

HB 2509 -8, -9, -10 STAFF MEASURE SUMMARY

House Committee On Energy and Environment

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Meeting Dates: 2/19, 4/2

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:

-8 Authorizes a retail establishment to provide recycled paper checkout bags at no cost to all customers.

-9 Replaces measure. Prohibits retail establishments and restaurants from providing single-use checkout bags to customers.

Defines restaurant and retail establishment for the purpose of the Act. Defines a reusable plastic bag as a bag made of durable plastic at least 4 mils thick. 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 a retail establishment from providing reusable plastic checkout bags to customers unless the customer is charged a fee of 10 cents or more for each bag. Allows a retail establishment to provide reusable plastic checkout bags at no cost to customers who use a voucher under the Women, Infants, and Children Program or who use an electric benefits transfer card issued by the Oregon Department of Human Services. Allows a retail establishment to provide reusable fabric checkout bags or recycled paper checkout bags to customers at no cost.

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Prohibits a restaurant from providing reusable plastic checkout bags to customers unless the customer is charged a fee of 10 cents or more for each bag. Allows a restaurant to provide reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Oregon Department of Human Services. Allows a restaurant to provide recycled paper checkout bags at no cost to customers.

Prohibits a city, county, or other local government from adopting or enforcing a provision that does not substantially conform to, or exceeds, the provisions of this Act.

Establishes that a violation of provisions of this Act by a restaurant or retail establishment is a Class D violation subject to a maximum fine of \$250, and that each day a violation is committed constitutes a separate offense. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags.

-10 Replaces measure. Prohibits retail establishments and restaurants from providing single-use checkout bags to customers.

Distinguishes restaurant and retail establishment for the purpose of the Act. Defines a reusable plastic bag as a bag made of durable plastic at least 4 mils thick. 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.

Prohibits a retail establishment from providing recycled paper checkout bags, reusable fabric checkout bags, or reusable plastic checkout bags to customers unless the customer is charged a fee of five cents or more for each bag. Allows a retail establishment to provide recycled paper bags or reusable plastic checkout bags at no cost to customers who use a voucher under the Women, Infants, and Children Program or who use an electric benefits transfer card issued by the Oregon Department of Human Services. Allows a retail establishment to provide reusable fabric checkout bags or recycled paper checkout bags to customers at no cost as a promotion on no more than 12 days in a calendar year.

Prohibits a restaurant from providing reusable plastic checkout bags to customers unless the customer is charged a fee of five cents or more for each bag. Allows a restaurant to provide reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer card issued by the Oregon Department of Human Services. Allows a restaurant to provide recycled paper checkout bags at no cost to customers.

Authorizes a city, county, or other local government to adopt or amend a local provision 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 a retail establishment that is identical to the provisions in this Act, except that a restaurant or retail establishment may charge a lower fee for a bag if their local government charged the fee before the effective date of this Act.

Establishes that a violation of provisions of this Act by a restaurant or retail establishment is a Class D violation subject to a maximum fine of \$250, and that each day a violation is committed constitutes a separate offense. Repeals ORS 459A.695, a requirement that retailers offer paper bags as an alternative to plastic bags. Directs the Oregon Department of Environmental Quality (DEQ) to report to the legislature by September 15, 2025 on the impacts of the provisions of this Act on retail establishments that primarily sell groceries. Directs retail establishments that primarily sell groceries to report to DEQ by September 15, 2024 regarding fees collected and customers' use of recycled paper, reusable fabric, and reusable plastic checkout bags. Sunsets reporting requirement December 31, 2025. 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.