



Deschutes County

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Dear Hotel / Motel Operators:

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It is increasingly popular for tourist accommodations to offer a continental breakfast for patrons. *If your establishment does not offer ANY food to patrons or if you already have a restaurant license, you may stop reading now and disregard this letter.* The tourist industry offers a wide variety of foods under the 'continental breakfast' heading. The State of Oregon Food Code strictly defines what foods may be offered under the exemption of a continental breakfast.

This letter will define what foods are allowed to be offered as a continental breakfast. Offering these food items does not require a food service (restaurant) license. If you offer other foods, State law requires you to operate with a restaurant license under Oregon Revised Statute 624.020. Operating a food service facility without a license is a Class C misdemeanor. Please review the list below to be sure your facility is not required to operate as a restaurant. If you wish to obtain a restaurant license, the information to open a restaurant may be found on our web page at <http://www.deschutes.org/cdd> and follow the two links to Food Service, then to Permanent Food Establishments. You may also stop by our office to pick up a Restaurant Plan Review Packet.

To meet the continental breakfast license exclusion the following must be met;

1. No dishwashing is required: Food service operation uses only disposable, one time use flatware, silverware, serving plates and platters. Coffee, tea and hot water containers are exempt from this requirement.
2. No food is held or served that requires cold or hot holding to prevent or limit bacterial growth. This includes any food of animal origin (e.g.milk, eggs, meat, butter) and any cooked vegetables.
3. Only individual containers of juice are provided OR containers of commercially prepared juice that are bulk dispensed, have no power moving mechanical parts and are not connected to a water source. Mixing juice concentrate with water in the facility is not allowed. Juices may be chilled for service but must meet #2 above.
4. Food service is limited to only commercially prepared non-potentially hazardous pastries. Pastries include donuts, Danishes, cinnamon rolls and other sweetened breads. The pastries definition does NOT include bagels, waffles, toast, English muffins or other bread products. See Oregon Administrative Rule 333-150-0000, Section 1-201.10 (31) (c)(x)

Over

5. Whole uncut fresh fruit with the peel in tact is allowed.
6. Coffee, tea and hot water with non-potentially hazardous ingredients (hot chocolate, non-dairy creamer or ultra-pasteurized creamers that do not require refrigeration) are allowed. Steamed milk, half & half, and cream are all not allowed per #2 above.

This memo is based on the State of Oregon, Department of Human Services, Food Protection Program Policy number 02-02 and the Oregon Administrative Rules, Food Sanitation Rules. In September of 2002 the Deschutes County Environmental Health Division petitioned the State of Oregon Health Division for more menu options to be allowed under the continental breakfast exclusion. Those petitions were rejected. During the 2004 licensing period, Deschutes County proposed a 'Hotel, Breakfast Only' license to serve the needs of the tourist industry. This option was also disallowed by the State Health Division. Further petitions during the 2006 licensing period have also been rejected.

As the 2007 licensing period begins we are mailing this letter to all tourist facilities. The O.A.R. as stated above will be enforced. To serve food without a restaurant license, the six conditions listed above must be met. Enforcement action will be taken on any tourist facilities that are operating a food service facility without a restaurant license.

You are encouraged to review your food service procedures immediately. Should you wish to serve a more extensive menu than those allowed under the continental breakfast exclusion you must start the restaurant plan review process and secure a restaurant operating license before serving that food. If you disagree with the law as written or the interpretation above, you are encouraged to contact legal representation or petition the State of Oregon Health Division for a redress of grievances.

Further questions may be directed to John Mason at 388-6598 or 388-6519