

## **SB 545 -1 STAFF MEASURE SUMMARY**

### **Senate Committee On Energy and Environment**

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**Meeting Dates:** 2/14, 3/7

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#### **WHAT THE MEASURE DOES:**

Directs State Department of Agriculture (ODA) and Oregon Health Authority (OHA) to adopt rules allowing a consumer to:

- refill a visibly clean consumer owned-owned container (Container) with non-ready to eat food, bulk ready-to-eat food, or packaged food;
- refill, or request an employee, to refill a visibly clean Container with ready to eat food from equipment that provides contamination-free process; and
- refill a visibly clean consumer owned-owned container with whole, raw fruits and vegetables that are intended to be washed by consumer.

Authorizes ODA and OHA to adopt rules to allow a food establishment to reuse take-home food containers (Take-Home Containers) returned to the establishment. Requires rules provide:

- that returned Take-Home Containers be cleaned and refilled in regulated facility;
- that Take-Home Container is designed for reuse, be initially provided by food establishment, returned to establishment or designated collection point, and cleaned and sanitized; and
- that Take-Home Container be refilled with beverages under certain circumstances.

Requires ODA and OHA to adopt rules that take effect no later than December 31, 2023. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-1 Replaces measure. Requires Oregon Health Authority to adopt rules that take effect no later than June 30, 2024, to allow a restaurant to allow a consumer to fill a consumer-owned container with food. Declares emergency, effective on passage.

- Minimal Fiscal Impact
- No Revenue Impact

##### **BACKGROUND:**

In 2015, the Oregon Legislature enacted statewide goals of recovering 25 percent of food waste and plastic waste by the year 2020. The law also required that if the goals were not met the Department of Environmental Quality would report to the Legislature to provide an evaluation of options to improve recovery rates and recommendations for meeting or modifying the recovery goals. Oregon did not meet either the plastics or the food waste recovery goal in 2020. The estimated recovery rates in 2020 were: 13.7 percent for plastic waste and 10.1 percent for food waste. In 2021, the Legislature enacted Senate Bill 582 which established the Plastic Pollution and Recycling Modernization Act made changes to Oregon's recycling system that included requiring covered producers become a member of a producer responsibility organization to ensure that products collected are recycled by responsible end markets.

Senate Bill 545 would direct the State Department of Agriculture and Oregon Health Authority to adopt rules allowing consumers to use their own containers for refilling with food at food establishment and for food establishments to reuse take-home food containers returned to a restaurant by the consumer.