

A-Engrossed House Bill 3018

Ordered by the House April 14
Including House Amendments dated April 14

Sponsored by Representative NERON, Senators SOLLMAN, PATTERSON; Representatives ANDERSEN, GAMBA
(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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act makes new laws to prevent and dispose of food waste. (Flesch Readability Score: 95.9).

Requires entities that cook, assemble, process, serve or sell food to recover and dispose of food waste as specified in the Act.

Directs the Department of Environmental Quality to establish a program to educate entities on food waste separation and disposal requirements.

Requires local governments responsible for solid waste management to provide collection service to entities covered under the Act. Requires state agencies to prioritize a specified compost feedstock when procuring compost.

Modifies food date labeling laws to require foods packaged with a date label to use uniform terms.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to food waste; creating new provisions; amending ORS 616.805, 616.815, 616.825, 616.830 and 616.835; repealing ORS 616.800; and prescribing an effective date.

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

FOOD WASTE DISPOSAL

SECTION 1. Sections 2 to 6 of this 2025 Act are added to and made a part of ORS 459A.005 to 459A.665.

SECTION 2. As used in sections 2 to 6 of this 2025 Act:

(1)(a) "Covered entity" means a person that cooks, assembles, processes, serves or sells food.

(b) "Covered entity" does not include individuals or households.

(2)(a) "Food waste" means solid waste consisting of discarded food.

(b) "Food waste" does not include:

(A) Food that is fit for human consumption and accepted for donation by a charitable organization;

(B) Food collected to feed animals in compliance with all applicable laws;

(C) Liquids, oils, bones or meats collected for rendering, fuel production or other nondisposal applications;

(D) Food by-products that are not readily compostable;

(E) Food that:

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 (i) Has been recalled for safety reasons; and

2 (ii) The State Department of Agriculture or another government agency has directed to
3 be disposed of by a means other than composting; or

4 (F) Food that a covered entity composts on-site.

5 **SECTION 3.** (1) A covered entity shall, for each site owned or operated by the covered
6 entity that generates more than 1,000 pounds of food waste per week:

7 (a) Recover food waste that is controlled by the employees or agents of the covered en-
8 tity, but not including food waste discarded by the covered entity's customers or other indi-
9 viduals served by the covered entity;

10 (b) Source separate food waste for collection;

11 (c) Correctly label food waste collection containers; and

12 (d) Arrange for food waste to be collected and transported to a facility authorized to ac-
13 cept food waste for composting or authorized to collect food waste for transfer to an au-
14 thorized composting facility.

15 (2) Notwithstanding subsection (1)(a) of this section, a covered entity subject to the re-
16 quirements of this section may implement a system for the individuals that are served by
17 the covered entity to separate food waste from other solid waste. The system must be de-
18 signed to ensure that food waste is not contaminated with other solid waste.

19 (3) A person that owns or controls premises on which a covered entity generates food
20 waste shall allow, and make reasonable accommodations for, the covered entity to comply
21 with the requirements of this section.

22 (4) The Environmental Quality Commission may adopt rules as necessary to implement
23 and enforce this section. Rules adopted under this section may include, but need not be
24 limited to, rules establishing the types of bio-based, biodegradable or compostable materials
25 and bags that may be included with separated food waste.

26 **SECTION 4.** The Department of Environmental Quality, in coordination with the State
27 Department of Agriculture, shall establish a program to educate covered entities on the re-
28 quirements of section 3 of this 2025 Act. Under the program, the Department of Environ-
29 mental Quality may:

30 (1) Notify covered entities of the requirements of section 3 of this 2025 Act.

31 (2) Provide technical support to covered entities on the implementation of food waste
32 separation systems that satisfy the requirements of section 3 of this 2025 Act.

33 (3) Provide education to covered entities on food waste reduction and donation of food
34 that is fit for human consumption.

35 (4) Provide education to covered entities on reducing contamination of separated food
36 waste with nonfood items.

37 **SECTION 5.** (1) The Department of Environmental Quality shall have the power to enter
38 upon and inspect, at any reasonable time, any public or private property, premises or place
39 for the purpose of investigating an actual or suspected violation of section 3 of this 2025 Act
40 or a rule adopted under section 3 of this 2025 Act.

41 (2) The department may enter into an intergovernmental agreement with any state gov-
42 ernment agency or local government agency to inspect covered entities and report to the
43 department actual or suspected violations of section 3 of this 2025 Act or rules adopted under
44 section 3 of this 2025 Act.

45 (3) In accordance with the applicable provisions of ORS chapter 183 relating to contested

1 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS
2 468.130, the department may issue civil penalties for violations of section 3 of this 2025 Act
3 and rules adopted under section 3 of this 2025 Act. All penalties recovered for violations of
4 section 3 of this 2025 Act or rules adopted under section 3 of this 2025 Act shall be paid into
5 the State Treasury and credited to the General Fund.

6 (4) A covered entity is exempt from the requirements of section 3 of this 2025 Act if the
7 covered entity is subject to an ordinance, rule or regulation of a city, county or metropolitan
8 service district that requires the covered entity to separate food waste for recovery and ar-
9 range for food waste to be transported to a facility authorized to accept food waste.

10 (5)(a) The Environmental Quality Commission may establish by rule criteria and proce-
11 dures for temporary and renewable waivers from the requirements of sections 2 to 6 of this
12 2025 Act.

13 (b) Factors the department may consider when granting a waiver to a covered entity
14 under this subsection may include, but need not be limited to:

15 (A) Whether facilities authorized to accept food waste from the covered entity are unable
16 to receive the covered entity's food waste; and

17 (B) Whether compliance with the requirements of section 3 of this 2025 Act would create
18 a conflict with another applicable law.

19 (c) Rules adopted under this section must require the department to grant a waiver to
20 covered entities located within a city, county or metropolitan service district responsible for
21 solid waste management that is unable to award a new or expanded franchise for the col-
22 lection of food waste necessary to meet the requirements of sections 2 to 6 of this 2025 Act.

23 **SECTION 6.** In addition to the requirements of ORS 459A.005 and 459A.007, a city, county
24 or metropolitan service district responsible for solid waste management shall provide col-
25 lection service to covered entities described in section 3 of this 2025 Act within the city,
26 county or metropolitan service district.

27 **SECTION 7.** A city, county or metropolitan service district responsible for solid waste
28 management shall ensure that collection service is provided under section 6 of this 2025 Act
29 no later than June 30, 2028.

30 **SECTION 8.** (1) An agency of state government, as defined in ORS 174.111, that procures
31 compost products shall prioritize the procurement of compost products derived from a
32 feedstock type that includes dead animals, meat, source separated mixed food waste and in-
33 dustrially produced nonvegetative food waste.

34 (2) An agency of state government, as defined in ORS 174.111, shall require in any con-
35 tract with a vendor that involves the purchase or use of a compost product that the vendor
36 prioritize the purchase and use of compost products derived from a feedstock type that in-
37 cludes dead animals, meat, source separated mixed food waste and industrially produced
38 nonvegetative food waste.

39 **SECTION 9.** Section 3 of this 2025 Act does not apply to covered entities that are located
40 more than 75 miles from a facility authorized to accept food waste for composting or au-
41 thorized to collect food waste for transfer to an authorized composting facility.

42 **SECTION 10.** Section 9 of this 2025 Act is repealed on January 2, 2032.

43 **SECTION 11.** Section 3 of this 2025 Act applies to covered entities that generate food
44 waste on or after January 1, 2029.

45 **SECTION 12.** Section 3 of this 2025 Act is amended to read:

1 *[(a) The perishable food manufacturer, processor or packager recommends that a perishable food*
2 *should be removed from retail sale, allowing the consumer time for normal home consumption or use*
3 *under proper care and storage conditions; or]*

4 *[(b) A perishable food should no longer be offered for sale or sold as fresh. A perishable food shall*
5 *be considered fresh only so long as significant changes in appearance, taste, odor, nutritional value,*
6 *or other indicia of quality or fitness for human consumption have not taken place or are not likely to*
7 *have taken place under generally accepted food handling practices for that particular food.]*

8 **(5) “Quality date” means a date on a label affixed to the packaging or container of food**
9 **that communicates to consumers the date after which the food quality may begin to deteri-**
10 **orate but the food may still be acceptable for consumption.**

11 **(6) “Safety date” means a date on a label affixed to the packaging or container of food**
12 **that communicates to consumers that the food should be consumed, or frozen, if appropriate,**
13 **by the date listed on the package.**

14 **SECTION 15. Section 16 of this 2025 Act is added to and made a part of ORS 616.800 to**
15 **616.835.**

16 **SECTION 16. (1) A food establishment responsible for the labeling of food that is required**
17 **by any law, including ORS 616.815 or rules adopted under ORS 616.835, or that chooses to**
18 **display a date label to communicate a quality or safety date on food shall use one of the**
19 **following uniform terms on the date label:**

20 **(a) “BEST if Used by” or “BEST if Used or Frozen by” to indicate the quality date of the**
21 **food.**

22 **(b) “USE by” or “USE or Freeze by” to indicate the safety date of the food.**

23 **(c) “BB” to indicate the quality date of the food if the food is too small to include the**
24 **uniform term described in paragraph (a) of this subsection.**

25 **(d) “UB” to indicate the safety date of the food if the food is too small to include the**
26 **uniform term described in paragraph (b) of this subsection.**

27 **(2) A person may not sell or offer for sale in or into this state food that is not labeled**
28 **in accordance with subsection (1) of this section.**

29 **(3) A person may not sell or offer for sale in or into this state food that is labeled with**
30 **the phrase “Sell by.”**

31 **(4) This section does not prohibit the use or display of a label that allows consumers to**
32 **view online information about the food.**

33 **(5) This section does not apply to the extent that any law governing the labeling of**
34 **shellfish requires the use of terms that are inconsistent with this section.**

35 **SECTION 17. ORS 616.815 is amended to read:**

36 616.815. *[No person shall]* **A person may not** sell or offer for sale at retail any packaged per-
37 ishable food unless the package bears a clearly marked, printed or stamped label showing the *[open*
38 *date]* **quality date or safety date** for the perishable food in the package. Such label shall be so
39 designed and placed as to be clearly visible to the consumer.

40 **SECTION 18. ORS 616.825 is amended to read:**

41 616.825. (1) *[No person shall]* **A person may not** sell or offer for sale at retail any packaged
42 perishable food after the expiration of the *[open pull]* **safety** date appearing on the label of the
43 package or container unless:

44 (a) The package has been separated from packages of perishable food with *[open pull]* **safety**
45 dates that have not expired;

1 (b) Each such package or group of packages is clearly identified in retail display as having an
2 expired *[open pull]* **safety** date; and

3 (c) The food is fit for human consumption according to applicable state and federal law.

4 (2) Notwithstanding the provisions of this section, a vendor shall be allowed the first eight
5 business hours after the expiration of the *[open pull]* **safety** date within which to remove all pack-
6 ages with an expired *[pull]* **safety** date.

7 **SECTION 19.** ORS 616.830 is amended to read:

8 616.830. *[No person shall]* **A person may not:**

9 (1) Alter, deface or remove the *[open]* **quality date or safety** date from any perishable food re-
10 tail or shipping package carton, container or wrapper.

11 (2) Label any perishable food retail or shipping package carton, container or wrapper in a
12 manner that does not conform to the rules promulgated pursuant to ORS 616.835.

13 **SECTION 20.** ORS 616.835 is amended to read:

14 616.835. In accordance with any applicable provision of ORS chapter 183, the State Department
15 of Agriculture, in consultation with the industries affected, shall promulgate rules to carry out ORS
16 616.800 to 616.835 and 616.994. Such rules shall include, but are not limited to:

17 (1) Establishing which particular foods are subject to ORS 616.800 to 616.835 and 616.994.

18 (2) Establishing which one or more of the following types of *[open date]* **dates** is to be used for
19 particular groups or classes of perishable foods:

20 *[(a) The packing date.]*

21 *[(b) The pull date.]*

22 **(a) The quality date.**

23 **(b) The safety date.**

24 **(c) The packing date in addition to the quality date or safety date.**

25 *[(c)] (d)* The date on which fowl, including chickens, fryers, turkeys, ducks, geese and other
26 domesticated birds, are killed or slaughtered to be processed into perishable food.

27 (3) Specifying the size, content and form of the labeling information required by ORS 616.800 to
28 616.835 and 616.994.

29 (4) Exempting from the operation of ORS 616.800 to 616.835 and 616.994 those perishable foods
30 for which *[open]* **quality date or safety** date labeling would be:

31 (a) Impractical or not meaningful because of the size of the package or the nature of the per-
32 ishable food; **or**

33 (b) Possibly unconstitutional as interference with the free movement of goods in interstate
34 commerce.

35 **SECTION 21.** ORS 616.800 is repealed.

36 **SECTION 22.** (1) Section 16 of this 2025 Act, the amendments to ORS 616.805, 616.815,
37 616.825, 616.830 and 616.835 by sections 14 and 17 to 20 of this 2025 Act and the repeal of ORS
38 616.800 by section 21 of this 2025 Act become operative on July 1, 2027.

39 (2) **The State Department of Agriculture may take any action before the operative date**
40 **specified in subsection (1) of this section that is necessary to enable the department to ex-**
41 **ercise, on and after the operative date specified in subsection (1) of this section, all of the**
42 **duties, functions and powers conferred on the department by section 16 of this 2025 Act, the**
43 **amendments to ORS 616.805, 616.815, 616.825, 616.830 and 616.835 by sections 14 and 17 to 20**
44 **of this 2025 Act and the repeal of ORS 616.800 by section 21 of this 2025 Act.**

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CAPTIONS

SECTION 23. The unit captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

EFFECTIVE DATE

SECTION 24. This 2025 Act takes effect on the 91st day after the date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.
