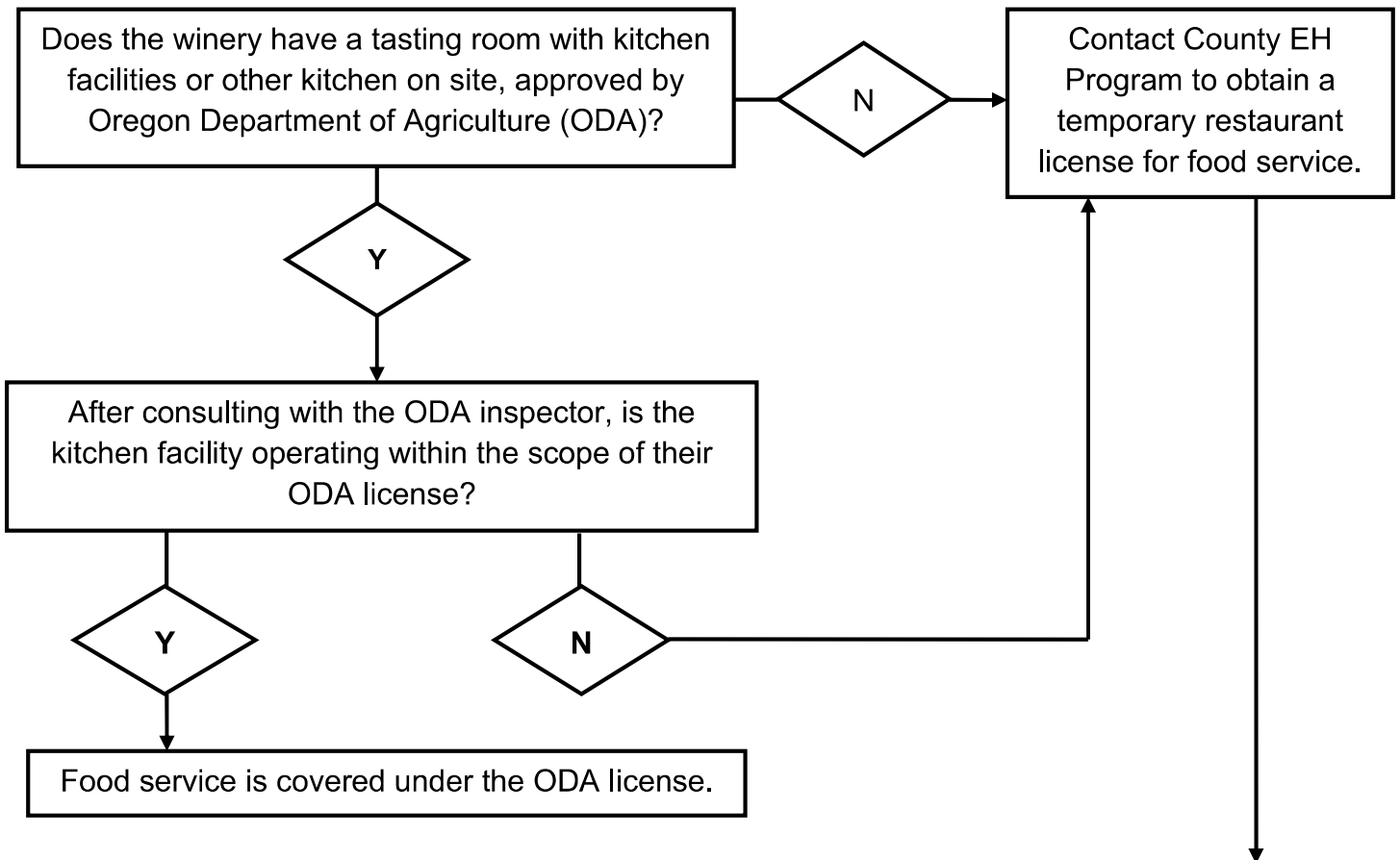


Local County Health Department staff should consult with their local ODA inspector to determine if food service activities are approved for a particular winery and what food service activities are allowed. Based upon that consultation, use the following information to determine if the LPHA will be involved in licensing and inspecting an activity at the winery or whether the activities are covered under the existing ODA license.



**There are three types of temporary restaurant licenses issued by LPHA:**

- 1. Single Event Temporary Restaurant License** - Good for the duration of the event at a single location, not to exceed 30 days.
- 2. Intermittent Temporary Restaurant License** – Allows for at least two oversight organizations at same location but different events, covers events within a 30 day period. Requires a plan review approval.
- 3. Seasonal Temporary Restaurant License** – Good for up to 90 days at a single location for events arranged by the same oversight organization. Requires a plan review approval.

Applicable Statute: Food Service Facilities - ORS 624

Applicable Rule: Oregon Food Sanitation Rules - OAR 333-150

### **Winery Food Service Activities Regulated by ODA:**

- 1) In general, a winery activity that involves providing only appetizers or hors d'oeuvres in conjunction with wine tasting will be covered under the ODA license. ***This is the vast majority of winery food service activities.***
- 2) A winery licensed by ODA that has acceptable on-site indoor kitchen facilities to provide food for an event inside the facility is the responsibility of ODA.
- 3) A winery licensed by ODA that has acceptable on-site indoor kitchen facilities may serve food prepared in the kitchen to customers sitting at tables outside the facility.

### **Winery Food Service Activities Regulated by LPHA:**

- 1) A winery licensed by ODA that does not have acceptable on-site indoor kitchen facilities to provide food for a public event inside the facility requires a temporary restaurant license from the LPHA.
- 2) A winery licensed by ODA that does not have acceptable on-site indoor kitchen facilities and has food catered in for an event open to the public must obtain a temporary restaurant license from the LPHA.
- 3) A winery licensed by ODA that has acceptable on-site indoor kitchen facilities and would like to cook, prepare or serve food from equipment or areas outside the facility (hot or cold holding units, Sunday brunch buffet, barbecue but dispensing food not prepared on the barbecue) must obtain a temporary restaurant license from the LPHA.
- 4) A restaurant operated in an ODA licensed winery by a different owner than the winery should be licensed and inspected as a restaurant by the LPHA.

### **Other Considerations:**

- 1) A winery licensed by ODA that does not have acceptable on-site indoor kitchen facilities that has food catered in for a private event is not a regulated activity.
- 2) The licensing of a winery with multiple buildings that do not engage in combination activities (e.g., separate wine production facility, tasting room, restaurant and outdoor food service location) will be licensed as determined by the local ODA and LPHA inspectors. In general, separate facilities shall be licensed by the agency that typically has jurisdiction. For example, the restaurant and the outdoor food service location should be licensed and inspected by the LPHA and the wine production facility and tasting room by ODA. Each winery scenario will be unique and should be determined on a case-by-case basis.

*Note: Winery food service operations are eligible to be licensed as temporary restaurants because they are considered "food product promotions" as defined in ORS 624.010.*