

Senate Bill 544

Sponsored by Senators SOLLMAN, DEMBROW, Representative DEXTER; Representative MCLAIN (Presession 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**.

Directs Environmental Quality Commission to establish program for source reduction of single-use plastic food ware and single-use packaging and achieve 25 percent source reductions compared to 2023 levels by 2030. Establishes civil penalty for violation of program.

A BILL FOR AN ACT

1
2 Relating to prohibiting certain consumer products; creating new provisions; and amending ORS
3 459.995.

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

SECTION 1. As used in this section and section 2 of this 2023 Act:

6 (1) **"Elimination" means the removal of a packaging component from a product without**
7 **replacing that component with another packaging component made from another material**
8 **type.**

9 (2) **"Plastic single-use food service ware" means single-use food service ware made par-**
10 **tially or entirely of plastic, including, but not limited to, plastic-coated paper or plastic-**
11 **coated paperboard, paper or paperboard with plastic intentionally added during the**
12 **manufacturing process, and multilayer flexible material.**

13 (3) **"Plastic single-use packaging" means the packaging of a product made partially or**
14 **entirely of plastic, including, but not limited to, plastic-coated paper or plastic-coated**
15 **paperboard, paper or paperboard with plastic intentionally added during the manufacturing**
16 **process, and multilayer flexible material:**

17 (a) **That is routinely recycled, disposed of or discarded after its contents have been used**
18 **or unpackaged; and**

19 (b) **That is typically not refilled by the producer.**

20 (3) **"Producer" means any person, irrespective of the selling technique used, including**
21 **that of remote sale, that:**

22 (a) **Manufactures plastic single-use food service ware or plastic single-use packaging that**
23 **is sold, offered for sale or distributed in this state;**

24 (b) **Is the owner of a trademark or brand under which plastic single-use food service ware**
25 **or plastic single-use packaging is sold, offered for sale or distributed in this state, whether**
26 **or not such trademark or brand is registered in this state; or**

27 (c) **Imports plastic single-use food service ware or plastic single-use packaging into the**
28 **United States that is sold or offered for sale in this state.**

29 (4) **"Reusable or refillable" means packaging or food service ware that is:**

30 (a) **Explicitly designed to be utilized multiple times for the same product, or for another**

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 **purposeful packaging use in a supply chain;**

2 **(b) Designed for durability to function properly in its original condition for multiple uses;**

3 **(c) Supported by adequate infrastructure to ensure the packaging or food service ware**
 4 **can be conveniently and safely reused or refilled for multiple cycles; and**

5 **(d) Capable of being repeatedly recovered, inspected and, if necessary, repaired and reissued**
 6 **into the supply chain for reuse or refill.**

7 **(5) “Single-use food service ware” includes plates, bowls, cups, trays, clamshells, utensils,**
 8 **stirrers, hinged and lidded containers, wraps or wrappers, bags and straws.**

9 **(6) “Source reduction” means the elimination of or net reduction, by total weight or**
 10 **weight of plastic components, of plastic single-use food service ware and plastic single-use**
 11 **packaging before creation, including, but not limited to, transitioning plastic single-use food**
 12 **service ware and plastic single-use packaging to reuseable or refillable packaging or a reusable**
 13 **or refillable product.**

14 **SECTION 2. The Environmental Quality Commission shall establish by rule a program**
 15 **to require the source reduction of plastic single-use food service ware and plastic single-use**
 16 **packaging in this state. Rules adopted by the commission under this section must:**

17 **(1) Require producers of plastic single-use food service ware and plastic single-use packaging**
 18 **to achieve by January 1, 2030, source reduction targets of:**

19 **(a) A 25 percent reduction of the total weight of plastic single-use food service ware and**
 20 **plastic single-use packaging sold or distributed in this state compared to 2023; and**

21 **(b) A 25 percent reduction in plastic components by weight of plastic single-use food**
 22 **service ware and plastic single-use packaging sold or distributed in this state compared to**
 23 **2023 levels.**

24 **(2) Require that at least 10 percent of the source reduction described in subsection (1)**
 25 **of this section are attributable to elimination or the development and utilization of**
 26 **infrastructure for reusable or refillable products.**

27 **(3) Require producers to achieve the source reductions described in subsection (1) of this**
 28 **section by at least 15 percent compared to 2023 levels by January 1, 2027, with at least 5**
 29 **percent of the source reduction attributable to the development and utilization of**
 30 **infrastructure for reusable or refillable products.**

31 **(4) Prohibit or limit the use of plastic single-use food service ware and plastic single-use**
 32 **packaging if the commission determines that product or packaging is unnecessary for the**
 33 **delivery of a product or food item.**

34 **SECTION 3. Rules adopted by the Environmental Quality Commission establishing the**
 35 **program described in section 2 of this 2023 Act shall be effective no later than July 1, 2025.**

36 **SECTION 4. ORS 459.995, as amended by section 15, chapter 102, Oregon Laws 2022, is**
 37 **amended to read:**

38 **459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty**
 39 **provided by law:**

40 **(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.705 to 459.790,**
 41 **459A.005 to 459A.620, 459A.310 to 459A.335, 459A.860 to 459A.975 or 646A.080, or any rule or order**
 42 **of the Environmental Quality Commission pertaining to the disposal, collection, storage or reuse or**
 43 **recycling of solid wastes, as defined by ORS 459.005, or any rule or order pertaining to the disposal,**
 44 **storage or transportation of waste tires, as defined by ORS 459.705, or any rule or order pertaining**
 45 **to the sale of novelty items that contain encapsulated liquid mercury, or any rule or order per-**

1 **taining to the program established under section 2 of this 2023 Act**, incurs a civil penalty not
2 to exceed \$25,000 per day for each day of the violation.

3 (b) Any person who violates the provisions of ORS 459.420 to 459.426 incurs a civil penalty not
4 to exceed \$500 for each violation. Each battery that is disposed of improperly is a separate violation.
5 Each day an establishment fails to post the notice required under ORS 459.426 is a separate vio-
6 lation.

7 (c) For each day a city, county or metropolitan service district fails to provide the opportunity
8 to recycle as required under ORS 459A.005, the city, county or metropolitan service district incurs
9 a civil penalty not to exceed \$500 for each violation.

10 (d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs a civil penalty not to
11 exceed \$500 for each violation. Each covered electronic device that is disposed of improperly is a
12 separate violation.

13 (e) Any retailer that violates the provisions of ORS 459A.825 (1) or (2)(b) or section 3, chapter
14 102, Oregon Laws 2022, incurs a civil penalty not to exceed \$100 per day for each day of the vio-
15 lation.

16 (f) Any producer or renovator that violates the provisions of ORS 459A.825 (1) or section 3,
17 chapter 102, Oregon Laws 2022, incurs a civil penalty not to exceed \$1,000 per day for each day of
18 the violation.

19 (g) Any stewardship organization that violates the provisions of ORS 459A.825 (2)(a), 459A.827,
20 459A.830 to 459A.837 or 459A.842 or sections 1 to 14, chapter 102, Oregon Laws 2022, incurs a civil
21 penalty not to exceed \$1,000 per day for each day of the violation.

22 (2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665
23 or any rule adopted under ORS 459A.650 to 459A.665 incurs a civil penalty not to exceed \$1,000 per
24 day for each day of the violation. A violation of ORS 459A.650 to 459A.665 is not subject to addi-
25 tional penalties under subsection (1) of this section.

26 (3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the
27 manner provided by ORS 468.135.

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