

Requested by Representative NERON

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3018**

1 On page 1 of the printed bill, delete lines 5 through 27 and delete pages  
2 2 through 6 and insert:

3

4

**“FOOD WASTE DISPOSAL**

5

6 **“SECTION 1. Sections 2 to 6 of this 2025 Act are added to and made**  
7 **a part of ORS 459A.005 to 459A.665.**

8

**“SECTION 2. As used in sections 2 to 6 of this 2025 Act:**

9

**“(1)(a) ‘Covered entity’ means a person that cooks, assembles, pro-**  
10 **cesses, serves or sells food.**

11

**“(b) ‘Covered entity’ does not include individuals or households.**

12

**“(2)(a) ‘Food waste’ means solid waste consisting of discarded food.**

13

**“(b) ‘Food waste’ does not include:**

14

**“(A) Food that is fit for human consumption and accepted for do-**  
15 **nation by a charitable organization;**

16

**“(B) Food collected to feed animals in compliance with all applica-**  
17 **ble laws;**

18

**“(C) Liquids, oils, bones or meats collected for rendering, fuel pro-**  
19 **duction or other nondisposal applications;**

20

**“(D) Food by-products that are not readily compostable;**

21

**“(E) Food that:**

1       “(i) Has been recalled for safety reasons; and  
2       “(ii) The State Department of Agriculture or another government  
3 agency has directed to be disposed of by a means other than  
4 composting; or

5       “(F) Food that a covered entity composts on-site.

6       “SECTION 3. (1) A covered entity shall, for each site owned or op-  
7 erated by the covered entity that generates more than 1,000 pounds  
8 of food waste per week:

9       “(a) Recover food waste that is controlled by the employees or  
10 agents of the covered entity, but not including food waste discarded  
11 by the covered entity’s customers or other individuals served by the  
12 covered entity;

13       “(b) Source separate food waste for collection;

14       “(c) Correctly label food waste collection containers; and

15       “(d) Arrange for food waste to be collected and transported to a  
16 facility authorized to accept food waste for composting or authorized  
17 to collect food waste for transfer to an authorized composting facility.

18       “(2) Notwithstanding subsection (1)(a) of this section, a covered  
19 entity subject to the requirements of this section may implement a  
20 system for the individuals that are served by the covered entity to  
21 separate food waste from other solid waste. The system must be de-  
22 signed to ensure that food waste is not contaminated with other solid  
23 waste.

24       “(3) A person that owns or controls premises on which a covered  
25 entity generates food waste shall allow, and make reasonable accom-  
26 modations for, the covered entity to comply with the requirements of  
27 this section.

28       “(4) The Environmental Quality Commission may adopt rules as  
29 necessary to implement and enforce this section. Rules adopted under  
30 this section may include, but need not be limited to, rules establishing

1 the types of bio-based, biodegradable or compostable materials and  
2 bags that may be included with separated food waste.

3 **“SECTION 4.** The Department of Environmental Quality, in coor-  
4 dination with the State Department of Agriculture, shall establish a  
5 program to educate covered entities on the requirements of section 3  
6 of this 2025 Act. Under the program, the Department of Environmental  
7 Quality may:

8 **“(1) Notify covered entities of the requirements of section 3 of this**  
9 **2025 Act.**

10 **“(2) Provide technical support to covered entities on the imple-**  
11 **mentation of food waste separation systems that satisfy the require-**  
12 **ments of section 3 of this 2025 Act.**

13 **“(3) Provide education to covered entities on food waste reduction**  
14 **and donation of food that is fit for human consumption.**

15 **“(4) Provide education to covered entities on reducing contam-**  
16 **ination of separated food waste with nonfood items.**

17 **“SECTION 5. (1) The Department of Environmental Quality shall**  
18 **have the power to enter upon and inspect, at any reasonable time, any**  
19 **public or private property, premises or place for the purpose of inves-**  
20 **tigating an actual or suspected violation of section 3 of this 2025 Act**  
21 **or a rule adopted under section 3 of this 2025 Act.**

22 **“(2) The department may enter into an intergovernmental agree-**  
23 **ment with any state government agency or local government agency**  
24 **to inspect covered entities and report to the department actual or**  
25 **suspected violations of section 3 of this 2025 Act or rules adopted under**  
26 **section 3 of this 2025 Act.**

27 **“(3) In accordance with the applicable provisions of ORS chapter 183**  
28 **relating to contested case proceedings, and in accordance with ORS**  
29 **468.130 and rules adopted pursuant to ORS 468.130, the department may**  
30 **issue civil penalties for violations of section 3 of this 2025 Act and rules**

1 adopted under section 3 of this 2025 Act. All penalties recovered for  
2 violations of section 3 of this 2025 Act or rules adopted under section  
3 3 of this 2025 Act shall be paid into the State Treasury and credited  
4 to the General Fund.

5 “(4) A covered entity is exempt from the requirements of section 3  
6 of this 2025 Act if the covered entity is subject to an ordinance, rule  
7 or regulation of a city, county or metropolitan service district that  
8 requires the covered entity to separate food waste for recovery and  
9 arrange for food waste to be transported to a facility authorized to  
10 accept food waste.

11 “(5)(a) The Environmental Quality Commission may establish by  
12 rule criteria and procedures for temporary and renewable waivers from  
13 the requirements of sections 2 to 6 of this 2025 Act.

14 “(b) Factors the department may consider when granting a waiver  
15 to a covered entity under this subsection may include, but need not  
16 be limited to:

17 “(A) Whether facilities authorized to accept food waste from the  
18 covered entity are unable to receive the covered entity’s food waste;  
19 and

20 “(B) Whether compliance with the requirements of section 3 of this  
21 2025 Act would create a conflict with another applicable law.

22 “(c) Rules adopted under this section must require the department  
23 to grant a waiver to covered entities located within a city, county or  
24 metropolitan service district responsible for solid waste management  
25 that is unable to award a new or expanded franchise for the collection  
26 of food waste necessary to meet the requirements of sections 2 to 6  
27 of this 2025 Act.

28 “SECTION 6. In addition to the requirements of ORS 459A.005 and  
29 459A.007, a city, county or metropolitan service district responsible for  
30 solid waste management shall provide collection service to covered

1 entities described in section 3 of this 2025 Act within the city, county  
2 or metropolitan service district.

3 **“SECTION 7.** A city, county or metropolitan service district re-  
4 sponsible for solid waste management shall ensure that collection  
5 service is provided under section 6 of this 2025 Act no later than June  
6 30, 2028.

7 **“SECTION 8. (1)** An agency of state government, as defined in ORS  
8 174.111, that procures compost products shall prioritize the procure-  
9 ment of compost products derived from a feedstock type that includes  
10 dead animals, meat, source separated mixed food waste and indus-  
11 trially produced nonvegetative food waste.

12 **“(2)** An agency of state government, as defined in ORS 174.111, shall  
13 require in any contract with a vendor that involves the purchase or  
14 use of a compost product that the vendor prioritize the purchase and  
15 use of compost products derived from a feedstock type that includes  
16 dead animals, meat, source separated mixed food waste and indus-  
17 trially produced nonvegetative food waste.

18 **“SECTION 9.** Section 3 of this 2025 Act does not apply to covered  
19 entities that are located more than 75 miles from a facility authorized  
20 to accept food waste for composting or authorized to collect food waste  
21 for transfer to an authorized composting facility.

22 **“SECTION 10.** Section 9 of this 2025 Act is repealed on January 2,  
23 2032.

24 **“SECTION 11.** Section 3 of this 2025 Act applies to covered entities  
25 that generate food waste on or after January 1, 2029.

26 **“SECTION 12.** Section 3 of this 2025 Act is amended to read:

27 **“Sec. 3. (1)** A covered entity shall, for each site owned or operated by the  
28 covered entity that generates more than [1,000] 500 pounds of food waste per  
29 week:

30 **“(a)** Recover food waste that is controlled by the employees or agents of

1 the covered entity, but not including food waste discarded by the covered  
2 entity’s customers or other individuals served by the covered entity;

3 “(b) Source separate food waste for collection;

4 “(c) Correctly label food waste collection containers; and

5 “(d) Arrange for food waste to be collected and transported to a facility  
6 authorized to accept food waste for composting or authorized to collect food  
7 waste for transfer to an authorized composting facility.

8 “(2) Notwithstanding subsection (1)(a) of this section, a covered entity  
9 subject to the requirements of this section may implement a system for the  
10 individuals that are served by the covered entity to separate food waste from  
11 other solid waste. The system must be designed to ensure that food waste is  
12 not contaminated with other solid waste.

13 “(3) A person that owns or controls premises on which a covered entity  
14 generates food waste shall allow, and make reasonable accommodations for,  
15 the covered entity to comply with the requirements of this section.

16 “(4) The Environmental Quality Commission may adopt rules as necessary  
17 to implement and enforce this section. Rules adopted under this section may  
18 include, but need not be limited to, rules establishing the types of bio-based,  
19 biodegradable or compostable materials and bags that may be included with  
20 separated food waste.

21 **“SECTION 13. The amendments to section 3 of this 2025 Act by**  
22 **section 12 of this 2025 Act become operative on January 1, 2030.**

23

24 **“FOOD LABELING**

25

26 **“SECTION 14.** ORS 616.805 is amended to read:

27 “616.805. As used in ORS 616.800 to 616.835 and 616.994, unless the context  
28 requires otherwise:

29 “(1)(a) ‘Food’ means any substance used or intended to be used for human  
30 consumption as food, drink or condiment.

1       **“(b) ‘Food’ does not include:**

2       **“(A) Any article containing cannabis;**

3       **“(B) Infant formula; or**

4       **“(C) Dietary supplements.**

5       *“[(2) ‘Open date’ means a date clearly visible to retail consumers showing*  
6 *the pull date, packing date or other date described in ORS 616.835 (2).]*

7       **“(2) ‘Food establishment’ has the meaning given that term in ORS**  
8 **616.205.**

9       “(3) ‘Packing date’ means the date specifying the time a perishable food  
10 was packaged in its final form for sale to the consumer.

11       “(4) ‘Perishable food’ means any food that may spoil or otherwise become  
12 unfit for human consumption because of its nature, type or physical condi-  
13 tion. ‘Perishable food’ includes, but is not limited to, fresh or processed  
14 meats, poultry, seafood, dairy products, bakery products, eggs in the shell,  
15 and foods that have been packaged or refrigerated. ORS 616.800 to 616.835  
16 and 616.994 shall not apply to fresh fruits or vegetables or to foods that have  
17 been canned or frozen.

18       *“[(5) ‘Pull date’ means, whichever is earlier, the date specifying the time:]*

19       *“[(a) The perishable food manufacturer, processor or packager recommends*  
20 *that a perishable food should be removed from retail sale, allowing the con-*  
21 *sumer time for normal home consumption or use under proper care and storage*  
22 *conditions; or]*

23       *“[(b) A perishable food should no longer be offered for sale or sold as fresh.*  
24 *A perishable food shall be considered fresh only so long as significant changes*  
25 *in appearance, taste, odor, nutritional value, or other indicia of quality or fit-*  
26 *ness for human consumption have not taken place or are not likely to have*  
27 *taken place under generally accepted food handling practices for that partic-*  
28 *ular food.]*

29       **“(5) ‘Quality date’ means a date on a label affixed to the packaging**  
30 **or container of food that communicates to consumers the date after**

1 which the food quality may begin to deteriorate but the food may still  
2 be acceptable for consumption.

3 “(6) ‘Safety date’ means a date on a label affixed to the packaging  
4 or container of food that communicates to consumers that the food  
5 should be consumed, or frozen, if appropriate, by the date listed on the  
6 package.

7 “SECTION 15. Section 16 of this 2025 Act is added to and made a  
8 part of ORS 616.800 to 616.835.

9 “SECTION 16. (1) A food establishment responsible for the labeling  
10 of food that is required by any law, including ORS 616.815 or rules  
11 adopted under ORS 616.835, or that chooses to display a date label to  
12 communicate a quality or safety date on food shall use one of the  
13 following uniform terms on the date label:

14 “(a) ‘BEST if Used by’ or ‘BEST if Used or Frozen by’ to indicate  
15 the quality date of the food.

16 “(b) ‘USE by’ or ‘USE or Freeze by’ to indicate the safety date of  
17 the food.

18 “(c) ‘BB’ to indicate the quality date of the food if the food is too  
19 small to include the uniform term described in paragraph (a) of this  
20 subsection.

21 “(d) ‘UB’ to indicate the safety date of the food if the food is too  
22 small to include the uniform term described in paragraph (b) of this  
23 subsection.

24 “(2) A person may not sell or offer for sale in or into this state food  
25 that is not labeled in accordance with subsection (1) of this section.

26 “(3) A person may not sell or offer for sale in or into this state food  
27 that is labeled with the phrase ‘Sell by.’

28 “(4) This section does not prohibit the use or display of a label that  
29 allows consumers to view online information about the food.

30 “(5) This section does not apply to the extent that any law govern-



1 **ing the labeling of shellfish requires the use of terms that are incon-**  
2 **sistent with this section.**

3 **“SECTION 17.** ORS 616.815 is amended to read:

4 “616.815. [No person shall] **A person may not** sell or offer for sale at  
5 retail any packaged perishable food unless the package bears a clearly  
6 marked, printed or stamped label showing the [open date] **quality date or**  
7 **safety date** for the perishable food in the package. Such label shall be so  
8 designed and placed as to be clearly visible to the consumer.

9 **“SECTION 18.** ORS 616.825 is amended to read:

10 “616.825. (1) [No person shall] **A person may not** sell or offer for sale  
11 at retail any packaged perishable food after the expiration of the [open  
12 pull] **safety** date appearing on the label of the package or container unless:

13 “(a) The package has been separated from packages of perishable food  
14 with [open pull] **safety** dates that have not expired;

15 “(b) Each such package or group of packages is clearly identified in retail  
16 display as having an expired [open pull] **safety** date; and

17 “(c) The food is fit for human consumption according to applicable state  
18 and federal law.

19 “(2) Notwithstanding the provisions of this section, a vendor shall be al-  
20 lowed the first eight business hours after the expiration of the [open pull]  
21 **safety** date within which to remove all packages with an expired [pull]  
22 **safety** date.

23 **“SECTION 19.** ORS 616.830 is amended to read:

24 “616.830. [No person shall] **A person may not:**

25 “(1) Alter, deface or remove the [open] **quality date or safety** date from  
26 any perishable food retail or shipping package carton, container or wrapper.

27 “(2) Label any perishable food retail or shipping package carton, con-  
28 tainer or wrapper in a manner that does not conform to the rules  
29 promulgated pursuant to ORS 616.835.

30 **“SECTION 20.** ORS 616.835 is amended to read:

1 “616.835. In accordance with any applicable provision of ORS chapter 183,  
2 the State Department of Agriculture, in consultation with the industries af-  
3 fected, shall promulgate rules to carry out ORS 616.800 to 616.835 and  
4 616.994. Such rules shall include, but are not limited to:

5 “(1) Establishing which particular foods are subject to ORS 616.800 to  
6 616.835 and 616.994.

7 “(2) Establishing which one or more of the following types of *[open date]*  
8 **dates** is to be used for particular groups or classes of perishable foods:

9 “[*(a) The packing date.*]

10 “[*(b) The pull date.*]

11 “**(a) The quality date.**

12 “**(b) The safety date.**

13 “**(c) The packing date in addition to the quality date or safety date.**

14 “[*(c)*] **(d)** The date on which fowl, including chickens, fryers, turkeys,  
15 ducks, geese and other domesticated birds, are killed or slaughtered to be  
16 processed into perishable food.

17 “(3) Specifying the size, content and form of the labeling information re-  
18 quired by ORS 616.800 to 616.835 and 616.994.

19 “(4) Exempting from the operation of ORS 616.800 to 616.835 and 616.994  
20 those perishable foods for which *[open]* **quality date or safety** date labeling  
21 would be:

22 “(a) Impractical or not meaningful because of the size of the package or  
23 the nature of the perishable food; **or**

24 “(b) Possibly unconstitutional as interference with the free movement of  
25 goods in interstate commerce.

26 “**SECTION 21. ORS 616.800 is repealed.**

27 “**SECTION 22. (1) Section 16 of this 2025 Act, the amendments to**  
28 **ORS 616.805, 616.815, 616.825, 616.830 and 616.835 by sections 14 and 17**  
29 **to 20 of this 2025 Act and the repeal of ORS 616.800 by section 21 of this**  
30 **2025 Act become operative on July 1, 2027.**

1 “(2) The State Department of Agriculture may take any action be-  
2 fore the operative date specified in subsection (1) of this section that  
3 is necessary to enable the department to exercise, on and after the  
4 operative date specified in subsection (1) of this section, all of the du-  
5 ties, functions and powers conferred on the department by section 16  
6 of this 2025 Act, the amendments to ORS 616.805, 616.815, 616.825,  
7 616.830 and 616.835 by sections 14 and 17 to 20 of this 2025 Act and the  
8 repeal of ORS 616.800 by section 21 of this 2025 Act.

9

10

**“CAPTIONS**

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12 “SECTION 23. The unit captions used in this 2025 Act are provided  
13 only for the convenience of the reader and do not become part of the  
14 statutory law of this state or express any legislative intent in the  
15 enactment of this 2025 Act.

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**“EFFECTIVE DATE**

18

19 “SECTION 24. This 2025 Act takes effect on the 91st day after the  
20 date on which the 2025 regular session of the Eighty-third Legislative  
21 Assembly adjourns sine die.”.

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