

SB 90-8
(LC 1377)
2/14/19 (TSB/ps)

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 90**

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

3 Delete lines 5 through 25 and insert:

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

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

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

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

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
21 limited to paper, pasta, sugar cane, wood or bamboo; and

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

3 “(2)(a) A food and beverage provider may not provide a single-use plastic
4 straw to a consumer unless the consumer specifically requests the single-use
5 plastic straw.

6 “(b) The prohibition in paragraph (a) of this subsection does not apply to
7 a food and beverage provider that sells or offers single-use plastic straws for
8 sale in bulk or unconnected with a sale or provision of good or a beverage.

9 “(3) An enforcement officer may enforce subsection (2) of this section in
10 the course of conducting an inspection. A food and beverage provider that
11 violates subsection (2) of this section is subject to a notice for a first and
12 second violation and, for subsequent violations, to a fine of not more than
13 \$25 for each day in which the food and beverage provider remains in vio-
14 lation of subsection (2) of this section. The enforcement officer may not im-
15 pose total fines of more than \$300 during a calendar year for a food and
16 beverage provider’s violation of subsection (2) of this section.

17 **“SECTION 2. A local government or municipality may not, after the**
18 **effective date of this 2019 Act, enact an ordinance, resolution, regu-**
19 **lation, rule or other law with requirements that differ from the pro-**
20 **visions set forth in section 1 of this 2019 Act.**

21 **“SECTION 3. Section 1 of this 2019 Act becomes operative on Jan-**
22 **uary 1, 2020.**

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

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