

Enrolled Senate Bill 551

Sponsored by Senator SOLLMAN, Representatives NERON, ANDERSEN; Senators MANNING JR, PATTERSON, PHAM K, REYNOLDS, Representatives CHAICHI, FRAGALA, GAMBA, GOMBERG, HUDSON, JAVADI, LIVELY, MARSH, NOSSE (Presession filed.)

CHAPTER

AN ACT

Relating to plastic waste; creating new provisions; and amending ORS 459A.755, 459A.757 and 459A.759.

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

SECTION 1. ORS 459A.755 is amended to read:

459A.755. As used in this section and ORS 459A.757 and 459A.759:

- (1) "Garment bag" means a large bag that incorporates a hanger on which garments may be hung to prevent wrinkling during travel or storage.
- (2) "Local provision" means a charter provision, ordinance, resolution or other provision adopted by a city, county or other local government, as defined in ORS 174.116.
- (3) "Nonwood renewable fiber" means plant-based fiber other than fiber derived from a tree.
- (4) "Recycled paper checkout bag" means a paper bag that contains:
 - (a) At least 40 percent post-consumer recycled fiber;
 - (b) At least 40 percent nonwood renewable fiber; or
 - (c) A combination of post-consumer recycled fiber and nonwood renewable fiber that totals at least 40 percent.
- (5) "Restaurant" means an establishment where the primary business is the preparation of food or drink:
 - (a) For consumption by the public;
 - (b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
 - (c) In consumable form for consumption outside the place where prepared.
- (6) "Retail establishment" means a store that sells or offers for sale goods at retail and that is not a restaurant.
 - [(7) "*Reusable fabric checkout bag*" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine-washable fabric.]
 - [(8) "*Reusable plastic checkout bag*" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.]
 - [(9)(a)] **(7)(a)** "Single-use checkout bag" means a bag made of paper, plastic or any other material that is provided by a retail establishment **or restaurant** to a customer at the time of checkout, and that is not a recycled paper checkout bag[, a reusable fabric checkout bag or a reusable plastic checkout bag].
 - (b) "Single-use checkout bag" does not mean:

(A) A bag that is provided by a retail establishment to a customer at a time other than the time of checkout, including but not limited to bags provided to:

(i) Package bulk items such as fruit, vegetables, nuts, grains, greeting cards or small hardware items, including nails, bolts or screws;

(ii) Contain or wrap frozen food, meat, fish, flowers, a potted plant or another item for the purpose of addressing dampness or sanitation;

(iii) Contain unwrapped prepared food or a bakery good; or

(iv) Contain a prescription drug;

(B) A newspaper bag, door hanger bag, garment bag, laundry bag or dry cleaning bag; or

(C) A bag sold in a package containing multiple bags for uses such as food storage, garbage containment or pet waste collection.

SECTION 2. ORS 459A.757 is amended to read:

459A.757. (1) Except as provided in subsection (2) of this section, a retail establishment may not provide:

(a) Single-use checkout bags to customers.

(b) Recycled paper checkout bags[, *reusable fabric checkout bags or reusable plastic checkout bags*] to customers unless the retail establishment charges not less than five cents for each recycled paper checkout bag[, *reusable fabric checkout bag or reusable plastic checkout bag*].

(2) A retail establishment may provide[.]

[*(a) Reusable fabric checkout bags at no cost to customers as a promotion on 12 or fewer days in a calendar year.*]

[*(b)*] recycled paper checkout bags [*or reusable plastic checkout bags*] at no cost to customers who:

[*(A)*] **(a)** Use a voucher issued under the Women, Infants and Children Program established under ORS 413.500.

[*(B)*] **(b)** Use an electronic benefits transfer card issued by the Department of Human Services.

[*(3) Except as provided in subsection (4) of this section, a restaurant may not provide:*]

[*(a) single-use checkout bags to customers.*]

[*(b) Reusable plastic checkout bags to customers unless the restaurant charges not less than five cents for each reusable plastic checkout bag.*]

(3) A restaurant may not provide single-use checkout bags to customers.

(4) A restaurant may provide[.]

[*(a)*] recycled paper checkout bags at no cost to customers.

[*(b) Reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Department of Human Services.*]

SECTION 3. ORS 459A.759 is amended to read:

459A.759. To prohibit or limit the use of recycled paper checkout bags[, *reusable fabric checkout bags, reusable plastic checkout bags*] or single-use checkout bags by a restaurant or retail establishment, a city, county or other local government, as defined in ORS 174.116:

(1) May adopt a local provision that establishes definitions, requirements and restrictions that are identical to the definitions, requirements and restrictions established by ORS 459A.755 and 459A.757.

(2) May amend a local provision [*that was in effect before January 1, 2020,*] so the local provision establishes definitions, requirements and restrictions that are identical to the definitions, requirements and restrictions established by ORS 459A.755 and 459A.757.

(3) May adopt, amend or enforce a local provision to impose a penalty other than the penalty established by ORS 459.993. A restaurant or retail establishment may be charged with a violation under either the local provision or ORS 459.993, but not both.

(4) May not adopt or enforce a local provision that establishes definitions, requirements or restrictions that are not identical to the definitions, requirements and restrictions established by ORS 459A.755 and 459A.757.

(5) Notwithstanding subsection (4) of this section, may adopt, amend or enforce a local provision to require a restaurant or retail establishment to charge a fee of more than five cents under provisions otherwise identical to ORS 459A.757 (1)(b) [and (3)(b)].

SECTION 4. The amendments to ORS 459A.755, 459A.757 and 459A.759 by sections 1 to 3 of this 2025 Act become operative on January 1, 2027.

Passed by Senate March 11, 2025

Received by Governor:

Repassed by Senate May 27, 2025

.....M.,....., 2025

Approved:

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Obadiah Rutledge, Secretary of Senate

.....M.,....., 2025

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Rob Wagner, President of Senate

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Tina Kotek, Governor

Passed by House May 21, 2025

Filed in Office of Secretary of State:

.....M.,....., 2025

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Julie Fahey, Speaker of House

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Tobias Read, Secretary of State