

Enrolled Senate Bill 90

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CHAPTER

AN ACT

Relating to a restriction on restaurants providing single-use plastic straws to consumers; and declaring an emergency.

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

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

(a) “Consumer” means an individual who orders a beverage of any description from a food and beverage provider in this state.

(b) “Convenience store” means a business that, for compensation, offers or provides a range of commodities that includes food and beverages.

(c) “Enforcement officer” means an authorized representative of the State Department of Agriculture who conducts inspections under ORS 616.286 or an authorized representative of the Director of the Oregon Health Authority or of a local government who conducts inspections under ORS 624.010 to 624.121 or 624.310 to 624.430.

(d)(A) “Food and beverage provider” means a business that, for compensation, offers or serves food or beverages to a consumer.

(B) “Food and beverage provider” does not include a health care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, that provides single-use plastic straws to patients or residents.

(e)(A) “Single-use plastic straw” means a tube made primarily from plastic that is derived from petroleum or a biologically based polymer, such as corn or another plant source, and that is intended:

- (i) To transfer liquid from a container to a consumer’s mouth;
- (ii) For a single use; and
- (iii) For disposal after the single use.

(B) “Single-use plastic straw” does not include:

(i) A straw made from materials other than plastic, including but not limited to paper, pasta, sugar cane, wood or bamboo; and

(ii) A plastic straw that is attached to or packaged with a beverage container before the beverage container is offered for retail sale.

(2)(a) A food and beverage provider or convenience store may not provide a single-use plastic straw to a consumer unless the consumer specifically requests the single-use plastic straw.

(b) Notwithstanding the prohibition in paragraph (a) of this subsection, a consumer may request, and a food and beverage provider or a convenience store may offer to the consumer, a single-use plastic straw in an area of the food service provider's or convenience store's premises in which the consumer may receive a delivery of prepared food or a beverage while seated in or on a vehicle.

(c) The prohibition in paragraph (a) of this subsection does not apply to a convenience store that:

(A) Sells or offers single-use plastic straws for sale in bulk or unconnected with a sale or provision of food or a beverage; or

(B) Makes single-use plastic straws available to consumers in an unattended location, provided that the convenience store may leave the single-use plastic straws in an unattended location only if the convenience store does not have space in which to store the single-use plastic straws in a location where employees of the convenience store provide service to consumers.

(3) An enforcement officer may enforce subsection (2) of this section in the course of conducting an inspection. A food and beverage provider or a convenience store that violates subsection (2) of this section is subject to a notice for a first and second violation and, for subsequent violations, to a fine of not more than \$25 for each day in which the food and beverage provider or convenience store remains in violation of subsection (2) of this section. The enforcement officer may not impose total fines of more than \$300 during a calendar year for a food and beverage provider's or a convenience store's violation of subsection (2) of this section.

SECTION 2. A local government or municipality may not, after the effective date of this 2019 Act, enact an ordinance, resolution, regulation, rule or other law with requirements that differ from the provisions set forth in section 1 of this 2019 Act.

SECTION 3. Section 1 of this 2019 Act becomes operative on January 1, 2020.

SECTION 4. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.

Passed by Senate April 11, 2019

Received by Governor:

Repassed by Senate June 5, 2019

.....M.,....., 2019

Approved:

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Lori L. Brocker, Secretary of Senate

.....M.,....., 2019

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Peter Courtney, President of Senate

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Kate Brown, Governor

Passed by House May 29, 2019

Filed in Office of Secretary of State:

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Tina Kotek, Speaker of House

.....M.,....., 2019

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Bev Clarno, Secretary of State