

House Bill 2800

Sponsored by Representative WILLIAMSON, Senator TAYLOR; Representatives BOSHART DAVIS, EVANS, RAYFIELD, RESCHKE, Senators KNOPP, MANNING JR, ROBLAN, THOMSEN

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 full-service restaurant from providing single-use plastic straw to consumer unless consumer requests single-use plastic straw.

Establishes that Oregon Health Authority or local public health authority shall enforce prohibition in course of inspecting full-service restaurant and impose civil penalty of not more than \$25 per day after second violation. Caps total civil penalty at \$300 per full-service restaurant during one calendar year.

A BILL FOR AN ACT

1
2 Relating to a restriction on full-service restaurants providing single-use plastic straws to consumers.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **“Consumer” means a person who orders a beverage in a full-service restaurant in this**
6 **state.**

7 (b) **“Full-service restaurant” means an establishment with the primary purpose of serv-**
8 **ing prepared food, where food may be consumed on the premises and an employee of the**
9 **establishment:**

10 (A) **Escorts a consumer to an eating area;**

11 (B) **Takes the consumer’s order after the consumer has been seated;**

12 (C) **Delivers the order to the consumer;**

13 (D) **If the consumer requests an item associated with the order, delivers the item to the**
14 **consumer; and**

15 (E) **Brings a check to the consumer in the area where the consumer is seated.**

16 (c)(A) **“Single-use plastic straw” means a tube made primarily from plastic that is de-**
17 **derived from petroleum or a biologically based polymer, such as corn or another plant source,**
18 **and that is intended:**

19 (i) **To transfer liquid from a container to a consumer’s mouth;**

20 (ii) **For a single use; and**

21 (iii) **For disposal after the single use.**

22 (B) **“Single-use plastic straw” does not include a straw made from materials other than**
23 **plastic, including but not limited to paper, pasta, sugar cane, wood or bamboo.**

24 (2) **A full-service restaurant may not provide a single-use plastic straw to a consumer**
25 **unless the consumer specifically requests the single-use plastic straw.**

26 (3) **The Oregon Health Authority or its representative, or a local public health authority**
27 **to which the Oregon Health Authority has delegated authority under ORS 624.510, shall en-**
28 **force subsection (2) of this section in the course of conducting an inspection of a full-service**

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 restaurant under ORS 624.010 to 624.121.

2 (4) This section preempts a local government from enacting an ordinance, resolution or
3 other regulation that places additional restrictions on the use of single-use plastic straws.

4 **SECTION 2.** (1) For a first and second violation of section 1 of this 2019 Act, the Oregon
5 Health Authority or a local public health authority shall issue a notice.

6 (2) For third and subsequent violations, the Oregon Health Authority or a local public
7 health authority shall impose a civil penalty of not more than \$25 per day, except that civil
8 penalties imposed on an individual full-service restaurant under this section may not exceed
9 \$300 during one calendar year.

10 (3) All penalties recovered under this section shall be paid into the State Treasury and
11 credited to the General Fund, and are available for general governmental expenses.

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