

House Bill 2509

Sponsored by Representatives PILUSO, SOLLMAN; Representatives NOSSE, SANCHEZ (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits use of single-use checkout bags except in certain cases. Allows Department of Environmental Quality to impose civil penalty of not more than \$250 per day. Repeals statute requiring retail establishments that offer plastic bags to customers to also offer paper bags.

A BILL FOR AN ACT

1
2 Relating to checkout bags; creating new provisions; and repealing ORS 459A.695.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. As used in this section and section 2 of this 2019 Act:**

5 (1) **“Recycled paper checkout bag” means a paper bag made by a manufacturer whose**
6 **total production of paper checkout bags in the preceding calendar year averaged at least 40**
7 **percent recycled fiber.**

8 (2)(a) **“Retail establishment” means any store in this state that sells or offers for sale**
9 **goods at retail.**

10 (b) **“Retail establishment” does not mean an establishment where the primary business**
11 **is the preparation of food or drink:**

12 (A) **For consumption by the public;**

13 (B) **In a form or quantity that is consumable then and there, whether or not it is con-**
14 **sumed within the confines of the place where prepared; or**

15 (C) **In consumable form for consumption outside the place where prepared.**

16 (3) **“Reusable checkout bag” means a bag with handles that is specifically designed and**
17 **manufactured for multiple reuse and is made of:**

18 (a) **Cloth or other machine-washable fabric; or**

19 (b) **Durable plastic that is at least 2.25 mils thick.**

20 (4)(a) **“Single-use checkout bag” means a bag made of paper, plastic or any other mate-**
21 **rial that is provided by a retail establishment to a customer at the time of checkout, and**
22 **that is not a recycled paper checkout bag or a reusable checkout bag.**

23 (b) **“Single-use checkout bag” does not mean a bag made of paper, plastic or any other**
24 **material that is provided by a retail establishment to a customer at a time other than the**
25 **time of checkout.**

26 **SECTION 2. (1) Except as provided in subsection (2) of this section, a retail establishment**
27 **may not provide single-use checkout bags to customers.**

28 (2) **A retail establishment may:**

29 (a) **Make reusable checkout bags available for sale to customers.**

30 (b) **Provide reusable checkout bags at no cost to customers.**

31 (c) **Provide recycled paper checkout bags at no cost to:**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (A) Customers who use a voucher issued under the Women, Infants and Children Pro-
2 gram established under ORS 413.500.

3 (B) Customers who use an electronic benefits transfer card issued by the Department
4 of Human Services.

5 (d) Provide recycled paper checkout bags to customers if the retail establishment charges
6 not less than 10 cents for each recycled paper checkout bag.

7 (e) Provide single-use checkout bags to customers for items marked with protected
8 health information or other confidential information.

9 (f) Provide single-use checkout bags at no cost to customers for fresh meat or seafood,
10 if the retail establishment packs the fresh meat or seafood in ice.

11 (3) The Environmental Quality Commission may adopt rules necessary to implement
12 sections 1, 2 and 3 of this 2019 Act.

13 (4) The Department of Environmental Quality may require a retail establishment to
14 provide, within a reasonable time, information necessary to ensure compliance with this
15 section.

16 SECTION 3. (1) The Department of Environmental Quality may impose a civil penalty on
17 a person for a violation of section 2 of this 2019 Act.

18 (2) A civil penalty imposed under this section may not exceed \$250 per day.

19 (3) Civil penalties described in this section shall be imposed in the manner provided in
20 ORS 183.745.

21 (4) All penalties recovered under this section shall be paid into the State Treasury and
22 credited to the General Fund and are available for general governmental expenses.

23 SECTION 4. ORS 459A.695 is repealed.
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