

**Enrolled**  
**House Bill 2395**

Sponsored by Representative PRUSAK, Senator WAGNER, Representatives SMITH DB, SOLLMAN; Representatives CAMPOS, DEXTER, GRAYBER, NERON, SANCHEZ, Senator TAYLOR (Pre-session filed.)

CHAPTER .....

AN ACT

Relating to the use of nonwood renewable fiber in recycled paper checkout bags; amending ORS 459A.755; and declaring an emergency.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 459A.755 is amended to read:

459A.755. As used in this section and ORS 459A.757 and 459A.759:

(1) "Garment bag" means a large bag that incorporates a hanger on which garments may be hung to prevent wrinkling during travel or storage.

(2) "Local provision" means a charter provision, ordinance, resolution or other provision adopted by a city, county or other local government, as defined in ORS 174.116.

(3) "**Nonwood renewable fiber**" means **plant-based fiber other than fiber derived from a tree.**

[(3)] (4) "Recycled paper checkout bag" means a paper bag that contains:

(a) At least 40 percent post-consumer recycled fiber;

(b) **At least 40 percent nonwood renewable fiber; or**

(c) **A combination of post-consumer recycled fiber and nonwood renewable fiber that totals at least 40 percent.**

[(4)] (5) "Restaurant" means an establishment where the primary business is the preparation of food or drink:

(a) For consumption by the public;

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

(c) In consumable form for consumption outside the place where prepared.

[(5)] (6) "Retail establishment" means a store that sells or offers for sale goods at retail and that is not a restaurant.

[(6)] (7) "Reusable fabric checkout bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other machine-washable fabric.

[(7)] (8) "Reusable plastic checkout bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.

[(8)(a)] (9)(a) "Single-use checkout bag" means a bag made of paper, plastic or any other material that is provided by a retail establishment to a customer at the time of checkout, and that is not a recycled paper checkout bag, a reusable fabric checkout bag or a reusable plastic checkout bag.

(b) "Single-use checkout bag" does not mean:

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

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

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

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

(iv) Contain a prescription drug;

(B) A newspaper bag, door hanger bag, garment bag, laundry bag or dry cleaning bag; or

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

**SECTION 2. This 2021 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect on its passage.**

**Passed by House March 9, 2021**

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

**Passed by Senate May 6, 2021**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M.,....., 2021

**Approved:**

.....M.,....., 2021

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Kate Brown, Governor

**Filed in Office of Secretary of State:**

.....M.,....., 2021

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Shemia Fagan, Secretary of State