

## HOUSE AMENDMENTS TO HOUSE BILL 3018

By COMMITTEE ON CLIMATE, ENERGY, AND ENVIRONMENT

April 14

1 On page 1 of the printed bill, delete lines 5 through 27 and delete pages 2 through 6 and insert:

### “FOOD WASTE DISPOSAL

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

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

8 **“(1)(a) ‘Covered entity’ means a person that cooks, assembles, processes, serves or sells**  
9 **food.**

10 **“(b) ‘Covered entity’ does not include individuals or households.**

11 **“(2)(a) ‘Food waste’ means solid waste consisting of discarded food.**

12 **“(b) ‘Food waste’ does not include:**

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

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

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

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

19 **“(E) Food that:**

20 **“(i) Has been recalled for safety reasons; and**

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

23 **“(F) Food that a covered entity composts on-site.**

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

26 **“(a) Recover food waste that is controlled by the employees or agents of the covered**  
27 **entity, but not including food waste discarded by the covered entity’s customers or other**  
28 **individuals served by the covered entity;**

29 **“(b) Source separate food waste for collection;**

30 **“(c) Correctly label food waste collection containers; and**

31 **“(d) Arrange for food waste to be collected and transported to a facility authorized to**  
32 **accept food waste for composting or authorized to collect food waste for transfer to an au-**  
33 **thorized composting facility.**

34 **“(2) Notwithstanding subsection (1)(a) of this section, a covered entity subject to the re-**  
35 **quirements of this section may implement a system for the individuals that are served by**

1 the covered entity to separate food waste from other solid waste. The system must be de-  
2 signed to ensure that food waste is not contaminated with other solid waste.

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

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

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

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

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

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

19 “(4) Provide education to covered entities on reducing contamination of separated food  
20 waste with nonfood items.

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

25 “(2) The department may enter into an intergovernmental agreement with any state  
26 government agency or local government agency to inspect covered entities and report to the  
27 department actual or suspected violations of section 3 of this 2025 Act or rules adopted under  
28 section 3 of this 2025 Act.

29 “(3) In accordance with the applicable provisions of ORS chapter 183 relating to contested  
30 case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS  
31 468.130, the department may issue civil penalties for violations of section 3 of this 2025 Act  
32 and rules adopted under section 3 of this 2025 Act. All penalties recovered for violations of  
33 section 3 of this 2025 Act or rules adopted under section 3 of this 2025 Act shall be paid into  
34 the State Treasury and credited to the General Fund.

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

39 “(5)(a) The Environmental Quality Commission may establish by rule criteria and proce-  
40 dures for temporary and renewable waivers from the requirements of sections 2 to 6 of this  
41 2025 Act.

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

44 “(A) Whether facilities authorized to accept food waste from the covered entity are un-  
45 able to receive the covered entity’s food waste; and

1       **“(B) Whether compliance with the requirements of section 3 of this 2025 Act would cre-**  
2 **ate a conflict with another applicable law.**

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

7       **“SECTION 6. In addition to the requirements of ORS 459A.005 and 459A.007, a city,**  
8 **county or metropolitan service district responsible for solid waste management shall provide**  
9 **collection service to covered entities described in section 3 of this 2025 Act within the city,**  
10 **county or metropolitan service district.**

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

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

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

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

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

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

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

30       **“Sec. 3. (1) A covered entity shall, for each site owned or operated by the covered entity that**  
31 **generates more than [1,000] 500 pounds of food waste per week:**

32       **“(a) Recover food waste that is controlled by the employees or agents of the covered entity, but**  
33 **not including food waste discarded by the covered entity’s customers or other individuals served by**  
34 **the covered entity;**

35       **“(b) Source separate food waste for collection;**

36       **“(c) Correctly label food waste collection containers; and**

37       **“(d) Arrange for food waste to be collected and transported to a facility authorized to accept**  
38 **food waste for composting or authorized to collect food waste for transfer to an authorized**  
39 **composting facility.**

40       **“(2) Notwithstanding subsection (1)(a) of this section, a covered entity subject to the require-**  
41 **ments of this section may implement a system for the individuals that are served by the covered**  
42 **entity to separate food waste from other solid waste. The system must be designed to ensure that**  
43 **food waste is not contaminated with other solid waste.**

44       **“(3) A person that owns or controls premises on which a covered entity generates food waste**  
45 **shall allow, and make reasonable accommodations for, the covered entity to comply with the re-**

1 requirements of this section.

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

6 **“SECTION 13. The amendments to section 3 of this 2025 Act by section 12 of this 2025  
7 Act become operative on January 1, 2030.**

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9 **“FOOD LABELING**

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11 **“SECTION 14. ORS 616.805 is amended to read:**

12 **“616.805. As used in ORS 616.800 to 616.835 and 616.994, unless the context requires otherwise:**

13 **“(1)(a) ‘Food’ means any substance used or intended to be used for human consumption as food,  
14 drink or condiment.**

15 **“(b) ‘Food’ does not include:**

16 **“(A) Any article containing cannabis;**

17 **“(B) Infant formula; or**

18 **“(C) Dietary supplements.**

19 **“[(2) ‘Open date’ means a date clearly visible to retail consumers showing the pull date, packing  
20 date or other date described in ORS 616.835 (2).]**

21 **“(2) ‘Food establishment’ has the meaning given that term in ORS 616.205.**

22 **“(3) ‘Packing date’ means the date specifying the time a perishable food was packaged in its final  
23 form for sale to the consumer.**

24 **“(4) ‘Perishable food’ means any food that may spoil or otherwise become unfit for human con-  
25 sumption because of its nature, type or physical condition. ‘Perishable food’ includes, but is not  
26 limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the  
27 shell, and foods that have been packaged or refrigerated. ORS 616.800 to 616.835 and 616.994 shall  
28 not apply to fresh fruits or vegetables or to foods that have been canned or frozen.**

29 **“[(5) ‘Pull date’ means, whichever is earlier, the date specifying the time:]**

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

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

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

40 **“(6) ‘Safety date’ means a date on a label affixed to the packaging or container of food  
41 that communicates to consumers that the food should be consumed, or frozen, if appropriate,  
42 by the date listed on the package.**

43 **“SECTION 15. Section 16 of this 2025 Act is added to and made a part of ORS 616.800 to  
44 616.835.**

45 **“SECTION 16. (1) A food establishment responsible for the labeling of food that is re-**

1 **quired by any law, including ORS 616.815 or rules adopted under ORS 616.835, or that chooses**  
2 **to display a date label to communicate a quality or safety date on food shall use one of the**  
3 **following uniform terms on the date label:**

4 **“(a) ‘BEST if Used by’ or ‘BEST if Used or Frozen by’ to indicate the quality date of the**  
5 **food.**

6 **“(b) ‘USE by’ or ‘USE or Freeze by’ to indicate the safety date of the food.**

7 **“(c) ‘BB’ to indicate the quality date of the food if the food is too small to include the**  
8 **uniform term described in paragraph (a) of this subsection.**

9 **“(d) ‘UB’ to indicate the safety date of the food if the food is too small to include the**  
10 **uniform term described in paragraph (b) of this subsection.**

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

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

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

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

19 **“SECTION 17.** ORS 616.815 is amended to read:

20 **“616.815. [No person shall] A person may not** sell or offer for sale at retail any packaged per-  
21 ishable food unless the package bears a clearly marked, printed or stamped label showing the [*open*  
22 *date*] **quality date or safety date** for the perishable food in the package. Such label shall be so  
23 designed and placed as to be clearly visible to the consumer.

24 **“SECTION 18.** ORS 616.825 is amended to read:

25 **“616.825. (1) [No person shall] A person may not** sell or offer for sale at retail any packaged  
26 perishable food after the expiration of the [*open pull*] **safety** date appearing on the label of the  
27 package or container unless:

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

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

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

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

36 **“SECTION 19.** ORS 616.830 is amended to read:

37 **“616.830. [No person shall] A person may not:**

38 **“(1) Alter, deface or remove the [*open*] quality date or safety date from any perishable food**  
39 **retail or shipping package carton, container or wrapper.**

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

42 **“SECTION 20.** ORS 616.835 is amended to read:

43 **“616.835. In accordance with any applicable provision of ORS chapter 183, the State Department**  
44 **of Agriculture, in consultation with the industries affected, shall promulgate rules to carry out ORS**  
45 **616.800 to 616.835 and 616.994. Such rules shall include, but are not limited to:**

1 “(1) Establishing which particular foods are subject to ORS 616.800 to 616.835 and 616.994.  
2 “(2) Establishing which one or more of the following types of [*open date*] **dates** is to be used for  
3 particular groups or classes of perishable foods:  
4 “[*a*] *The packing date.*]  
5 “[*b*] *The pull date.*]  
6 “**(a) The quality date.**  
7 “**(b) The safety date.**  
8 “**(c) The packing date in addition to the quality date or safety date.**  
9 “[*c*] **(d)** The date on which fowl, including chickens, fryers, turkeys, ducks, geese and other  
10 domesticated birds, are killed or slaughtered to be processed into perishable food.  
11 “(3) Specifying the size, content and form of the labeling information required by ORS 616.800  
12 to 616.835 and 616.994.  
13 “(4) Exempting from the operation of ORS 616.800 to 616.835 and 616.994 those perishable foods  
14 for which [*open*] **quality date or safety** date labeling would be:  
15 “(a) Impractical or not meaningful because of the size of the package or the nature of the per-  
16 ishable food; **or**  
17 “(b) Possibly unconstitutional as interference with the free movement of goods in interstate  
18 commerce.

19 “**SECTION 21. ORS 616.800 is repealed.**

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

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

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“CAPTIONS

32 “**SECTION 23.** The unit captions used in this 2025 Act are provided only for the conven-  
33 ience of the reader and do not become part of the statutory law of this state or express any  
34 legislative intent in the enactment of this 2025 Act.

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“EFFECTIVE DATE

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

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