

# House Bill 2395

Sponsored by Representative PRUSAK, Senator WAGNER (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies definition of "recycled paper checkout bag" to include bags that contain nonwood renewable fiber for purposes of single-use checkout bag prohibition.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to the use of nonwood renewable fiber in recycled paper checkout bags; amending ORS  
3 459A.755; and declaring an emergency.

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

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

6 459A.755. As used in this section and ORS 459A.757 and 459A.759:

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

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

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

13 [(3)] (4) "Recycled paper checkout bag" means a paper bag that contains:

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

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

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

18 [(4)] (5) "Restaurant" means an establishment where the primary business is the preparation of  
19 food or drink:

20 (a) For consumption by the public;

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

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

24 [(5)] (6) "Retail establishment" means a store that sells or offers for sale goods at retail and that  
25 is not a restaurant.

26 [(6)] (7) "Reusable fabric checkout bag" means a bag with handles that is specifically designed  
27 and manufactured for multiple reuse and is made of cloth or other machine-washable fabric.

28 [(7)] (8) "Reusable plastic checkout bag" means a bag with handles that is specifically designed  
29 and manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.

30 [(8)(a)] (9)(a) "Single-use checkout bag" means a bag made of paper, plastic or any other mate-  
31 rial that is provided by a retail establishment to a customer at the time of checkout, and that is not

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 a recycled paper checkout bag, a reusable fabric checkout bag or a reusable plastic checkout bag.

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

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

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

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

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

10 (iv) Contain a prescription drug;

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

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

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

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