

Requested by Representative RESCHKE

**PROPOSED AMENDMENTS TO
HOUSE BILL 2509**

1 On page 1 of the printed bill, delete lines 4 through 31.

2 On page 2, delete lines 1 through 22 and insert:

3 **“SECTION 1. As used in this section and section 2 of this 2019 Act:**

4 **“(1) ‘Recycled paper checkout bag’ means a paper bag made by a**
5 **manufacturer whose total production of paper checkout bags in the**
6 **preceding calendar year averaged at least 40 percent recycled fiber.**

7 **“(2) ‘Restaurant’ means an establishment where the primary busi-**
8 **ness is the preparation of food or drink:**

9 **“(a) For consumption by the public;**

10 **“(b) In a form or quantity that is consumable then and there,**
11 **whether or not it is consumed within the confines of the place where**
12 **prepared; or**

13 **“(c) In consumable form for consumption outside the place where**
14 **prepared.**

15 **“(3) ‘Retail establishment’ means a store that sells or offers for sale**
16 **goods at retail and that is not a restaurant.**

17 **“(4) ‘Reusable fabric checkout bag’ means a bag with handles that**
18 **is specifically designed and manufactured for multiple reuse and is**
19 **made of cloth or other machine-washable fabric.**

20 **“(5) ‘Reusable plastic checkout bag’ means a bag with handles that**
21 **is specifically designed and manufactured for multiple reuse and is**

1 **made of durable plastic that is at least four mils thick.**

2 **“(6)(a) ‘Single-use checkout bag’ means a bag made of paper, plastic**
3 **or any other material that is provided by a retail establishment to a**
4 **customer at the time of checkout, and that is not a recycled paper**
5 **checkout bag, a reusable fabric checkout bag or a reusable plastic**
6 **checkout bag.**

7 **“(b) ‘Single-use checkout bag’ does not mean:**

8 **“(A) A bag that is provided by a retail establishment to a customer**
9 **at a time other than the time of checkout, including but not limited**
10 **to bags provided to:**

11 **“(i) Package bulk items such as fruit, vegetables, nuts, grains,**
12 **greeting cards or small hardware items, including nails, bolts or**
13 **screws;**

14 **“(ii) Contain or wrap frozen food, meat, fish, flowers, a potted plant**
15 **or another item for the purpose of addressing dampness or sanitation;**

16 **“(iii) Contain unwrapped prepared food or a bakery good; or**

17 **“(iv) Contain a prescription drug;**

18 **“(B) A newspaper bag, door hanger bag, laundry bag or dry cleaning**
19 **bag; or**

20 **“(C) A bag sold in a package containing multiple bags for uses such**
21 **as food storage, garbage containment or pet waste collection.**

22 **“SECTION 2. (1) Except as provided in subsection (2) of this section,**
23 **a retail establishment may not provide:**

24 **“(a) Single-use checkout bags to customers.**

25 **“(b) Reusable plastic checkout bags to customers unless the retail**
26 **establishment charges not less than 10 cents for each reusable plastic**
27 **checkout bag.**

28 **“(2) A retail establishment may provide:**

29 **“(a) Reusable fabric checkout bags or recycled paper checkout bags**
30 **at no cost to customers.**

1 **“(b) Reusable plastic checkout bags at no cost to customers who:**

2 **“(A) Use a voucher issued under the Women, Infants and Children**
3 **Program established under ORS 413.500.**

4 **“(B) Use an electronic benefits transfer card issued by the Depart-**
5 **ment of Human Services.**

6 **“(3) Except as provided in subsection (4) of this section, a restau-**
7 **rant may not provide:**

8 **“(a) Single-use checkout bags to customers.**

9 **“(b) Reusable plastic checkout bags to customers unless the res-**
10 **taurant charges not less than 10 cents for each reusable plastic**
11 **checkout bag.**

12 **“(4) A restaurant may provide:**

13 **“(a) Recycled paper checkout bags at no cost to customers.**

14 **“(b) Reusable plastic checkout bags at no cost to customers who**
15 **use an electronic benefits transfer card issued by the Department of**
16 **Human Services.**

17 **“SECTION 3. A city, county or other local government may not**
18 **adopt or enforce a charter provision, ordinance, resolution or other**
19 **provision unless the charter provision, ordinance, resolution or other**
20 **provision substantially conforms to, and does not exceed, the require-**
21 **ments of sections 2 and 4 of this 2019 Act.**

22 **“SECTION 4. (1) Notwithstanding ORS 153.018 (3), a violation of**
23 **section 2 of this 2019 Act by a restaurant or retail establishment, as**
24 **those terms are defined in section 1 of this 2019 Act, is a Class D vio-**
25 **lation subject to a maximum fine of \$250.**

26 **“(2) Each day that the restaurant or retail establishment commits**
27 **a violation constitutes a separate offense.”.**

28 In line 23, delete “4” and insert “5”.

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