

# Senate Bill 545

Sponsored by Senators SOLLMAN, DEMBROW, Representative DEXTER (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**.

Directs State Department of Agriculture and Oregon Health Authority to adopt rules allowing consumers to use own containers for refilling with food at food establishment. Directs department and authority to adopt rules allowing food establishments to reuse take-home food containers returned to restaurant by consumer.

Requires department and authority to adopt rules that take effect no later than December 31, 2023.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to reuse of containers; and declaring an emergency.

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

### **SECTION 1. (1) As used in this section:**

4  
5 (a) **"Beverage" means a liquid for drinking, including water.**

6 (b) **"Food" means a raw, cooked or processed edible substance, ice, beverage or ingredi-**  
7 **ent used or intended for use or for sale in whole or in part for human consumption, or**  
8 **chewing gum.**

9 (c) **"Food establishment" has the meaning given that term in ORS 616.695, and includes**  
10 **a restaurant as defined in ORS 624.010.**

11 (d) **"Packaged food" means food that is bottled, canned, cartoned, securely bagged or**  
12 **securely wrapped.**

13 (e) **"Ready-to-eat food" means food that is in a form that is edible without additional**  
14 **preparation to achieve food safety.**

15 (2) **The State Department of Agriculture and the Oregon Health Authority shall adopt**  
16 **rules allowing for a food establishment, with written procedures prepared in advance, main-**  
17 **tained in the food establishment and made available to the department and authority on re-**  
18 **quest, to allow a consumer to:**

19 (a) **Refill a visibly clean consumer-owned container with non-ready-to-eat food, bulk**  
20 **ready-to-eat food or packaged food.**

21 (b) **Refill a visibly clean consumer-owned container with ready-to-eat food when dispensed**  
22 **from equipment that provides a contamination-free process.**

23 (c) **Request an employee of the food establishment to refill a visibly clean consumer-**  
24 **owned container with food using a contamination-free process.**

25 (d) **Refill a consumer-owned container with whole, raw fruits and vegetables that are in-**  
26 **tended for washing by the consumer before consumption.**

27 (3) **The department and authority shall adopt rules allowing a food establishment to reuse**  
28 **take-home food containers returned to the food establishment. The rules must provide:**

**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) That empty take-home food containers returned to a food establishment for cleaning  
2 and refilling with food be cleaned and refilled in a food processing plant regulated by the  
3 department.

4 (b) That a take-home food container returned to a food establishment may be refilled at  
5 a food establishment with food if the container is:

6 (A) Designed and constructed for reuse;

7 (B) A container that was initially provided by the food establishment to the consumer,  
8 either empty or filled with food by the food establishment, for the purpose of being returned  
9 for reuse;

10 (C) Returned to the food establishment or a designated collection point by the consumer  
11 after use; and

12 (D) Cleaned and sanitized, as required by the department by rule, before being refilled  
13 with food.

14 (c) That a take-home food container returned to a food establishment may be refilled at  
15 a food establishment with beverage that does not require maintenance of time or temper-  
16 ature control for safety if:

17 (A) The design of the container and the nature of the beverage, when considered to-  
18 gether, allow effective cleaning at home or in the food establishment;

19 (B) A consumer-owned container returned to the food establishment for refilling is re-  
20 filled for sale or service only to the same consumer; and

21 (C) The container is refilled by:

22 (i) An employee of the food establishment; or

23 (ii) The owner of the container if the beverage system includes a contamination-free  
24 transfer process that cannot be bypassed by the owner of the container.

25 (d) That consumer-owned, personal take-out beverage containers, including but not lim-  
26 ited to thermally insulated bottles, nonspill coffee cups and promotional beverage glasses,  
27 may be refilled by an employee of the food establishment or by the consumer with a beverage  
28 that requires maintenance of time or temperature control for safety if refilling is a  
29 contamination-free process that cannot be bypassed by the user.

30 (e) That consumer-owned containers may be filled with water at a water vending machine  
31 or system.

32 **SECTION 2.** The State Department of Agriculture and the Oregon Health Authority shall  
33 adopt rules under section 1 of this 2023 Act that take effect no later than December 31, 2023.

34 **SECTION 3.** This 2023 Act being necessary for the immediate preservation of the public  
35 peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect  
36 on its passage.

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