

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 sections 2 and 3 of this**
4 **2019 Act:**

5 **“(1) ‘Local provision’ means a charter provision, ordinance, resol-**
6 **ution or other provision adopted by a city, county or other local gov-**
7 **ernment, as defined in ORS 174.116.**

8 **“(2) ‘Recycled paper checkout bag’ means a paper bag that contains**
9 **at least 40 percent post-consumer recycled fiber.**

10 **“(3) ‘Restaurant’ means an establishment where the primary busi-**
11 **ness is the preparation of food or drink:**

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

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

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

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

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

1 **made of cloth or other machine-washable fabric.**

2 **“(6) ‘Reusable plastic checkout bag’ means a bag with handles that**
3 **is specifically designed and manufactured for multiple reuse and is**
4 **made of durable plastic that is at least four mils thick.**

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

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

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

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

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

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

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

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

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

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

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

28 **“(b) Reusable fabric checkout bags or reusable plastic checkout**
29 **bags to customers unless the retail establishment charges not less**
30 **than five cents for each reusable fabric checkout bag or reusable**

1 plastic checkout bag.

2 “(2) A retail establishment may provide:

3 “(a) Reusable fabric checkout bags at no cost to customers as a
4 promotion on 12 or fewer days in a calendar year.

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

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

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

10 “(c) Recycled paper checkout bags to customers with or without
11 charging a fee or providing a credit to customers, at the discretion of
12 the retail establishment.

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

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

16 “(b) Reusable plastic checkout bags to customers unless the res-
17 taurant charges not less than five cents for each reusable plastic
18 checkout bag.

19 “(4) A restaurant may provide:

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

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

24 “SECTION 3. To prohibit or limit the use of recycled paper check-
25 out bags, reusable fabric checkout bags, reusable plastic checkout bags
26 or single-use checkout bags by a restaurant or retail establishment, a
27 city, county or other local government, as defined in ORS 174.116:

28 “(1) May adopt a local provision that establishes definitions, re-
29 quirements and restrictions that are identical to the definitions, re-
30 quirements and restrictions established by sections 1 and 2 of this 2019

1 **Act.**

2 **“(2) May amend a local provision that was in effect before the ef-**
3 **fective date of this 2019 Act so the local provision establishes defi-**
4 **initions, requirements and restrictions that are identical to the**
5 **definitions, requirements and restrictions established by sections 1 and**
6 **2 of this 2019 Act.**

7 **“(3) May adopt, amend or enforce a local provision to impose a**
8 **penalty other than the penalty established by section 4 of this 2019 Act.**
9 **A restaurant or retail establishment may be charged with a violation**
10 **under either the local provision or section 4 of this 2019 Act, but not**
11 **both.**

12 **“(4) May not adopt or enforce a local provision that establishes de-**
13 **finitions, requirements or restrictions that are not identical to the**
14 **definitions, requirements and restrictions established by sections 1 and**
15 **2 of this 2019 Act.**

16 **“(5) Notwithstanding subsection (4) of this section, may allow a**
17 **restaurant or retail establishment to charge a fee that is less than the**
18 **fee established by section 2 (1)(b) and (3)(b) of this 2019 Act if the city,**
19 **county or other local government charged the fee before the effective**
20 **date of this 2019 Act.**

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

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

27 **“SECTION 5. (1) The Department of Environmental Quality shall**
28 **produce a report on the impacts of sections 2 and 3 of this 2019 Act**
29 **that assesses, in retail establishments, as defined in section 1 of this**
30 **2019 Act, that primarily sell groceries:**

1 “(a) Collection of the fee described in section 2 (1)(b) of this 2019
2 Act; and

3 “(b) Customers’ use of recycled paper checkout bags, reusable fabric
4 checkout bags and reusable plastic checkout bags, as those terms are
5 defined in section 1 of this 2019 Act.

6 “(2) No later than September 15, 2024, retail establishments that
7 primarily sell groceries shall provide to the department the informa-
8 tion described in subsection (1) of this section.

9 “(3) No later than September 15, 2025, the department shall submit
10 the report described in subsection (1) of this section, in the manner
11 provided by ORS 192.245, to an interim committee of the Legislative
12 Assembly related to the environment.

13 “SECTION 6. Section 5 of this 2019 Act is repealed on December 31,
14 2025.”.

15 In line 23, delete “4” and insert “7”.

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