

House Bill 2653

Sponsored by Representative GORSEK (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits use of single-use checkout bags except in certain cases. Allows Department of Environmental Quality to impose civil penalty of not more than \$250 per day. Prohibits local governments from imposing charges on checkout bags or other bags provided to customers. Repeals statute requiring retail establishments that offer plastic bags to customers to also offer paper bags.

A BILL FOR AN ACT

1 Relating to checkout bags; creating new provisions; and repealing ORS 459A.695.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1. As used in this section and sections 2 and 4 of this 2019 Act:**

4 (1) **"Recycled paper checkout bag" means a paper bag made by a manufacturer whose**
5 **total production of paper checkout bags in the preceding calendar year averaged at least 40**
6 **percent recycled fiber.**

7 (2)(a) **"Retail establishment" means any store in this state that sells or offers for sale**
8 **goods at retail.**

9 (b) **"Retail establishment" does not mean an establishment where the primary business**
10 **is the preparation of food or drink:**

11 (A) **For consumption by the public;**

12 (B) **In a form or quantity that is consumable then and there, whether or not it is con-**
13 **sumed within the confines of the place where prepared; or**

14 (C) **In consumable form for consumption outside the place where prepared.**

15 (3) **"Reusable checkout bag" means a bag with handles that is specifically designed and**
16 **manufactured for multiple reuse and is made of:**

17 (a) **Cloth or other machine-washable fabric; or**

18 (b) **Durable plastic that is at least 2.25 mils thick.**

19 (4)(a) **"Single-use checkout bag" means a bag made of paper, plastic or any other mate-**
20 **rial that is provided by a retail establishment to a customer at the time of checkout, and**
21 **that is not a recycled paper checkout bag or a reusable checkout bag.**

22 (b) **"Single-use checkout bag" does not mean a bag made of paper, plastic or any other**
23 **material that is provided by a retail establishment to a customer at a time other than the**
24 **time of checkout.**

25 **SECTION 2. (1) Except as provided in subsection (2) of this section, a retail establishment**
26 **may not provide single-use checkout bags to customers.**

27 (2) **A retail establishment may:**

28 (a) **Make reusable checkout bags available for sale to customers.**

29 (b) **Provide reusable checkout bags at no cost to customers.**
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NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 (c) Provide recycled paper checkout bags at no cost to:

2 (A) Customers who use a voucher issued under the Women, Infants and Children Pro-
3 gram established under ORS 413.500.

4 (B) Customers who use an electronic benefits transfer card issued by the Department
5 of Human Services.

6 (d) Provide recycled paper checkout bags to customers if the retail establishment charges
7 not less than five cents for each recycled paper checkout bag.

8 (e) Provide single-use checkout bags to customers for items marked with protected
9 health information or other confidential information.

10 (3) The Environmental Quality Commission may adopt rules necessary to implement
11 sections 1, 2, 3 and 4 of this 2019 Act.

12 (4) The Department of Environmental Quality may require a retail establishment to
13 provide, within a reasonable time, information necessary to ensure compliance with this
14 section.

15 **SECTION 3.** (1) The Department of Environmental Quality may impose a civil penalty on
16 a person for a violation of section 2 of this 2019 Act.

17 (2) A civil penalty imposed under this section may not exceed \$250 per day.

18 (3) Civil penalties described in this section shall be imposed in the manner provided in
19 ORS 183.745.

20 (4) All penalties recovered under this section shall be paid into the State Treasury and
21 credited to the General Fund and are available for general governmental expenses.

22 **SECTION 4.** A local government, as defined in ORS 174.116, may not impose any tax, fee,
23 assessment, surcharge or other charge on:

24 (1) Recycled paper checkout bags;

25 (2) Reusable checkout bags;

26 (3) Single-use checkout bags; or

27 (4) Any other bags made of paper, plastic or other material that are provided by a retail
28 establishment to a customer.

29 **SECTION 5.** ORS 459A.695 is repealed.

30 **SECTION 6.** (1) Section 4 of this 2019 Act applies to any tax, fee, assessment, surcharge
31 or other charge imposed before, on or after the effective date of this 2019 Act by a local
32 government on recycled paper checkout bags, reusable checkout bags, single-use checkout
33 bags and any other bags made of paper, plastic or other material that are provided by a retail
34 establishment to a customer.

35 (2) Subsection (1) of this section does not affect any tax, fee, assessment, surcharge or
36 other charge imposed by a local government on recycled paper checkout bags, reusable
37 checkout bags, single-use checkout bags and any other bags made of paper, plastic or other
38 material that are provided by a retail establishment to a customer that became due before
39 the effective date of this 2019 Act.

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