

Food Code Fact Sheet #36

What you should know about the Code

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Refilling Returnable Containers

3-304.17 Refilling Returnables

(A) Except as specified in paragraph (C) (B) – (F) of this section, a take-home empty food containers returned to a food establishment for cleaning and refilling with food shall be cleaned and refilled in a food processing plant, may not be refilled at a food establishment with a potentially hazardous food (time/temperature control for safety food).
(B) A container may be refilled at a food establishment with food if the container:
(1) Is designed and constructed for reuse and in accordance with the requirements specified under Parts 4-1 and 4-2;
(2) Was initially provided by the food establishment to the consumer;
(3) Is returned to the food establishment or a designated collection point by the consumer;
(4) Is subject to the following actions by the food establishment before being refilled:
(a) Cleaned as specified under Part 4-6 and (C) of this section;
(b) Sanitized as specified under Part 4-7; and
(c) Verified to continue to meet the requirements specified under Parts 4-1 and 4-2
(C) A container may be refilled at a food establishment with beverage if:
(1) The design of the container and the nature of the beverage, when considered together, allow effective cleaning at home or in the food establishment;
(2) The consumer-owned container returned to the food establishment for refilling is refilled for sale or service only to the same consumer; and
(3) The container is refilled by:
(a) An employee of the food establishment; or
(b) The owner of the container if the beverage system includes a contamination-free transfer process as specified under §§ 4-204.13 (A), (B), and (D) that cannot be bypassed by the consumer.
(D) Consumer-owned containers that are not food-specific may be filled at a water vending machine or system.
(E) If a food establishment has written procedures prepared in advance and maintained at the food establishment that are made available to the regulatory authority upon request that specify its written procedures for compliance with this Part 3-304.17(E), A food establishment may:
(1) Allow consumers to refill a visibly clean consumer-owned container meeting the requirements of Parts 4-101.11, 4-201.11 and 4-202.11(A) with non-ready-to-eat food, bulk food, and packaged food;
(2) Permit employees to refill a visibly clean consumer-owned container meeting the requirements of Parts 4-101.11, 4-201.11 and 4-202.11(A) with food using a contamination free process.

Food establishments, like restaurants and mobile units, may allow refillable containers under specific guidelines if they would like. **This is optional.** If you would like to do this in your licensed facility you have three choices. The requirements are:

1) Food containers may be refilled at the food establishment by the consumer if the container:

- Is designed for reuse.
- Was initially provided by the food establishment to the consumer.
- Is returned to a designated location.
- Is washed, rinsed, and sanitized before refilling.

2) Beverage containers may be refilled if the container:

- Is durable and easily cleanable.
- Is refilled and sold to the same consumer only.
- Is refilled by the food worker, or by the consumer if refilling process is contamination free.

3) If the food establishment has written procedures consumer-owned containers may be refilled under the following conditions:

Self-Service

- The food is not ready-to-eat, bulk, and/or packaged.
- Containers are designed for repeated use.
- Containers are visibly clean.

Refilled by Employees

Consumer -owned containers may be **refilled by employees** with any type of food.

- Containers must be designed for repeated use.
- Containers are visibly clean.
- Employees must fill containers using a contamination free process.



Durable plastic or glass containers can be used as refillable containers.

Not allowed

- Consumer-owned containers refilled with potentially hazardous foods by the consumer.
- Containers that are not visibly clean, as they pose an increased risk to public health.
- Single use containers.
- Placing hot food in containers that were originally used for cold food.