

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 3 - 2 - 0

Yeas: Hass, Prozanski, Dingfelder

Nays: Olsen, Thomsen

Exc.: 0

Prepared By: Beth Patrino, Administrator

Meeting Dates: 2/8, 3/3, 4/21

WHAT THE MEASURE DOES: Prohibits retail establishment from providing single use checkout bags to customers. Allows retail establishment to provide reusable checkout bags available for sale or at no cost; recycled paper checkout bags at no cost to customers using voucher under Women, Infants and Children Program and customers who use electronic benefit cards; recycled paper checkout bags if charge not less than 5 cents per bag; single use checkout bags for items marked with protected health information or other confidential information; and single use checkout bags to customers for fresh meat or seafood that establishment packs in ice. Defines “retail establishment” as any store that sells or offers for sale goods at retail, not including establishment where primary business is preparation of food and drink. Authorizes Department of Environmental Quality (DEQ) to impose civil penalty on retail establishment for violation not to exceed \$250 per day. Each day constitutes separate violation. Prohibits local government from imposing tax, fee, assessment, surcharge or other charge on recycled paper, reusable, single use or any other checkout bags provided by a retail establishment to customer. Repeals ORS 459A.695. Declares emergency; effective upon passage.

ISSUES DISCUSSED:

- Percentage of litter made up of plastic bags
- How plastic bags deposited in curbside bins affect sorting equipment
- Importance of statewide approach
- Rates of plastic bag recycling and options for recycling
- Cost of paper versus plastic bag

EFFECT OF COMMITTEE AMENDMENT: Clarifies that retail establishments may provide single use checkout bags at no cost for items marked with protected health information or other confidential information. Allows retail establishments to provide single use checkout bags at no cost to customers for fresh meat or seafood that are packed in ice. Removes November 1, 2011 operative date. Removes Environmental Quality Commission rulemaking authority. Changes violator from “person” to “retail establishment.” Adds “per day” clause to civil penalty provision. Changes effective date of prohibition on local government adoption of assessment on bags to effective date of Act.

BACKGROUND: The 2001 Legislature set Oregon’s first statutory waste prevention goals and added waste prevention goal language to ORS 459.015. The measure set a statewide recovery goal of 45 percent for 2005 and 50 percent for 2009.

Senate Bill 536 A would prohibit retailers from providing single use checkout bags to customers except under certain circumstances. The prohibition does not apply to restaurants. The measure would also prohibit local governments from imposing any type of fee or assessment on checkout bags provided to a retail customer.

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This summary has not been adopted or officially endorsed by action of the committee.