

## SENATE AMENDMENTS TO SENATE BILL 90

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 9

1 In line 2 of the printed bill, after “consumers” insert “; and declaring an emergency”.

2 Delete lines 5 through 25 and insert:

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

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

7 “(c) ‘Enforcement officer’ means an authorized representative of the State Department of Agri-  
8 culture who conducts inspections under ORS 616.286 or an authorized representative of the Director  
9 of the Oregon Health Authority or of a local government who conducts inspections under ORS  
10 624.010 to 624.121 or 624.310 to 624.430.

11 “(d) ‘Food and beverage provider’ means a business that, for compensation, offers or serves food  
12 or beverages to a consumer.

13 “(e)(A) ‘Single-use plastic straw’ means a tube made primarily from plastic that is derived from  
14 petroleum or a biologically based polymer, such as corn or another plant source, and that is in-  
15 tended:

16 “(i) To transfer liquid from a container to a consumer’s mouth;

17 “(ii) For a single use; and

18 “(iii) For disposal after the single use.

19 “(B) ‘Single-use plastic straw’ does not include:

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

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

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

26 “(b) Notwithstanding the prohibition in paragraph (a) of this subsection, a consumer may re-  
27 quest, and a food and beverage provider or a convenience store may offer to the consumer, a  
28 single-use plastic straw in an area of the food service provider’s or convenience store’s premises in  
29 which the consumer may receive a delivery of prepared food or a beverage while seated in or on a  
30 vehicle.

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

33 “(A) Sells or offers single-use plastic straws for sale in bulk or unconnected with a sale or pro-  
34 vision of food or a beverage; or

35 “(B) Makes single-use plastic straws available to consumers in an unattended location, provided

1 that the convenience store may leave the single-use plastic straws in an unattended location only  
2 if the convenience store does not have space in which to store the single-use plastic straws in a  
3 location where employees of the convenience store provide service to consumers.

4 “(3) An enforcement officer may enforce subsection (2) of this section in the course of conduct-  
5 ing an inspection. A food and beverage provider or a convenience store that violates subsection (2)  
6 of this section is subject to a notice for a first and second violation and, for subsequent violations,  
7 to a fine of not more than \$25 for each day in which the food and beverage provider or convenience  
8 store remains in violation of subsection (2) of this section. The enforcement officer may not impose  
9 total fines of more than \$300 during a calendar year for a food and beverage provider’s or a con-  
10 venience store’s violation of subsection (2) of this section.

11 **“SECTION 2. A local government or municipality may not, after the effective date of this**  
12 **2019 Act, enact an ordinance, resolution, regulation, rule or other law with requirements**  
13 **that differ from the provisions set forth in section 1 of this 2019 Act.**

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

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