

SB 90-12
(LC 1377)
3/29/19 (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) ‘Convenience store’ means a business that, for compensation, offers
7 or provides a range of commodities that includes food and beverages.

8 “(c) ‘Enforcement officer’ means an authorized representative of the State
9 Department of Agriculture who conducts inspections under ORS 616.286 or
10 an authorized representative of the Director of the Oregon Health Authority
11 or of a local government who conducts inspections under ORS 624.010 to
12 624.121 or 624.310 to 624.430.

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

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

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

19 “(ii) For a single use; and

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

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

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

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

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

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

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

16 “(A) Sells or offers single-use plastic straws for sale in bulk or uncon-
17 nected with a sale or provision of food or a beverage; or

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

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

1 store's violation of subsection (2) of this section.

2 **“SECTION 2. A local government or municipality may not, after the**
3 **effective date of this 2019 Act, enact an ordinance, resolution, resolu-**
4 **tion, rule or other law with requirements that differ from the pro-**
5 **visions set forth in section 1 of this 2019 Act.**

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

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

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