

B-Engrossed Senate Bill 90

Ordered by the House May 20
Including Senate Amendments dated April 9 and House Amendments
dated May 20

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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.

Prohibits food and beverage provider or convenience store from providing single-use plastic straw to consumer unless consumer specifically requests single-use plastic straw. Specifies exemptions from prohibition. Permits enforcement officer to enforce prohibition in course of conducting inspection of food and beverage provider or convenience store. Provides that violation of prohibition is subject to notice in first and second instance and to fine of \$25 for each subsequent instance. Caps allowable fines at \$300 during calendar year. Preempts local regulation after effective date of Act.

Becomes operative on January 1, 2020.
Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to a restriction on restaurants providing single-use plastic straws to consumers; and de-
3 claring an emergency.

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

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

6 (a) **“Consumer” means an individual who orders a beverage of any description from a**
7 **food and beverage provider in this state.**

8 (b) **“Convenience store” means a business that, for compensation, offers or provides a**
9 **range of commodities that includes food and beverages.**

10 (c) **“Enforcement officer” means an authorized representative of the State Department**
11 **of Agriculture who conducts inspections under ORS 616.286 or an authorized representative**
12 **of the Director of the Oregon Health Authority or of a local government who conducts in-**
13 **spections under ORS 624.010 to 624.121 or 624.310 to 624.430.**

14 (d)(A) **“Food and beverage provider” means a business that, for compensation, offers or**
15 **serves food or beverages to a consumer.**

16 (B) **“Food and beverage provider” does not include a health care facility, as defined in**
17 **ORS 442.015, or a residential care facility, as defined in ORS 443.400, that provides single-use**
18 **plastic straws to patients or residents.**

19 (e)(A) **“Single-use plastic straw” means a tube made primarily from plastic that is de-**
20 **rived from petroleum or a biologically based polymer, such as corn or another plant source,**
21 **and that is intended:**

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

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 (ii) For a single use; and

2 (iii) For disposal after the single use.

3 (B) "Single-use plastic straw" does not include:

4 (i) A straw made from materials other than plastic, including but not limited to paper,
5 pasta, sugar cane, wood or bamboo; and

6 (ii) A plastic straw that is attached to or packaged with a beverage container before the
7 beverage container is offered for retail sale.

8 (2)(a) A food and beverage provider or convenience store may not provide a single-use
9 plastic straw to a consumer unless the consumer specifically requests the single-use plastic
10 straw.

11 (b) Notwithstanding the prohibition in paragraph (a) of this subsection, a consumer may
12 request, and a food and beverage provider or a convenience store may offer to the consumer,
13 a single-use plastic straw in an area of the food service provider's or convenience store's
14 premises in which the consumer may receive a delivery of prepared food or a beverage while
15 seated in or on a vehicle.

16 (c) The prohibition in paragraph (a) of this subsection does not apply to a convenience
17 store that:

18 (A) Sells or offers single-use plastic straws for sale in bulk or unconnected with a sale
19 or provision of food or a beverage; or

20 (B) Makes single-use plastic straws available to consumers in an unattended location,
21 provided that the convenience store may leave the single-use plastic straws in an unattended
22 location only if the convenience store does not have space in which to store the single-use
23 plastic straws in a location where employees of the convenience store provide service to
24 consumers.

25 (3) An enforcement officer may enforce subsection (2) of this section in the course of
26 conducting an inspection. A food and beverage provider or a convenience store that violates
27 subsection (2) of this section is subject to a notice for a first and second violation and, for
28 subsequent violations, to a fine of not more than \$25 for each day in which the food and
29 beverage provider or convenience store remains in violation of subsection (2) of this section.
30 The enforcement officer may not impose total fines of more than \$300 during a calendar year
31 for a food and beverage provider's or a convenience store's violation of subsection (2) of this
32 section.

33 **SECTION 2.** A local government or municipality may not, after the effective date of this
34 2019 Act, enact an ordinance, resolution, regulation, rule or other law with requirements
35 that differ from the provisions set forth in section 1 of this 2019 Act.

36 **SECTION 3.** Section 1 of this 2019 Act becomes operative on January 1, 2020.

37 **SECTION 4.** This 2019 Act being necessary for the immediate preservation of the public
38 peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect
39 on its passage.

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