

HB 2509 B STAFF MEASURE SUMMARY**Carrier:** Sen. Dembrow**Senate Committee On Rules**

Action Date: 05/29/19
Action: Do pass the B-Eng bill.
Vote: 3-2-0-0
Yeas: 3 - Burdick, Dembrow, Roblan
Nays: 2 - Baertschiger Jr, Boquist
Fiscal: Fiscal impact issued
Revenue: No revenue impact
Prepared By: Josh Nasbe, Counsel
Meeting Dates: 5/29

WHAT THE MEASURE DOES:

Prohibits retail establishments and restaurants from providing single-use checkout bags to customers. Distinguishes restaurants and retail establishments for the purpose of the Act. Defines a "reusable plastic checkout bag" as a bag made of durable plastic at least 4 mils thick. Exempts certain types of bags from the definition of "single-use checkout bag" for the 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; contain a prescription drug; newspaper bags; door hanger bags; laundry bags; dry cleaning bags; and 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 electronic benefits transfer card issued by the Oregon Department of Human Services (DHS). 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 DHS. 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. 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.

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ISSUES DISCUSSED:

- Environmental impact
- Consumer behavior
- Thickness of plastic bags
- Costs of paper bags

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Across the U.S., 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 B would prohibit retail establishments and restaurants from providing single-use checkout bags to customers, with some exceptions.