

House Bill 2883

Sponsored by Representatives SCHOUTEN, SOLLMAN, MCLAIN; Representatives GOMBERG, GORSEK, HOLVEY, KENY-GUYER, MITCHELL, NERON, NOSSE, POWER, PRUSAK, 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 **as introduced**.

Prohibits food vendor from using polystyrene container in selling, offering for sale, serving or dispensing prepared food to public. Allows Department of Environmental Quality to impose civil penalty of not more than \$250 per day.

Becomes operative January 1, 2020.

Takes effect on 91st day following adjournment sine die.

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 thermoplastic polymer, including, but not limited to, a solid polystyrene**
14 **plastic or a polystyrene plastic foam;**

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

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

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

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

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

24 (iii) **Polystyrene plastic material that is used solely for packing or protecting other items**
25 **during storage, shipping or other transportation.**

26 (c)(A) **“Prepared food” means food or a beverage that:**

27 (i) **A food vendor prepares on the food vendor’s premises or that another person prepares**
28 **and provides to the food vendor for sale to the public; and**

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

3 (B) "Prepared food" does not include raw meat, fish or eggs that have not been prepared
4 for immediate consumption.

5 (2) A food vendor may not use a polystyrene container in selling, offering for sale, serving
6 or dispensing prepared food to a member of the public.

7 **SECTION 2.** (1) The Department of Environmental Quality may impose a civil penalty on
8 a food vendor for a violation of section 1 of this 2019 Act. Each day a violation occurs con-
9 stitutes a separate violation.

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

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

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

15 **SECTION 3.** (1) Section 1 of this 2019 Act becomes operative on January 1, 2020.

16 (2) The Director of the Department of Environmental Quality may adopt rules and take
17 any other action before the operative date specified in subsection (1) of this section that is
18 necessary to enable the director, on and after the operative date specified in subsection (1)
19 of this section, to exercise all of the duties, functions and powers conferred on the director
20 by section 1 of this 2019 Act.

21 **SECTION 4.** This 2019 Act takes effect on the 91st day after the date on which the 2019
22 regular session of the Eightieth Legislative Assembly adjourns sine die.
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