

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: HB 2509 - A13**

80th Oregon Legislative Assembly – 2019 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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**Measure Description:**

Prohibits use of single-use checkout bags except in certain cases.

**Government Unit(s) Affected:**

Department of Environmental Quality (DEQ), cities, counties, special districts

**Summary of Fiscal Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

The legislation prohibits, with certain exceptions, retail establishments from providing single-use, paper, or fabric checkout bags to customers unless they charge a minimum of five-cents per bag. Reusable fabric checkout bags are permitted to be provided to customers at no cost on 12 or fewer days in a calendar year. Recycled paper or reusable plastic bags may be provided at no cost to customers in the Women, Infants and Children Program and customers using an electronic benefits transfer card issued by the Department of Human Services. Restaurants are not permitted to provide plastic bags to customers unless they charge a minimum of five-cents per bag. Reusable plastic checkout bags may be provided at no cost to customers using an electronic benefits transfer card issued by the Department of Human Services. Restaurants are permitted to provide recycled paper bags at no cost to any customer. A violation of these laws by a retail establishment or restaurant constitutes a Class D violation subject to a maximum fine of \$250 for each day the establishment commits a violation.

Cities, counties, or other local governments are permitted to amend existing or adopt identical or additional restrictions pertaining to this legislation. A restaurant or retail establishment may charge a fee that is less than five cents if the city, county or other local government charged the fee before the effective date of this legislation.

No later than September 15, 2024, the Department of Environmental Quality (DEQ) is directed to collect data submitted by retail establishments, and no later than September 15, 2025 submit a report to the Legislative Assembly regarding the collection of the bag fee and customers use of checkout bags. The report requirements are repealed on December 31, 2025.

The effective timeframe of this legislation is beyond the scope of the standard two biennia fiscal impact estimated by the Legislative Fiscal Office. Current budgetary factors indicate that data collection and issuance of a report will not have a significant impact on DEQ operations and costs should be absorbable; however that does not rule-out the possibility that the agency may need to return to the Emergency Board or a subsequent legislative session to request an appropriation and/or expenditure limitation in order to comply with the provisions of this legislation during the 2023-2025 timeframe.