

Senate Bill 551

Sponsored by Senator SOLLMAN, Representatives NERON, ANDERSEN; Senators PATTERSON, REYNOLDS, Representatives FRAGALA, GAMBA, GOMBERG, HUDSON, LIVELY, NOSSE (Presession 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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act puts restrictions on some plastic products. (Flesch Readability Score: 71.8).

Prohibits restaurants and retailers from providing reusable plastic checkout bags to consumers. Prohibits food and beverage providers and convenience stores from providing single-use plastic utensils or single-use condiment packaging to consumers unless requested.

Prohibits lodging establishments from providing small plastic personal health or beauty product containers unless requested.

A BILL FOR AN ACT

1
2 Relating to plastic waste; creating new provisions; amending ORS 459A.755, 459A.757, 459A.759 and
3 616.892; and repealing ORS 616.894.

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

PLASTIC CHECKOUT BAGS

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7
8 **SECTION 1.** ORS 459A.755 is amended to read:

9 459A.755. As used in this section and ORS 459A.757 and 459A.759:

10 (1) "Garment bag" means a large bag that incorporates a hanger on which garments may be
11 hung to prevent wrinkling during travel or storage.

12 (2) "Local provision" means a charter provision, ordinance, resolution or other provision
13 adopted by a city, county or other local government, as defined in ORS 174.116.

14 (3) "Nonwood renewable fiber" means plant-based fiber other than fiber derived from a tree.

15 (4) "Recycled paper checkout bag" means a paper bag that contains:

16 (a) At least 40 percent post-consumer recycled fiber;

17 (b) At least 40 percent nonwood renewable fiber; or

18 (c) A combination of post-consumer recycled fiber and nonwood renewable fiber that totals at
19 least 40 percent.

20 (5) "Restaurant" means an establishment where the primary business is the preparation of food
21 or drink:

22 (a) For consumption by the public;

23 (b) In a form or quantity that is consumable then and there, whether or not it is consumed
24 within the confines of the place where prepared; or

25 (c) In consumable form for consumption outside the place where prepared.

26 (6) "Retail establishment" means a store that sells or offers for sale goods at retail and that is
27 not a restaurant.

28 (7) "Reusable fabric checkout bag" means a bag with handles that is specifically designed and

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 manufactured for multiple reuse and is made of cloth or other machine-washable fabric.

2 [(8) *“Reusable plastic checkout bag” means a bag with handles that is specifically designed and*
3 *manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.*]

4 [(9)(a)] (8)(a) “Single-use checkout bag” means a bag made of paper, plastic or any other mate-
5 rial that is provided by a retail establishment **or restaurant** to a customer at the time of checkout,
6 and that is not a recycled paper checkout bag[,] **or** a reusable fabric checkout bag [*or a reusable*
7 *plastic checkout bag*].

8 (b) “Single-use checkout bag” does not mean:

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

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

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

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

16 (iv) Contain a prescription drug;

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

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

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

21 459A.757. (1) Except as provided in subsection (2) of this section, a retail establishment may not
22 provide:

23 (a) Single-use checkout bags to customers.

24 (b) Recycled paper checkout bags[,] **or** reusable fabric checkout bags [*or reusable plastic check-*
25 *out bags*] to customers unless the retail establishment charges not less than five cents for each re-
26 cycled paper checkout bag[,] **or** reusable fabric checkout bag [*or reusable plastic checkout bag*].

27 (2) A retail establishment may provide:

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

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

31 (A) Use a voucher issued under the Women, Infants and Children Program established under
32 ORS 413.500.

33 (B) Use an electronic benefits transfer card issued by the Department of Human Services.

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

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

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

38 (4) A restaurant may provide[:]

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

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

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

43 459A.759. To prohibit or limit the use of recycled paper checkout bags, reusable fabric checkout
44 bags[, *reusable plastic checkout bags*] or single-use checkout bags by a restaurant or retail estab-
45 lishment, a city, county or other local government, as defined in ORS 174.116:

1 (1) May adopt a local provision that establishes definitions, requirements and restrictions that
 2 are identical to the definitions, requirements and restrictions established by ORS 459A.755 and
 3 459A.757.

4 (2) May amend a local provision that was in effect before January 1, 2020, so the local provision
 5 establishes definitions, requirements and restrictions that are identical to the definitions, require-
 6 ments and restrictions established by ORS 459A.755 and 459A.757.

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

10 (4) May not adopt or enforce a local provision that establishes definitions, requirements or re-
 11 strictions that are not identical to the definitions, requirements and restrictions established by ORS
 12 459A.755 and 459A.757.

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

16 **SECTION 4. Notwithstanding ORS 459A.759 (4), on or after July 1, 2026, and before Jan-**
 17 **uary 2, 2027, a city, county or other local government, as defined in ORS 174.116, may enforce**
 18 **a local provision that establishes definitions, requirements or restrictions that are not iden-**
 19 **tical to the definitions, requirements and restrictions established by ORS 459A.755 and**
 20 **459A.757 if:**

21 (1) **The local provision’s definitions, requirements and restrictions were, on the effective**
 22 **date of this 2025 Act, identical to the definitions, requirements and restrictions established**
 23 **in ORS 459A.755 and 459A.757 as those statutes existed immediately before the effective date**
 24 **of this 2025 Act; and**

25 (2) **The local provision’s definitions, requirements and restrictions are no longer identical**
 26 **to the definitions, requirements and restrictions established in ORS 459A.755 and 459A.757**
 27 **because of the amendments to ORS 459A.755 and 459A.757 by sections 1 and 2 of this 2025**
 28 **Act.**

29 **SECTION 5. Section 4 of this 2025 Act is repealed on January 2, 2027.**

30 **SECTION 6. The amendments to ORS 459A.755, 459A.757 and 459A.759 by sections 1 to 3**
 31 **of this 2025 Act become operative on July 1, 2026.**

32
 33 **SINGLE-USE PLASTIC UTENSILS AND CONDIMENTS**

34
 35 **SECTION 7.** ORS 616.892 is amended to read:

36 616.892. (1) As used in this section:

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

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

41 (c) “Enforcement officer” means an authorized representative of the State Department of Agri-
 42 culture who conducts inspections under ORS 616.286 or an authorized representative of the Director
 43 of the Oregon Health Authority or of a local government who conducts inspections under ORS
 44 624.010 to 624.121 or 624.310 to 624.430.

45 (d)(A) “Food and beverage provider” means a business that, for compensation, offers or serves

1 food or beverages to a consumer.

2 (B) "Food and beverage provider" does not include a health care facility, as defined in ORS
3 442.015, or a residential care facility, as defined in ORS 443.400, that provides single-use plastic
4 straws to patients or residents.

5 (e) **"Single-use condiment packaging" means plastic packaging used to deliver to a con-**
6 **sumer a single serving of a condiment, including but not limited to single-serving plastic**
7 **packaging for ketchup, mustard, relish, mayonnaise, hot sauce, coffee creamer, salad dress-**
8 **ing, jelly, jam and soy sauce.**

9 [(e)(A)] (f)(A) "Single-use plastic straw" means a tube made primarily from plastic that is de-
10 rived from petroleum or a biologically based polymer, such as corn or another plant source, and that
11 is intended:

12 (i) To transfer liquid from a container to a consumer's mouth;

13 (ii) For a single use; and

14 (iii) For disposal after the single use.

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

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

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

20 (g)(A) **"Single-use plastic utensil" means a spoon, knife, fork, chopstick or other utensil**
21 **made primarily from plastic that is derived from petroleum or a biologically based polymer**
22 **and that is intended:**

23 (i) **To be used for consuming food;**

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

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

26 (B) **"Single use plastic utensil" does not include a utensil made from materials other than**
27 **plastic.**

28 (2)(a) A food and beverage provider or convenience store may not provide a single-use plastic
29 straw, **a single-use plastic utensil or single-use condiment packaging** to a consumer unless the
30 consumer specifically requests the single-use plastic straw, **single-use plastic utensil or single-use**
31 **condiment packaging.**

32 (b) Notwithstanding the prohibition in paragraph (a) of this subsection, a consumer may request,
33 and a food and beverage provider or a convenience store may offer to the consumer, a single-use
34 plastic straw, **single-use plastic utensil or single-use condiment packaging** in an area of the food
35 service provider's or convenience store's premises in which the consumer may receive a delivery of
36 prepared food or a beverage while seated in or on a vehicle.

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

39 (A) Sells or offers single-use plastic straws, **single-use plastic utensils or single-use condi-**
40 **ment packaging** for sale in bulk or unconnected with a sale or provision of food or a beverage; or

41 (B) Makes single-use plastic straws, **single-use plastic utensils or single-use condiment**
42 **packaging** available to consumers in an unattended location, provided that the convenience store
43 may leave the single-use plastic straws, **single-use plastic utensils or single-use condiment**
44 **packaging** in an unattended location only if the convenience store does not have space in which to
45 store the single-use plastic straws, **single-use plastic utensils or single-use condiment packaging**

1 in a location where employees of the convenience store provide service to consumers.

2 (3) An enforcement officer may enforce subsection (2) of this section in the course of conducting
 3 an inspection. A food and beverage provider or a convenience store that violates subsection (2) of
 4 this section is subject to a notice for a first and second violation and, for subsequent violations, to
 5 a fine of not more than \$25 for each day in which the food and beverage provider or convenience
 6 store remains in violation of subsection (2) of this section. The enforcement officer may not impose
 7 total fines of more than \$300 during a calendar year for a food and beverage provider’s or a con-
 8 venience store’s violation of subsection (2) of this section.

9 **SECTION 8. ORS 616.894 is repealed.**

10 **SECTION 9. The amendments to ORS 616.892 by section 7 of this 2025 Act become oper-**
 11 **ative on July 1, 2026.**

12
 13 **SINGLE-USE PLASTIC HEALTH OR BEAUTY PRODUCTS**

14
 15 **SECTION 10. (1) As used in this section:**

16 (a)(A) “Lodging establishment” means an establishment that contains 50 or more sleep-
 17 ing room accommodations that are rented or otherwise provided to the public on a tempo-
 18 rary basis, including but not limited to a hotel, motel, resort, bed and breakfast, inn,
 19 timeshare property, short-term rental or vacation rental.

20 (B) “Lodging establishment” does not include a hospital, nursing home, residential re-
 21 tirement community, prison, jail, homeless shelter, boarding school, long-term rental or
 22 worker housing.

23 (b) “Lodging unit” means one self-contained unit of a lodging establishment.

24 (c) “Personal health or beauty product” means:

25 (A) Shampoo, hair conditioner, soap, body wash, shower gel or any other product that is
 26 intended to serve the same function as soap and is intended to be applied to or used on the
 27 human body;

28 (B) Lotion; or

29 (C) Hand sanitizer.

30 (d) “Small plastic personal health or beauty product container” means a plastic bottle,
 31 tube, sachet or other plastic container with less than a six-ounce capacity that is not in-
 32 tended to be reusable by the end user and that contains a personal health or beauty product.

33 (2) Except upon request, a lodging establishment may not provide for the use of any
 34 person a personal health or beauty product in a small plastic personal health or beauty
 35 product container, a plastic wrapper or any other single-use plastic packaging.

36 (3) Nothing in this section:

37 (a) Restricts the use of plastic refillable containers for bulk personal health or beauty
 38 products.

39 (b) Restricts the use of single-use personal health or beauty product containers, wrap-
 40 pers, or packaging that are not made with plastic.

41 (c) Requires the use of refillable bulk personal health or beauty product dispensers.

42 (4) The Environmental Quality Commission may adopt rules as necessary to implement
 43 and enforce this section.

44 **SECTION 11. (1) The Department of Environmental Quality shall have the power to enter**
 45 **upon and inspect, at any reasonable time, any public or private property, premises or place**

1 for the purpose of investigating either an actual or suspected violation of section 10 of this
2 2025 Act or rules adopted under section 10 of this 2025 Act.

3 (2) In accordance with the applicable provisions of ORS chapter 183 relating to contested
4 case proceedings, the department may issue an order requiring compliance with section 10
5 of this 2025 Act or rules adopted under section 10 of this 2025 Act.

6 (3) Before issuing a civil penalty as provided in subsection (4) of this section, the de-
7 partment shall issue a written notice to a lodging establishment found to violate the re-
8 quirements of section 10 of this 2025 Act or rules adopted under section 10 of this 2025 Act.
9 The written notice must include:

10 (a) A description of the violation; and

11 (b) A statement that the lodging establishment may be issued a civil penalty if the vio-
12 lation is not cured within a specified period of time.

13 (4) In accordance with the applicable provisions of ORS chapter 183 relating to contested
14 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS
15 468.130, the department may issue civil penalties for violations of section 10 of this 2025 Act
16 and any rule or order adopted or issued pursuant to section 10 of this 2025 Act or this sec-
17 tion. All penalties recovered for violations of section 10 of this 2025 Act or rules or orders
18 adopted or issued pursuant to section 10 of this 2025 Act or this section shall be paid into
19 the State Treasury and credited to the General Fund.

20 **SECTION 12.** (1) Sections 10 and 11 of this 2025 Act become operative on January 1, 2027.

21 (2) The Department of Environmental Quality and the Environmental Quality Commis-
22 sion may take any action before the operative date specified in subsection (1) of this section
23 that is necessary to enable the department and the commission to exercise, on and after the
24 operative date specified in subsection (1) of this section, all of the duties, functions and
25 powers conferred on the department and the commission by sections 10 and 11 of this 2025
26 Act.

27 **SECTION 13.** Section 10 of this 2025 Act is amended to read:

28 **Sec. 10.** (1) As used in this section:

29 (a)(A) "Lodging establishment" means an establishment that contains [50] **one** or more sleeping
30 room accommodations that are rented or otherwise provided to the public on a temporary basis,
31 including but not limited to a hotel, motel, resort, bed and breakfast, inn, timeshare property,
32 short-term rental or vacation rental.

33 (B) "Lodging establishment" does not include a hospital, nursing home, residential retirement
34 community, prison, jail, homeless shelter, boarding school, long-term rental or worker housing.

35 (b) "Lodging unit" means one self-contained unit of a lodging establishment.

36 (c) "Personal health or beauty product" means:

37 (A) Shampoo, hair conditioner, soap, body wash, shower gel or any other product that is in-
38 tended to serve the same function as soap and is intended to be applied to or used on the human
39 body;

40 (B) Lotion; or

41 (C) Hand sanitizer.

42 (d) "Small plastic personal health or beauty product container" means a plastic bottle, tube,
43 sachet or other plastic container with less than a six-ounce capacity that is not intended to be re-
44 usable by the end user and that contains a personal health or beauty product.

45 (2) Except upon request, a lodging establishment may not provide for the use of any person a

1 personal health or beauty product in a small plastic personal health or beauty product container,
2 a plastic wrapper or any other single-use plastic packaging.

3 (3) Nothing in this section:

4 (a) Restricts the use of plastic refillable containers for bulk personal health or beauty products.

5 (b) Restricts the use of single-use personal health or beauty product containers, wrappers, or
6 packaging that are not made with plastic.

7 (c) Requires the use of refillable bulk personal health or beauty product dispensers.

8 (4) The Environmental Quality Commission may adopt rules as necessary to implement and en-
9 force this section.

10 **SECTION 14. The amendments to section 10 of this 2025 Act by section 13 of this 2025**
11 **Act become operative on January 1, 2028.**

12 **SECTION 15. The unit captions used in this 2025 Act are provided only for the conven-**
13 **ience of the reader and do not become part of the statutory law of this state or express any**
14 **legislative intent in the enactment of this 2025 Act.**

15