

Requested by Senator ROBLAN

**PROPOSED AMENDMENTS TO
SENATE BILL 90**

1 In line 2 of the printed bill, after “consumers” insert “; and declaring an
2 emergency”.

3 Delete lines 4 through 25 and insert:

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

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

7 **“(b)(A) ‘Restaurant’ means an establishment with the primary
8 purpose of serving prepared food that a consumer may consume on the
9 establishment’s premises that:**

10 **“(i) Delivers the prepared food to the consumer; and**

11 **“(ii) Delivers an item associated with the prepared food item to the
12 consumer if the consumer requests the item.**

13 **“(B) ‘Restaurant’ does not include:**

14 **“(i) Any area of an establishment through which a consumer may
15 receive a delivery of prepared food while seated in or on a vehicle; or**

16 **“(ii) A convenience store that makes single-use plastic straws
17 available to consumers in an unattended location.**

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

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

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
5 not limited to paper, pasta, sugar cane, wood or bamboo; or

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

8 “(2) A restaurant may not provide a single-use plastic straw to a
9 consumer unless the consumer specifically requests the single-use
10 plastic straw.

11 “(3) The Oregon Health Authority or its representative, or a local
12 public health authority to which the Oregon Health Authority has
13 delegated authority under ORS 624.510, shall enforce subsection (2) of
14 this section in the course of conducting an inspection of a full-service
15 restaurant under ORS 624.010 to 624.121.

16 “(4) This section preempts a local government from enacting an
17 ordinance, resolution or other regulation that places additional re-
18 strictions on the use of single-use plastic straws.

19 “SECTION 2. (1) For a first and second violation of section 1 of this
20 2019 Act, the Oregon Health Authority or a local public health au-
21 thority shall issue a notice.

22 “(2) For third and subsequent violations, the Oregon Health Au-
23 thority or a local public health authority shall impose a civil penalty
24 of not more than \$25 per day, except that civil penalties imposed on
25 an individual full-service restaurant under this section may not exceed
26 \$300 during one calendar year.

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

30 “SECTION 3. A local government or municipality may not, after the

1 **effective date of this 2019 Act, enact an ordinance, resolution, regu-**
2 **lation, rule or other law with requirements that differ from the pro-**
3 **visions set forth in section 1 of this 2019 Act.**

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

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