

Requested by Senator ROBLAN

**PROPOSED AMENDMENTS TO
SENATE BILL 90**

1 Delete lines 4 through 25 of the printed bill and insert:

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

3 **“(a) ‘Consumer’ means a person who orders a beverage in a full-**
4 **service restaurant in this state.**

5 **“(b)(A) ‘Restaurant’ means an establishment with the primary**
6 **purpose of serving prepared food that a consumer may consume on the**
7 **establishment’s premises that:**

8 **“(i) Delivers the prepared food to the consumer; and**

9 **“(ii) Delivers an item associated with the prepared food item to the**
10 **consumer if the consumer requests the item.**

11 **“(B) ‘Restaurant’ does not include:**

12 **“(i) Any area of an establishment through which a consumer may**
13 **receive a delivery of prepared food while seated in or on a vehicle; or**

14 **“(ii) A convenience store that makes single-use plastic straws**
15 **available to consumers in an unattended location.**

16 **“(c)(A) ‘Single-use plastic straw’ means a tube made primarily from**
17 **plastic that is derived from petroleum or a biologically based polymer,**
18 **such as corn or another plant source, and that is intended:**

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

20 **“(ii) For a single use; and**

21 **“(iii) For disposal after the single use.**

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

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

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

6 **“(2) A restaurant may not provide a single-use plastic straw to a**
7 **consumer unless the consumer specifically requests the single-use**
8 **plastic straw.**

9 **“(3) The Oregon Health Authority or its representative, or a local**
10 **public health authority to which the Oregon Health Authority has**
11 **delegated authority under ORS 624.510, shall enforce subsection (2) of**
12 **this section in the course of conducting an inspection of a full-service**
13 **restaurant under ORS 624.010 to 624.121.**

14 **“(4) This section preempts a local government from enacting an**
15 **ordinance, resolution or other regulation that places additional re-**
16 **strictions on the use of single-use plastic straws.**

17 **“SECTION 2. (1) For a first and second violation of section 1 of this**
18 **2019 Act, the Oregon Health Authority or a local public health au-**
19 **thority shall issue a notice.**

20 **“(2) For third and subsequent violations, the Oregon Health Au-**
21 **thority or a local public health authority shall impose a civil penalty**
22 **of not more than \$25 per day, except that civil penalties imposed on**
23 **an individual full-service restaurant under this section may not exceed**
24 **\$300 during one calendar year.**

25 **“(3) All penalties recovered under this section shall be paid into the**
26 **State Treasury and credited to the General Fund and are available for**
27 **general governmental expenses.**

28 **“SECTION 3. A local government or municipality may not, after the**
29 **effective date of this 2019 Act, enact an ordinance, resolution, regu-**
30 **lation, rule or other law with requirements that differ from the pro-**

1 **visions set forth in section 1 of this 2019 Act.”.**

2
