

SB 90 -1, -4, -6, -7, -8, -9, -12 STAFF MEASURE SUMMARY

Senate Committee On Environment and Natural Resources

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Meeting Dates: 1/29, 2/28, 4/4

WHAT THE MEASURE DOES:

Prohibits a restaurant from providing a single-use plastic straw to a consumer unless specifically requested by the consumer. Defines "single use plastic straw." Defines "restaurant" to mean a business establishment that, for compensation, offers food or beverages to the public and service food or beverages to consumers. Authorizes the state Department of Agriculture (ODA) or its representative to enforce the prohibition in the course of conducting a restaurant inspection under ORS 616.286. Subjects restaurant violating the prohibition to a notice for first and second violation and, for subsequent violations, a fine of not more than \$25 for each day the restaurant remains in violation. Restricts ODA from imposing total fines of more than \$300 during a calendar year.

ISSUES DISCUSSED:

- Situations requiring use of straws
- Types of restaurants covered by measure
- Effect of plastics in the environment
- Statewide vs. local straw policies

EFFECT OF AMENDMENT:

-1 Replaces measure. Defines "full-service restaurant" and "single-use plastic straw." Prohibits a full-service restaurant from providing a single-use plastic straw unless specifically requested by a consumer. Directs Oregon Health Authority or its representative, or a local health authority, to enforce the prohibition. Preempts a local government from enacting provision that places additional restrictions on the use of single-use plastic straws. Establishes penalties.

-4 Defines "enforcement officer" to include authorized representative of the Oregon Department of Agriculture or of the Director of the Oregon Health Authority. Specifies that the definition of "single-use plastic straw" does not include a straw attached to or packaged with a beverage container before the container is offered for sale. After the effective date of Act, prohibits local government from adopting law with requirements on the provision of plastic straws that differ from the Act. Makes effective on January 1, 2020 those provisions of Act prohibiting a restaurant from providing a plastic straw unless requested by a consumer. Declares emergency, effective on passage.

-6 Excludes from definition of "single-use plastic straw" a straw that a restaurant provides with a beverage that the restaurant serves to a consumer who is seated in a motor vehicle at a drive-through window or other drive-through facility on the restaurant premises.

-7 Excludes from definition of "restaurant" a convenience store that makes single-use plastic straws available to consumers in an unattended location.

-8 Replaces measure. Add definition of "food and beverage provider" to mean a business that, for compensation, offers or serves food or beverages to a consumer. Specifies that prohibition on providing single-use plastic straw unless requested by a consumer does not apply to food and beverage provider that sells or offers single-use plastic straws for sale in bulk or unconnected with a sale or provision of a food or beverage. Excludes from definition of "single-use plastic straw" a plastic straw that is attached to or packaged with a beverage container before the beverage container is offered for retail sale. Defines "enforcement officer." Prohibits a local

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government or municipality from enacting law or rule with requirements that differ from the provisions of Act. Makes straw provisions effective January 1, 2020. Declares emergency, effective upon passage.

-9 Replaces measure and makes following changes to introduced measure: Defines "restaurant" to mean an establishment with the primary purpose of serving prepared food that a consumer may consume on the premises that delivers prepared food to the consumer and delivers an item associated with the prepared food item to the consumer if the consumer requests the item. Excludes from definition of restaurant any drive through areas or convenience stores that make straws available in an unattended location. Directs the Oregon Health Authority or its representative or a local public health authority to which OHA has delegated authority to enforce provisions. Preempts a local government from enacting measure that places additional restrictions on plastic straws. Directs penalties to General Fund. Prohibits local government from enacting measure with requirements that differ from this measure after effective date of Act.

-12 Replaces measure. Defines "food and beverage provider" as a business that, for compensation, offers or serves food or beverages to consumers. Defines "convenience store" as a business that, for compensation, offers or provides a range of commodities that includes food and beverages. Prohibits a food and beverage provider or convenience store from providing a single use plastic straw unless a consumer specifically requests a straw. Allows business to offer a straw to drive-through consumer. States prohibition does not apply to bulk sales of straws. Allows convenience stores to leave straws in unattended location if store does not have space to store straws in location where employees provide service to consumers. Authorizes enforcement officer to enforce provisions in the course of conducting an inspection. Directs business that violates straw prohibition is subject to a notice for first and second violation and, for subsequent violations, a fine of not more than \$25 for each day with total fines not to exceed \$300 for a calendar year. Prohibits a local government or municipality from enacting any law with different requirements after effective date of Act. Makes straw provisions effective January 1, 2020. Declares emergency, effective upon passage.

BACKGROUND:

Several cities have instituted bans on providing plastic straws to consumers, including Seattle, San Diego, Miami, and New York City. The City of Portland restricts certain establishments from providing single use plastic serviceware, including plastic straws, unless requested by a customer. Some companies have also agreed to phase out the use of plastic straws in their business practices, including Starbucks, American Airlines, and Hyatt. In 2018, California became the first state to pass legislation which prohibits full-service restaurants from providing single-use plastic straws to consumers unless requested by the consumer.

Senate Bill 90 would prohibit restaurants from providing single-use plastic straws unless requested by a consumer. The measure would authorize an enforcement officer to impose a fine of not more than \$25 each day after a second violation with the total fines per restaurant capped at \$300 each calendar year.