

B-Engrossed House Bill 2883

Ordered by the Senate May 31
Including House Amendments dated April 16 and Senate Amendments
dated May 31

Sponsored by Representatives SCHOUTEN, SOLLMAN, MCLAIN; Representatives GORSEK, HOLVEY, KENY-GUYER, MITCHELL, NOSSE, POWER, PRUSAK, SANCHEZ, SMITH WARNER, WILDE, Senators BURDICK, DEMBROW, FAGAN, HASS, MANNING JR, MONNES ANDERSON, RILEY, ROBLAN, STEINER HAYWARD

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.

Prohibits food vendor from using polystyrene container in selling, offering for sale, serving or dispensing prepared food to public.

Provides exception if food vendor ensures that polystyrene container is used only on premises of food vendor and that polystyrene containers used on premises of food vendor are delivered to facility for recycling, processing or conversion into new product.

Takes effect January 1, 2021.

A BILL FOR AN ACT

1
2 Relating to a prohibition on using polystyrene containers for prepared food; and prescribing an ef-
3 fective date.

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

5 **SECTION 1. (1) As used in this section:**

6 (a) **“Food vendor” means a business, organization or person that, as a principal or regu-**
7 **lar activity, sells prepared food or offers prepared food for sale to the public, including, but**
8 **not limited to, a store, shop or other sales outlet, a restaurant, a grocery store, a super-**
9 **market, a delicatessen or a cart, truck or other vehicle from which the business, organiza-**
10 **tion or other person sells prepared food or offers prepared food for sale.**

11 (b)(A) **“Polystyrene container” means a cup or cup lid, bowl, plate or other container that**
12 **is:**

13 (i) **Made of a polystyrene plastic foam;**

14 (ii) **Made for the purpose of serving, containing, preserving or consuming prepared food;**
15 **and**

16 (iii) **Ordinarily used once for the purpose described in sub-subparagraph (ii) of this sub-**
17 **paragraph before being discarded.**

18 (B) **“Polystyrene container” does not include:**

19 (i) **A cooler or other container that is made of a polystyrene foam, that is intended for**
20 **more than one use and that is enclosed by a solid plastic shell;**

21 (ii) **A tray or container used solely to store, ship or otherwise transport an ingredient**
22 **or food product that is not prepared food; or**

23 (iii) **Polystyrene plastic material that is used solely for packing or protecting other items**

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 during storage, shipping or other transportation.

2 (c)(A) "Prepared food" means food or a beverage that:

3 (i) A food vendor prepares on the food vendor's premises or that another person prepares
4 and provides to the food vendor for sale to the public; and

5 (ii) A person may consume immediately or without the need for further or additional
6 preparation.

7 (B) "Prepared food" does not include meat, fish, eggs or produce, if the meat, fish, eggs
8 or produce are raw and have not been prepared for immediate consumption.

9 (2) Except as provided in subsection (3) of this section, a food vendor may not use a
10 polystyrene container in selling, offering for sale, serving or dispensing prepared food to a
11 member of the public.

12 (3) A food vendor may use a polystyrene container in selling, offering for sale, serving
13 or dispensing prepared food to a member of the public if the food vendor:

14 (a) Ensures that the polystyrene container is used only on the premises of the food
15 vendor and, except as provided in paragraph (b) of this subsection, is not taken off the
16 premises; and

17 (b) Collects all polystyrene containers used on the premises of the food vendor and de-
18 livers, or ensures delivery of, the polystyrene containers to a facility where the polystyrene
19 containers will be:

20 (A) Recycled into a new polystyrene product or the styrene monomer;

21 (B) Processed to produce a liquid petroleum-based fuel;

22 (C) Converted into pellets that can be used by a manufacturer to make new polystyrene
23 products; or

24 (D) Densified separately from nonplastic recyclable materials for delivery to a facility
25 where the polystyrene containers will be recycled, processed or converted as provided in
26 subparagraph (A), (B) or (C) of this paragraph.

27 SECTION 2. This 2019 Act takes effect on January 1, 2021.

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