notice must be provided, "NOTICE: This product has not been pasteurized or processed".

- An establishment that vends raw juices other than raw citrus juices at an event must obtain a temporary restaurant license.



Baked goods (like cookies, donuts and fruit pies), candied apples and kombucha must now meet these requirements

- An [Exempt Foods Agreement Form](#) is completed and kept at the event location during all hours of operation. A fee may be charged for form review by your local Environmental Health Department.
- The regulatory authority may require a food establishment license if there are food safety concerns associated with an exempt food service operation.

Potentially hazardous foods are food of an animal origin (raw or cooked), cooked plant products, raw seed sprouts, cut melons, garlic and oil mixtures, raw cut leafy green produce and cut tomatoes. Some examples are: hot dogs, chili, cooked rice, cooked potatoes, and cooked beans.

Examples of foods that are exempt from licensing and are not required to fill out exempt food form

- Non-potentially hazardous confections (fudge, salted caramels, chocolate covered marshmallows)
- Commercially prepackaged ice cream and frozen desserts sold in individual servings
- Commercially pickled products, commercially processed jerky, nuts, nutmeats, popcorn, and prepackaged foods such as potato chips, pretzels, and crackers
- Unopened commercially bottled and canned non-potentially hazardous beverages to include alcoholic beverages
- Coffee and tea, with non-potentially hazardous ingredients
- Non-potentially hazardous hot or cold beverages prepared from individually packaged powdered mixes and commercially bottled water, not to include fresh squeezed juice

Examples of non-potentially hazardous foods (PHF) that are exempt at events if they meet the exempt food requirements and fill out the form.

- Cookies
- Doughnuts
- Fried breads (elephant ears, funnel cakes, Indian fry bread)
- Fruit pies
- Candied/caramel apples
- Chocolate dipped, non-PHF fruits
- Kombucha (with only exempt ingredients added)
- Soda with ice
- Shaved ice
- Snow cones
- Slushies with non-PHF ingredient
- Bread, rolls, muffins
- Citrus juices– plain or with non-PHF, commercially processed ingredients added, not to include other fresh fruits or vegetables
- Commercial juices, like Treetop apple juice, sold by the glass

Examples of foods requiring a license at temporary events

- Scooped ice cream
- Smoothies with fruit and/or veggies
- Sliced watermelon
- Salads with cut leafy greens
- Vegetable or fruit juices, except citrus juices
- Roasted vegetables such as corn on the cob
- Potentially hazardous food for immediate consumption

All foods must be prepared at event location or in a licensed facility prior to event.

An administrative fee may be charged by the local Environmental Health Department to review and approve the Exempt Foods Agreement Form

NOTICE:

Food served at this location may not have been inspected by the regulatory authority