



## **Refilling Returnables**

*\*Excerpt from 2023 Food Code as modified 2/1/2023, page 33*

### **3-304.17 Refilling Returnables**

- (A) Except as specified in (B) - (F) of this section, empty containers returned to a FOOD ESTABLISHMENT for cleaning and refilling with FOOD shall be cleaned and refilled in a regulated FOOD PROCESSING PLANT.
- (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 before being refilled:
    - (a) Cleaned as specified under Part 4-6;
    - (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 allow CONSUMERS to:
  - (1) 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) Have an EMPLOYEE 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.
- (F) A FOOD ESTABLISHMENT may allow CONSUMERS to refill a visibly clean CONSUMER owned container with nuts in the shell and whole and raw fruits and vegetables or that are intended to be washed by the CONSUMER before consumption.

*\*The full version of the Oregon Department of Agriculture Retail Food Code can be found on our website:*

<https://www.oregon.gov/oda/Documents/Publications/FoodSafety/FoodCode.pdf>