

**HB 2509 -5 STAFF MEASURE SUMMARY**  
**House Committee On Energy and Environment**

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**Meeting Dates:** 2/19

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**WHAT THE MEASURE DOES:**

Prohibits retail establishment from providing single-use checkout bags to customers, with some exceptions. Defines retail establishment as any store that sells goods at retail, excluding establishments where the primary business is food or drink preparation. Defines single-use checkout bags as bags made of paper, plastic, or material other than recycled paper that are provided by the retailer at the time of checkout. Excludes bags provided to a customer at a time other than checkout. Authorizes retailer to make reusable checkout bags available for sale to customers; provide reusable checkout bags at no cost to customers; provide recycled paper checkout bags for sale for ten cents or more; and to provide recycled paper bags at no cost to customers who use a voucher issued under the Women, Infants, and Children program or an electronic benefits transfer card. Allows retailer to provide single-use checkout bags for items marked with personal health information or other confidential information. Authorizes retailer to provide single-use checkout bags at no cost for fresh meat or seafood if packed in ice. Authorizes Environmental Quality Commission to adopt rules for implementation. Authorizes Department of Environmental Quality (DEQ) to require timely information related to compliance and allows DEQ to impose a civil penalty of up to \$250 per day for noncompliance. Directs penalties to be paid into the General Fund. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags.

*REVENUE: May have revenue impact, but no statement yet issued*

*FISCAL: May have fiscal impact, but no statement yet issued*

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-5 Replaces measure. Prohibits restaurants and retail establishments from providing single-use checkout bags to customers, with some exceptions, and sets rules for providing reusable checkout bags to customers. Differentiates rules for "restaurant" and "retail establishment" with respect to prohibition on provision of single-use checkout bags to customers. Defines restaurant as an establishment where the primary business is the preparation of food or drink for consumption by the public, whether at the restaurant or outside the restaurant. Defines retail establishment as a store that sells or offers goods for sale and is not a restaurant. Defines "single-use checkout bag" as a bag made of paper, plastic, or other material that is provided by a retail establishment to a customer at the time of checkout, and that is not a recycled paper checkout bag or a reusable fabric or reusable plastic checkout bag. Exempts certain types of bags from definition of "single use checkout bag" for purposes of prohibition, including bags provided to: package bulk items such as fruit, vegetables, nuts, grains, greeting cards, or small hardware items; contain or wrap frozen food, meat, fish, flowers, a potted plant, or other item because of dampness or sanitation; contain an unwrapped prepared food or bakery good; or contain a prescription drug. Exempts newspaper bags, door hanger bags, laundry bags, dry cleaning bags, bags sold in a package of multiple bags for uses such as food storage, trash bags, or pet waste collection, and other bags provided to a customer at a time other than checkout. Prohibits restaurants from providing single-use checkout bags to customers. Prohibits restaurants from providing reusable plastic bags to customers unless the restaurant charges ten cents or more for each bag. Allows restaurants to provide recycled paper checkout bags at no cost to all customers and reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Department of Human Services (DHS). Prohibits retail establishments from providing single-use checkout bags to

customers. Allows retail establishments to provide recycled paper or reusable plastic checkout bags if the retail establishment charges ten cents or more for each bag. Allows retail establishment to provide reusable fabric checkout bags at no cost to all customers and recycled paper and reusable plastic checkout bags at no cost to customers who use a voucher under the Women, Infants, and Children Program or use an electric benefits transfer card issued by DHS. Characterizes a violation by a restaurant or retail establishment as a Class D violation subject to a maximum fine of \$250. Clarifies that each day a restaurant or retail establishment commits a violation constitutes a separate offense. Prohibits a city, county, or local government from adopting or enforcing any provision that does not substantially conform to, or that exceeds, the requirements in this Act. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags.

**BACKGROUND:**

Across the US, twelve state legislatures have considered measures to regulate the use of single-use checkout bags, especially plastic bags, at grocery stores and other businesses. The first such measure was enacted by the state of Maine in 1991, which required retailers to provide checkout bag recycling as a condition of providing plastic bags to customers at the time of sale of goods. Other states have imposed bans or fees on single-use checkout bags. In Oregon, ten cities have enacted bans on single-use checkout bags, beginning with Portland in 2011. Each local regulation is slightly different, but all require retail stores, including grocery stores, to cease offering single-use bags and instead offer reusable bags or paper bags that are either made of recycled materials or that are recyclable.

House Bill 2509 would prohibit retail establishments from providing single-use checkout bags to customers, with some exceptions.